

DIVISION 1		Special Seasons	
ADMINISTRATION		635-003-0085	Extended Commercial Seasons
Procedural Rules		DIVISION 4	
635-001-0000	Notification of Interested Persons of Proposed Rules	COMMERCIAL FISHERIES OTHER THAN SALMON OR SHELLFISH	
635-001-0005	Model Rules of Procedure	635-004-0003	Bait Restrictions
635-001-0007	Model Public Contract Rules	Halibut Fishery	
635-001-0010	Legal Notice Mailing List and Fee	635-004-0005	Scope of Rules
635-001-0020	Commission Policy on Advisory Bodies	635-004-0009	Halibut Seasons
635-001-0025	Civil Damages	Sardine Fishery	
635-001-0035	Sampling Data and Tag Recovery	635-004-0011	Fishing Gear
635-001-0050	License Refunds	635-004-0013	Bycatch Restriction
635-001-0060	Tribal I.D. in Lieu of Licenses	635-004-0014	No Directed Reduction Fishery Allowed
635-001-0100	Definition	635-004-0016	Harvest Guideline
635-001-0105	Bass and Walleye Fishing Tournaments	Ocean Food Fish Fishery	
635-001-0116	Game Fish Tournament	635-004-0018	Scope of Rules
Standards and Procedures Under the Wildlife Law Violator Compact		635-004-0019	Inclusions and Modifications
635-001-0200	Purpose	635-004-0020	Definitions
635-001-0205	Definitions	635-004-0021	Catch Restrictions
635-001-0210	Standard for License Suspension or Revocation	635-004-0025	Closed Season
635-001-0215	Procedures to Suspend or Revoke	635-004-0026	Pacific Ocean Herring Season
635-001-0220	Compact Administrator	635-004-0027	Inland Waters Herring Season
635-001-0230	Payment of R & E Revenues to Watershed Improvement Grant Fund	635-004-0029	Sorting Required
General Rules		635-004-0033	Groundfish Restrictions
635-001-0301	Inspection of Public Records	635-004-0035	Fishing Gear
635-001-0311	Information Officers and Certification of Public Records	635-004-0036	Black Rockfish Management Areas
635-001-0321	Requests to Inspect or Obtain Copies of Public Records	635-004-0040	Trawl Net Restrictions
635-001-0331	Fees for Inspection and Copies of Public Records	635-004-0048	Maintaining Records of Cumulative Catch
DIVISION 2		635-004-0050	Logbook Required
DISPOSAL OF WILDLIFE AND EQUIPMENT SEIZED OR OTHERWISE ACQUIRED		635-004-0052	Squid Harvest Guideline
635-002-0005	Disposal of Edible Wildlife	Coastal Rivers Shad Fishery	
635-002-0007	Disposal of Black Bear Carcasses	635-004-0055	Closed Season
635-002-0008	Disposition of Wildlife Taken on Damage	635-004-0060	Fishing Gear
635-002-0009	Disposition of Bear and Cougar Killed Posing a Threat to Human Safety	635-004-0065	Incidental Catch of Salmon and Striped Bass
635-002-0010	Disposal of Inedible Wildlife	Smelt Fishery	
635-002-0012	Disposal of Wildlife or Wildlife Parts	635-004-0070	Seasons
635-002-0020	Sale Price of Wildlife	635-004-0075	Fishing Gear
635-002-0025	Payment for Wildlife Sold	Sturgeon Fishery	
635-002-0030	Sale of Seized Fish or Shellfish	635-004-0080	Closures
635-002-0035	Disposal or Sale of Forfeited Fishing Gear and Boats	635-004-0085	Fishing Gear
635-002-0100	When Salmon Eggs are Surplus	635-004-0090	Size Limit
COMMERCIAL FISHERIES		Thresher Shark Fishery	
DIVISION 3		635-004-0100	Thresher Shark Fishery
OCEAN COMMERCIAL SALMON FISHERY		635-004-0110	Season
General Rules		Far Offshore Fishery	
635-003-0003	Purpose and Scope	635-004-0125	Definition
635-003-0004	Inclusions and Modifications	635-004-0130	Commercial Vessel License — Right to Land Fish
635-003-0005	Area	635-004-0135	Declaration
635-003-0074	Automatic Season Closures	635-004-0140	Compliance Evidence
Pink Salmon		635-004-0145	Trip Limit
635-003-0077	US-Canada Border to Cape Falcon	635-004-0150	Fishing Within 200-Mile Fishery Zone — When Unlawful
635-003-0078	Humbug Mountain to the Oregon/California Border	Black Rockfish, Blue Rockfish, and Nearshore Fishery	
Oregon Administrative Rules Compilation		635-004-0160	Definition
		635-004-0165	Fishing Gear

Chapter 635 Department of Fish and Wildlife

635-004-0170	Incidental Catch in Other Fisheries		Scallop Fishery
	DIVISION 5	635-005-0170	Closed Season
	COMMERCIAL SHELLFISH FISHERY	635-005-0175	Fishing Gear
	General		Sea Urchin Fishery
635-005-0001	Clams and Mussels from Health Closure Areas	635-005-0180	Sea Urchin Fishery
635-005-0002	Sale of Clams and Mussels		Pink Shrimp Fishery
635-005-0003	Additional License Requirement	635-005-0185	Closed Season
	Abalone Fishery	635-005-0186	Mesh Restriction
635-005-0005	Prohibited	635-005-0190	Fishing Gear
	Clam Fishery	635-005-0195	Incidental Catch Limit
635-005-0015	Closed to Commercial and Personal Use	635-005-0200	Maximum Count Per Pound
635-005-0016	Permit and Logbook Required		Spot, Sidestripe and Coonstripe Shrimp Fisheries
635-005-0020	Closed Seasons and Areas	635-005-0205	Closed Season
635-005-0030	Size Limit	635-005-0210	Fishing Gear
635-005-0031	Fishing Gear	635-005-0215	Fishing Area
635-005-0032	Catch Limits	635-005-0220	Incidental Catch Limit
635-005-0035	Additional License Requirement		DIVISION 6
	Dungeness Crab Fishery		COMMERCIAL GEAR; LICENSES, POUNDAGE FEES, RECORDS AND REPORTS
635-005-0040	License Limitation		Definitions
635-005-0042	Areas	635-006-0001	Definitions
635-005-0045	Closed Season in Pacific Ocean and Columbia River		Fishing Gear Specifications and Operation
635-005-0047	Possession and Landing Limits	635-006-0005	Applicability of Regulation
635-005-0048	Reporting Requirements	635-006-0010	Possession of Unlawful Fishing Gear Prohibited
635-005-0049	Closed Season in Bays and Estuaries	635-006-0015	Personal Use Fishing with Commercial Fishing Gear Prohibited
635-005-0055	Fishing Gear	635-006-0020	Experimental Fishing Gear Permit
635-005-0060	Size and Sex		Dealer Licenses
	Red Rock, Box and Tanner Crab Fisheries	635-006-0100	Retail Fish Dealer
635-005-0063	Tanner and Box Crab Taken in Trawl Nets	635-006-0105	Wholesale Fish Dealer
635-005-0064	Closed Season	635-006-0110	Food Fish Canner
635-005-0065	Fishing Gear	635-006-0115	Shellfish Canner
635-005-0066	Fishing Area	635-006-0120	Fish Buyer
635-005-0067	Size and Sex	635-006-0125	Fish-Buying Station
	Crayfish Fishery	635-006-0130	Wholesale Fish Bait Dealer
635-005-0070	Closed Season	635-006-0131	Retail Fish Bait Dealer
635-005-0075	Fishing Gear	635-006-0132	Limited Fish Sellers Permit
635-005-0080	Size Limit	635-006-0133	Limited Fish Seller Permit-nontreaty Columbia River Gillnet Salmon Vessel Permit Fishery Pilot Program
635-005-0082	Protection of Females	635-006-0134	Bonding Requirements
635-005-0084	Identification of Gear		Fishing Licenses
635-005-0085	Closed Area	635-006-0135	Alteration, Borrow, or Loan License Unlawfully
	Intertidal Animal and Mussel Fisheries	635-006-0140	Boat License
635-005-0090	Closed Season	635-006-0145	Commercial Fishing License
635-005-0095	Collection Report	635-006-0150	Single Delivery License
635-005-0100	Permit Areas	635-006-0155	Juvenile Jig Line License
635-005-0115	Fishing Gear	635-006-0160	Bait Fishing License
635-005-0120	Size Limit	635-006-0165	Commercial Fisherman Transportation Report
	Oysters		Fish Dealer Records and Reports
635-005-0130	Oysters Defined	635-006-0200	Required Records
635-005-0135	Oyster Importation Prohibited Except by Permit	635-006-0205	Required Reports
635-005-0140	Oyster Import Applications and Permit	635-006-0207	Limited Fish Seller Required Reports
635-005-0145	Prohibited Activities in Restricted Shellfish Area	635-006-0210	Fish Receiving Ticket — All Fish
635-005-0150	Oyster Seasons and Gear	635-006-0211	Fish Receiving Ticket — Net Caught Groundfish
	Piddock Fishery (Rock Oyster)	635-006-0212	Fish Receiving Ticket — Salmon
635-005-0160	Prohibited	635-006-0213	Fish Receiving Ticket — Limited Fish Seller Permit

Chapter 635 Department of Fish and Wildlife

635-006-0215	Monthly Remittance Report	635-007-0505	Implementing the Native Fish Conservation Policy Conservation Plans
635-006-0220	Waiver of Monthly Report	635-007-0506	Education and Training
635-006-0225	Purchase, Record, Report, and Sale of Steelhead Trout, Walleye	635-007-0507	Interim Criteria
635-006-0230	When Possession of Steelhead or Walleye Unlawful	635-007-0509	Implementation of Interim Criteria
635-006-0231	When Possession of Salmon Unlawful		
635-006-0232	Damages for Commercial Fishing Violations		Wild Fish Management Policy
635-006-0233	Payment for Legal Commercial Fishing Overages		
635-006-0235	Revocation of and Refusal to Issue Commercial Fishing and Fish Dealer Licenses	635-007-0530	Sale of Salmon and Trout and Their Eggs
		635-007-0535	Releasing Resident Fish in Private Waters

Columbia River Gillnet Salmon Vessel Fleet Reduction Program

635-006-0400	Purpose
635-006-0405	Definitions
635-006-0410	Eligibility Requirements
635-006-0412	Death of Eligible Permit Holder
635-006-0415	Notification
635-006-0420	Participation Requirements
635-006-0423	Ranking of Applications
635-006-0425	Purchase of Permits

Developmental Fisheries Program

635-006-0800	Purpose
635-006-0810	Definitions
635-006-0820	Annual List of Developmental Fisheries Species
635-006-0830	Listing as a Developmental Fisheries Species
635-006-0840	Removing a Developmental Fisheries Species From the List
635-006-0850	Developmental Fisheries Species List
635-006-0870	Methods to Obtain Information
635-006-0880	Establish Commercial Harvest Program and Limited Entry System
635-006-0890	Logbooks
635-006-0900	Requirement for Developmental Fisheries Species Permit
635-006-0910	Procedures for Issuance, Transfer and Renewal of Developmental Fisheries Species Permits
635-006-0915	Preference Point System
635-006-0930	Review of Denials
635-006-0940	Emergency Suspension of Permits
635-006-0950	Reduction of Permit Number

Restricted Participation Systems

635-006-1005	Introduction to Organization
635-006-1010	Definitions
635-006-1015	Requirement for Permit
635-006-1025	Permit Fee
635-006-1035	Eligibility Requirements for a Permit
635-006-1050	Evidence of Eligibility
635-006-1060	Revocation and Refusal to Issue Permits
635-006-1065	Review of Denials
635-006-1075	Renewal of Permit
635-006-1085	Lottery for Certain Limited Entry Fisheries
635-006-1095	Transferability of Permits
635-006-1110	Logbook Required
635-006-1120	Vessel Length Modification in Ocean Dungeness Crab Fishery
635-006-1200	Commercial Fisheries Boards
635-006-1210	Agency Representation by Employee

DIVISION 7

FISH MANAGEMENT AND HATCHERY OPERATION

635-007-0501	Definitions
---------------------	-------------

Native Fish Conservation Policy

635-007-0502	Purpose of the Native Fish Conservation Policy
635-007-0503	Native Fish Conservation Policy Goals
635-007-0504	Key Elements of Native Fish Conservation Policy

Wild Fish Management Policy

635-007-0530	Sale of Salmon and Trout and Their Eggs
635-007-0535	Releasing Resident Fish in Private Waters

Fish Hatchery Management Policy

635-007-0542	Purpose of the Hatchery Management Policy
635-007-0543	Hatchery Management Policy Goals
635-007-0544	Operating Principles for Hatchery Management
635-007-0545	Hatchery Program Management Plans
635-007-0547	Fish Hatchery Record Keeping
635-007-0548	Training of Fish Hatchery Personnel

Control of Fish Disease Transgenic Fish

635-007-0595	Transgenic Fish
---------------------	-----------------

Fish Transport Permit

635-007-0600	Permit Required to Transport, Hold or Release Fish
635-007-0605	Permit Application
635-007-0610	Shipping Requirements
635-007-0615	Unlawful Import and Release
635-007-0620	Transport Release of Mosquito Fish (<i>Gambusia sp.</i>)
635-007-0625	Revocation of Fish Transport Permit

Fish Propagation License (Authorization to Propagate, Rear, and Sell Live Fish)

635-007-0650	License Required
635-007-0655	License Application Process
635-007-0660	Duties of Fish Propagation Licensees
635-007-0665	Purchase of Fish from Fish Propagation Licensee
635-007-0670	Revocation of Fish Propagation License
635-007-0680	Relation Between Fish Propagation License and Private Salmon Hatchery Permit

Fish Species — Sturgeon

635-007-0700	Purpose, Policy and Definition
635-007-0705	Obtaining Sturgeon and Eggs for Propagation
635-007-0710	Special Permit Rules to Collect Male and Oversize Female Sturgeon
635-007-0720	Possession of Sturgeon for Spawning and Propagation

Fish Species — Salmon

Hatcheries — General

635-007-0820	Salmon Production Programs
635-007-0825	When Salmon Eggs are Surplus
635-007-0830	General Priority for Use of Salmon Eggs and Fingerlings

Scientific Taking Permit — Fish

635-007-0900	Permit Required
635-007-0910	Permit Application
635-007-0920	Report Requirement
635-007-0930	Transport Authority
635-007-0940	Nongame Fish Protected
635-007-0950	Revocation of Permit

Fish Health Management Policy

635-007-0960	Purpose
635-007-0965	Policy

Chapter 635 Department of Fish and Wildlife

635-007-0970	Fish Disease and Pathogen Categories
635-007-0975	Import, Export or Transfer of Pathogens and Diseases
635-007-0980	Additional Reference Material for Fish Disease Management
635-007-0985	Inspection and Detection of Disease Agents at the Department's Facilities
635-007-0990	Inspection and Detection of Disease Agents at Non-Department Facilities
635-007-0995	Containment and Treatment of Fish Disease Agents
635-007-1000	Carcasses for Stream Enrichment

LANDS

DIVISION 8

DEPARTMENT OF FISH AND WILDLIFE LANDS

635-008-0015	Agreements to Restrict Use of Motor-Propelled Vehicles
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Forage Removal from Department Lands

635-008-0040	Forage Removal from Department Lands
635-008-0050	Fish and Wildlife Commission to Post and Enforce Rules
635-008-0055	Bridge Creek Wildlife Area
635-008-0060	Burns Gravel Pond
635-008-0065	Carver Fishing Access: Clackamas County
635-008-0067	Chickahominy Wildlife Area
635-008-0070	Coyote Springs Wildlife Area
635-008-0075	Crates Point Wildlife Area
635-008-0080	Ken Denman Wildlife Area
635-008-0085	Elkhorn Wildlife Area
635-008-0090	Enterprise Wildlife Area
635-008-0095	Fern Ridge Wildlife Area
635-008-0100	Fish Lake Management Area: Harney County
635-008-0105	Irrigon Wildlife Area
635-008-0110	Jewell Meadows Wildlife Area
635-008-0115	Klamath Wildlife Area
635-008-0120	Ladd Marsh Wildlife Area
635-008-0123	Lower Deschutes Wildlife Area
635-008-0127	North Umpqua River, Winchester Ramp
635-008-0130	Power City Wildlife Area
635-008-0135	Prineville Reservoir Wildlife Area
635-008-0140	Riverside Wildlife Area
635-008-0145	St. Louis Ponds: Marion County

Sauvie Island Wildlife Area

635-008-0146	Sauvie Island Wildlife Area Management Plan
635-008-0147	Rules Regarding Public Use for Sauvie Island Wildlife Area

Parking Permit System for Sauvie Island Wildlife Area

635-008-0148	Purpose
635-008-0149	Definition
635-008-0151	Procedures for Issuance and Enforcement of Parking Permits for Sauvie Island Wildlife Area
635-008-0153	Phillip W. Schneider Wildlife Area
635-008-0154	Smith River, Lower Take Out
635-008-0155	Summer Lake Wildlife Area
635-008-0160	Sumpter Wildlife Area
635-008-0165	Warm Springs Wildlife Area
635-008-0170	Wenaha Wildlife Area
635-008-0175	White River Wildlife Area
635-008-0180	Willamette Greenway Wildlife Area
635-008-0185	Willow Creek Wildlife Area
635-008-0190	E.E. Wilson Wildlife Area
635-008-0195	Winchester Viewing Chamber: Douglas County
635-008-0197	Woodburn Ponds
635-008-0200	All Other Department Controlled Lands

DIVISION 9

SALMON AND TROUT ENHANCEMENT PROGRAM AND RIPARIAN LANDS TAX INCENTIVE PROGRAM

Outdoor Clubs

635-009-0055	Determination of Non-Profit Status
---------------------	------------------------------------

Charter Boats

635-009-0060	Charter Boat License and Decals
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Salmon and Trout Enhancement Program

635-009-0090	Purpose
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General

635-009-0095	Definitions
635-009-0100	Policy and Goals
635-009-0105	Community Advisors
635-009-0110	Project Application
635-009-0115	Project Approval
635-009-0120	Revocation of Project Approval

Egg Incubation and Fish Program

635-009-0125	Project Proposal
635-009-0130	Project Duration
635-009-0135	Number of Fish Released
635-009-0140	General Considerations
635-009-0150	Disposal of Fish and Fish Products

Fish Restoration and Enhancement Program

635-009-0200	Purpose
635-009-0205	Definitions
635-009-0210	Restoration and Enhancement Board
635-009-0215	Regional Advisory Councils
635-009-0220	Project Application
635-009-0225	Evaluation of Projects Submitted for Funding
635-009-0230	Commission Approval
635-009-0235	Revocation of Project Approval
635-009-0240	Grant Agreement

Cooperative Salmon Hatchery Program

635-009-0400	Purpose
635-009-0405	Definitions
635-009-0410	Policy and Goals
635-009-0415	Project Limitations
635-009-0420	Project Application
635-009-0425	Project Application Review
635-009-0430	Project Approval
635-009-0435	Memorandum of Understanding
635-009-0440	Disposal of Fish and Fish Products
635-009-0445	Increases in Releases for Approved Projects
635-009-0450	Project Suspension, Reduction, or Termination
635-009-0455	Ongoing Projects

LICENSE AGENTS

DIVISION 10

PROCEDURES FOR ESTABLISHING, OPERATING, DISCONTINUING, AND SUSPENDING LICENSE AGENCIES

635-010-0004	Definitions
635-010-0006	Eligibility; Application Requirements
635-010-0007	Computerized Licensing System Agents
635-010-0010	Types of Documents Sold by Agent
635-010-0015	Issuing Documents
635-010-0020	Duplicate Documents
635-010-0025	Refund or Exchange of Documents

635-010-0035	Receipts in Lieu of Documents
635-010-0040	Issuing Combined Angling Harvest Tag to Youth
635-010-0045	Issuing Combined Angling Harvest Tag to Landowners
635-010-0050	Licensing Provisions Applicable to Members of the Armed Forces
635-010-0056	Licensing Provisions Applicable to Foreign Exchange Students
635-010-0058	Licensing Provisions Applicable to Residents Moving to Another State
635-010-0070	Change in Ownership of Agency; Non-Transferability of Agency
635-010-0075	Checks
635-010-0080	Public Monies
635-010-0085	Cancelled Documents
635-010-0090	Loss of Documents and Fees
635-010-0095	Inspection
635-010-0125	Supplies
635-010-0140	Transfer and Sale of Documents Issued to Prepaid Daily Angling License Agents
635-010-0150	Resident Senior Citizen Licenses
635-010-0155	Resident Pioneer Licenses
635-010-0157	Free Resident Licenses for Disabled Veterans
635-010-0158	Persons with Permanent Disabilities Permit
635-010-0165	Document Expiration Dates

SPORT FISHING REGULATIONS FOR FISH, SHELLFISH, AND MARINE INVERTEBRATES

DIVISION 11

STATEWIDE ANGLING REGULATIONS

635-011-0050	Procedures for Promulgation of Angling Regulations
635-011-0066	Authority to Take Fish
635-011-0072	Bait Restrictions
635-011-0100	General Rule
635-011-0102	Free Fishing Weekend
635-011-0104	Licenses, Tags, and Permits
635-011-0175	Special Northern Pikeminnow Bounty Fishery

SPORT SALMON ANGLING

DIVISION 13

OCEAN SALMON AND STEELHEAD REGULATIONS

635-013-0003	Purpose and Scope
635-013-0004	Inclusions and Modifications
635-013-0005	Fishing from Columbia River South Jetty
635-013-0006	Quotas
635-013-0007	Special South Coast Seasons
635-013-0009	Tillamook Terminal Area Ocean Fishery

DIVISION 14

NORTHWEST ZONE

635-014-0080	Purpose and Scope
635-014-0090	Inclusions and Modifications

DIVISION 16

SOUTHWEST ZONE

635-016-0080	Purpose and Scope
635-016-0090	Inclusions and Modifications

DIVISION 17

WILLAMETTE ZONE

635-017-0080	Purpose and Scope
635-017-0090	Inclusions and Modifications
635-017-0095	Sturgeon Season

DIVISION 18

CENTRAL ZONE

635-018-0080	Purpose and Scope
635-018-0090	Inclusions and Modifications

DIVISION 19

NORTHEAST ZONE

635-019-0080	Purpose and Scope
635-019-0090	Inclusions and Modifications

DIVISION 21

SOUTHEAST ZONE

635-021-0080	Purpose and Scope
635-021-0090	Inclusions and Modifications

DIVISION 23

COLUMBIA RIVER ZONE AND SNAKE RIVER ZONE

635-023-0080	Purpose and Scope
635-023-0085	License Reciprocity
635-023-0090	Inclusions and Modifications
635-023-0095	Sturgeon Season
635-023-0125	Spring Sport Fishery
635-023-0128	Summer Sport Fishery
635-023-0130	Fall Sport Fishery
635-023-0134	Snake River Fishery

DIVISION 39

MARINE FISH, SHELLFISH AND MARINE INVERTEBRATES

635-039-0080	Purpose and Scope
635-039-0085	Halibut Seasons
635-039-0090	Inclusions and Modifications

PRIVATE SALMON HATCHERIES

DIVISION 40

HATCHERIES — PRIVATE

635-040-0000	Definitions and Purpose
635-040-0001	Private Salmon Hatchery Policy
635-040-0007	Moratorium on Private Salmon Hatchery Permits and Revisions to Permits
635-040-0009	Application Requirements and Hearing Procedures for New Permits to Construct and Operate Private Salmon Hatcheries
635-040-0012	Release Limits
635-040-0014	Permits, Licenses and Reports Required of Private Salmon Hatchery Operators
635-040-0015	Purchase of Salmon Eggs from the Department
635-040-0018	Use of Wild Salmon for Private Salmon Hatchery Seed Stock
635-040-0020	Areas Closed to Private Salmon Hatchery Release and Recapture Sites
635-040-0022	Annual Production Program Review
635-040-0025	Changes in Operation or Ownership
635-040-0030	Alteration or Termination of Permits
635-040-0101	Marking Requirements and Stray Rates
635-040-0107	Hatchery Operational Plans

Fish Production Facilities and Areas

Net Pens

635-040-0200	Definitions
635-040-0202	Purpose

635-040-0205 Policy
635-040-0210 Areas of Department Concern

COLUMBIA RIVER FISHERIES

DIVISION 41

COLUMBIA RIVER SYSTEM TREATY INDIAN FISHERY

635-041-0005 Applicability of Regulations

Definitions

635-041-0010 Definitions

Subsistence Fishing

635-041-0015 Subsistence Fishing Authorized
635-041-0020 Areas Closed to Subsistence Fishing
635-041-0025 Subsistence Fishing Gear
635-041-0030 Subsistence Fishing Activities

Ceremonial Fishing

635-041-0040 Ceremonial Fishing and Notice Requirement

Commercial Fishing Area and Gear Restrictions

635-041-0045 Closed Commercial Fishing Areas
635-041-0047 Commercial Fishing in Subsistence Areas
635-041-0050 Commercial Fishing Gear
635-041-0053 Measurement of Net Mesh Size

Treaty Indian Commercial Fishing Seasons

635-041-0055 Closed Season
635-041-0060 Sturgeon Season
635-041-0061 Sturgeon Size
635-041-0063 Sturgeon Setline Fishery
635-041-0065 Winter Salmon Season
635-041-0068 Sockeye Season
635-041-0070 Walleye Taken Incidentally to Commercial Season
635-041-0072 Carp and Other Nongame Fish
635-041-0075 Fall Salmon Season
635-041-0076 Summer Salmon Season

Confederated Tribes of Siletz Indian Cultural Salmon Fishery

635-041-0500 Definitions
635-041-0510 Applicability of Regulations
635-041-0515 Cultural Fishery Gear
635-041-0520 Cultural Fishery Seasons and Areas
635-041-0600 Confederated Tribes of the Grande Ronde Community of Oregon

DIVISION 42

COLUMBIA RIVER COMMERCIAL FISHERY BELOW BONNEVILLE DAM

Commercial Fishing Area and Gear Restrictions

635-042-0001 Management and Catch Reporting Areas
635-042-0005 Closed Areas
635-042-0007 Columbia River Gill-Net Salmon Fishery Defined
635-042-0010 Fishing Gear

General Commercial Fishing Seasons

635-042-0015 Closed Season
635-042-0022 Spring Chinook Gill Net and Tangle Net Fisheries
635-042-0025 Sockeye Season
635-042-0027 Summer Salmon Season
635-042-0031 Early Fall Salmon Season
635-042-0032 Coho Target Fishery
635-042-0060 Late Fall Salmon Season

Special Commercial Fishing Seasons

635-042-0100 Anchovies and Herring Season
635-042-0105 Shad Season
635-042-0110 Gary Island to Bonneville Dam Shad Season
635-042-0115 Camas-Washougal Reef Shad Season
635-042-0130 Smelt Season
635-042-0133 Sturgeon Size
635-042-0135 Sturgeon Season
635-042-0145 Youngs Bay Salmon Season
635-042-0151 Big Creek Terminal Salmon Season
635-042-0154 Carp and Other Nongame Fish
635-042-0160 Blind Slough and Knappa Slough Select Area Salmon Season
635-042-0170 Tongue Point Basin and South Channel Select Area Salmon Season
635-042-0180 Deep River Select Area Salmon Season
635-042-0190 Steamboat Slough

OTHER REGULATIONS

DIVISION 43

MISCELLANEOUS PERMITS AND RECORDS

635-043-0000 Purpose
635-043-0023 Purpose of Scientific Taking Permits
635-043-0030 Scientific Taking Permit Requirements
635-043-0033 Cost of Permit
635-043-0035 Conditions of Scientific Taking Permit
635-043-0040 Persons Eligible for Scientific Taking Permit
635-043-0045 Cancellation of Scientific Taking Permit
635-043-0051 Authority to Take or Harass Wildlife
635-043-0056 Trapping of Wildlife
635-043-0085 Hunting from a Motor-Propelled Vehicle
635-043-0090 Who May Hunt with the Aid of an Artificial Light

Authority to Harass Wildlife

635-043-0096 Harassing Wildlife Causing Damage
635-043-0100 Harassment Defined for Dog Training
635-043-0105 Permit Required to Harass Wildlife
635-043-0110 Form of Harassment Permit
635-043-0115 Cancellation of Harassment Permit

DIVISION 44

HOLDING, PROPAGATING, PROTECTED WILDLIFE

635-044-0000 Purpose
635-044-0002 Taxonomy
635-044-0005 Permit Required to Hold Wildlife
635-044-0010 Numbers of Wildlife to be Captured
635-044-0015 Wildlife Which Cannot be Captured and Held
635-044-0020 When a Permit is not Required to Hold Wildlife
635-044-0025 Ownership of Captured Wildlife Held in Captivity
635-044-0030 Cost and Expiration Date of Wildlife Holding Permit
635-044-0035 Requirements for Care of Wildlife Held in Captivity
635-044-0040 Inspection of Facilities
635-044-0045 Cancellation of Permit
635-044-0050 Possession of Coyote Prohibited Without Permit

Wildlife Propagation License Regulations

635-044-0060 License Required to Propagate Wildlife
635-044-0075 Requirements for Care of Wildlife Held for Sale
635-044-0080 Shipping Requirements
635-044-0120 Record Keeping and Reporting Requirements
635-044-0125 Cancellation of License
635-044-0130 Nongame Wildlife Protected
635-044-0132 Nongame Wildlife Nonprotected

Rehabilitation Holding Permit		635-049-0010	Cervid Holding and Propagation Policy
635-044-0200	Permit Required to Rehabilitate Birds, Mammals, Amphibians or Reptiles	General Rules Pertaining to the Holding of Cervids	
635-044-0205	Rehabilitation Defined	635-049-0020	Exceptions
635-044-0210	Requirements for Rehabilitation Holding Permit	635-049-0030	Cervids that May Not Be Held
635-044-0215	Federal Holding Permit	635-049-0040	Cervids that May Be Held
635-044-0220	Ownership of Birds Mammals, Amphibians or Reptiles Held Under Rehabilitation Holding Permits	635-049-0050	Petition Process for Those Holding Cervids Without a License or Permit
635-044-0225	Record Keeping and Reporting Requirements	635-049-0060	Hunting of Cervids that Are Held Specifically Prohibited
635-044-0230	Facilities Subject to Inspection	635-049-0070	Possession of Cervids Without a Permit or License Prohibited
635-044-0235	Cancellation of Permit	635-049-0080	Release of Cervids Held Specifically Prohibited
HUNTING REGULATIONS		635-049-0090	Requirements Upon the Death of Any Cervids Held
DIVISION 45		635-049-0100	Requirements for Disease Testing of Cervids Held or Imported
DEFINITIONS		635-049-0110	Requirements for Genetic Testing of Cervids Held or Imported
635-045-0000	Purpose	635-049-0120	Suspension, Revocation, or Non-Renewal of Permits or Licenses for Cervids Held
635-045-0002	Definitions	635-049-0130	Disposition of Cervids Held Upon Suspension, Revocation or Non-Renewal of Permit or License
DIVISION 46		635-049-0140	Facilities for Cervid Holding or Propagating
COMPETITIVE TRIALS FOR HUNTING DOGS		Cervid Propagation License — Type 1	
635-046-0005	Competitive Retriever Dog Trial	635-049-0160	Cervid Propagation License — Type 1 Required
635-046-0010	Competitive Field Dog Trial	635-049-0170	Application for Cervid Propagation License — Type 1
635-046-0015	Competitive Hound Dog Trial	635-049-0171	Lottery for Elk Propagation Licenses
635-046-0020	Permit Required	635-049-0180	Inspection of Cervid Propagation License — Type 1 Facilities and Records
635-046-0025	Permit Not Required	635-049-0190	Fencing Standards for Cervid Propagation License — Type 1
635-046-0030	Requirements for Permit	635-049-0200	Animal Marking Required for Cervid Propagation License — Type 1
635-046-0035	Use of Live Birds	635-049-0210	Record Keeping Required for Cervid Propagation License — Type 1
DIVISION 47		635-049-0220	Cervid Propagation License — Type 1 Renewal
PRIVATE HUNTING PRESERVE RULES		635-049-0230	Suspension or Revocation of Cervid Propagation License — Type 1
635-047-0005	Time, Place, and Manner of Hunting Privately Owned Game Birds	635-049-0240	Sale of Cervids and Cervid Parts Held Under Cervid Propagation License — Type 1
635-047-0010	Requirements for Licenses	635-049-0250	Changes in Facility Operations and Transfer of a Cervid Propagation License — Type 1
635-047-0015	Species	Cervid Propagation License — Type 2	
635-047-0020	Care of Birds and Sanitary Requirements	635-049-0260	Cervid Propagation License — Type 2 Required
635-047-0025	Marking of Birds	635-049-0270	Application for Cervid Propagation License — Type 2
635-047-0030	Length of Season	635-049-0280	Inspection of Cervid Propagation License — Type 2 Facilities and Records
635-047-0032	Transportation of Killed Birds	635-049-0290	Fencing Standards for Cervid Propagation License — Type 2
635-047-0035	Fees	635-049-0300	Animal Marking Required for Cervid Propagation License — Type 2
635-047-0040	Records	635-049-0310	Record Keeping Required for Cervid Propagation License — Type 2
635-047-0045	License Requirements of Hunters	635-049-0320	Cervid Propagation License — Type 2 Renewal
635-047-0050	Revocation	635-049-0330	Suspension or Revocation of Cervid Propagation License — Type 2
DIVISION 48		635-049-0340	Sale of Cervids and Cervid Parts Held Under Cervid Propagation License — Type 2
HUNTER EDUCATION		635-049-0350	Changes in Ownership of a Cervid Propagation Facility
635-048-0005	Course Length	DIVISION 50	
635-048-0010	Course Fee	FURBEARING AND UNPROTECTED MAMMAL REGULATIONS	
635-048-0015	Instructor Qualifications	635-050-0015	Purpose
635-048-0020	Revocation of Instructor's Certificate	635-050-0045	General Furbearer Regulations
635-048-0030	Issuing Duplicate Certificates of Course Completion	DIVISION 50	
Trapper Education		FURBEARING AND UNPROTECTED MAMMAL REGULATIONS	
635-048-0050	Course of Study	DIVISION 50	
635-048-0055	Examination	FURBEARING AND UNPROTECTED MAMMAL REGULATIONS	
635-048-0060	Certificate of Course Completion	DIVISION 50	
635-048-0080	Master Hunter Program	FURBEARING AND UNPROTECTED MAMMAL REGULATIONS	
635-048-0100	Bowhunter Education	DIVISION 50	
DIVISION 49		FURBEARING AND UNPROTECTED MAMMAL REGULATIONS	
PRIVATE HOLDING OR PROPAGATING OF CERVID SPECIES		DIVISION 50	
635-049-0000	Purpose and Scope	FURBEARING AND UNPROTECTED MAMMAL REGULATIONS	

Chapter 635 Department of Fish and Wildlife

635-050-0050 Definitions
635-050-0060 Times, Places, Bag Limits, Species, Sex, and Manner of Taking

Furbearer Harvest Seasons

635-050-0070 Beaver
635-050-0080 Bobcat
635-050-0090 Gray Fox
635-050-0100 Red Fox
635-050-0110 Marten
635-050-0120 Mink
635-050-0130 Muskrat
635-050-0140 Raccoon
635-050-0150 River Otter
635-050-0160 Wolverine, Fisher, Ringtail Cat, Sea Otter, and Kit Fox
635-050-0165 Badger, Coyote, Nutria, Opossum, Porcupine, Spotted Skunk, Striped Skunk, and Weasel
635-050-0170 Pursuit Seasons
635-050-0180 Bobcat and River Otter Record Cards
635-050-0183 Bobcat and River Otter Ownership Tags
635-050-0189 Special Bobcat and River Otter Regulations
635-050-0200 Refuges Open to Hunting or Trapping
635-050-0210 Areas Closed to Hunting or Trapping

DIVISION 51

GENERAL GAME BIRD REGULATIONS

635-051-0000 Purpose
635-051-0001 Times, Places, Bag Limits, Species, Sex, Manner of Taking
635-051-0003 Stamp Requirements
635-051-0010 Disguising Sex and Kind
635-051-0015 Possession and Transportation
635-051-0020 Weapons
635-051-0025 Nontoxic Shot
635-051-0030 Boats and Motor Vehicles
635-051-0035 Decoys and Calls
635-051-0040 Baiting
635-051-0045 Shooting Hours for Game Birds
635-051-0046 Waste
635-051-0048 Other Restrictions
635-051-0050 Federal Refuges
635-051-0055 State Refuges Open to Hunting
635-051-0060 Areas Closed to Hunting and Exceptions
635-051-0065 State Wildlife Area Regulations
635-051-0070 Regulated Hunting Areas
635-051-0073 Upland Cooperative Access Program
635-051-0075 September Youth Pheasant Hunts
635-051-0100 Western Oregon Fee Pheasant Hunts

DIVISION 52

MIGRATORY UPLAND GAME BIRD REGULATIONS

635-052-0000 Purpose
635-052-0001 Mourning Dove Season
635-052-0005 Band-tailed Pigeon Season
635-052-0010 Special Falconry Season

DIVISION 53

UPLAND GAME BIRD REGULATIONS

635-053-0000 Purpose
635-053-0001 Blue and Ruffed Grouse Season
635-053-0005 Sage Grouse
635-053-0010 Ring-necked Pheasant
635-053-0015 Valley Quail
635-053-0020 Mountain Quail
635-053-0025 Chukar and Hungarian Partridge
635-053-0035 Wild Turkey
635-053-0036 Spring Gobbler Season

635-053-0037 Controlled Fall Turkey Season
635-053-0045 Special Falconry Season

Upland Game Bird Stamp

635-053-0100 Purpose
635-053-0105 Submission of Artwork: Requirements
635-053-0111 Selection Process and Criteria
635-053-0125 Other Provisions

DIVISION 54

WATERFOWL, COMMON SNIPE AND CROW REGULATIONS

635-054-0000 Purpose
635-054-0001 Ducks (Including Mergansers)
635-054-0005 Geese
635-054-0015 Coot
635-054-0020 Common Snipe
635-054-0025 Special Falconry Season
635-054-0030 Black Brant
635-054-0040 Crow Season

DIVISION 55

FALCONRY LICENSES, PERMITS AND REQUIREMENTS

635-055-0000 Definition of Terms
635-055-0010 License Required to Practice Falconry
635-055-0015 Cost and Expiration Date of Falconry License
635-055-0020 Qualifications
635-055-0025 Inspections, Facilities and Equipment
635-055-0030 Limitation on Species Captured and/or Held
635-055-0035 Capture and Transportation of Raptors
635-055-0040 Banding and Identification of Raptors
635-055-0045 Capture Methods
635-055-0050 Capture Season
635-055-0055 Release of Any Raptor
635-055-0060 Reports
635-055-0065 Possession of Molted Feathers
635-055-0070 Revocation of License
635-055-0075 Disposition of Accidentally Killed Wildlife

DIVISION 56

IMPORTATION, POSSESSION, CONFINEMENT, TRANSPORTATION AND SALE OF NONNATIVE WILDLIFE

635-056-0000 Purpose and General Information
635-056-0010 Definitions
635-056-0020 Domestic or Otherwise Exempt Animals
635-056-0030 Exclusions

Importation

635-056-0040 Requirements for Importation and Possession of Live Wildlife
635-056-0050 Prohibited Species
635-056-0060 Noncontrolled Species
635-056-0070 Controlled Species
635-056-0075 Controlled Fish Species
635-056-0080 Sale of Wildlife
635-056-0090 Transportation
635-056-0100 Holding of Nonnative Wildlife
635-056-0110 Escaped Wildlife
635-056-0130 Classification Requests
635-056-0140 Noncontrolled Classification
635-056-0150 Grandfathering

DIVISION 60

**GAME MAMMAL AND GAME BIRD
CONTROLLED HUNT REGULATIONS**

635-060-0000	Purpose and General Information
635-060-0005	Application Eligibility and Procedures
635-060-0008	Application Deadline Dates
635-060-0009	Successful Applicants
635-060-0018	Applicant Disqualification
635-060-0022	Wait Period for Successful Bighorn Sheep and Rocky Mountain Goat Applicants
635-060-0023	Modified Preference Point System
635-060-0030	Issuing Tags
635-060-0046	Lost Tags and Tag Exchanges
635-060-0055	Documents Required in Field

DIVISION 64

PRIVATELY HELD EXOTIC AND GAME MAMMALS

635-064-0000	Purpose
635-064-0010	Privately Held Exotic and Game Mammals

DIVISION 65

**GAME MAMMAL
GENERAL SEASONS AND REGULATIONS**

635-065-0001	Purpose and General Information
635-065-0006	General License Requirement
635-065-0015	General Tag Requirements and Limits
635-065-0090	Disabled Hunter Seasons and Bag Limits

General Seasons Tag Requirements for Specific Species

635-065-0101	Buck Deer Seasons
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General Elk Seasons

635-065-0201	Bull Elk Seasons
635-065-0301	Bear Season
635-065-0401	Deadline for Purchase of General Season Tags
635-065-0501	Exchange of Deer and Elk Tags

Western Oregon Elk Bowhunting Areas

635-065-0625	Regulations on State Wildlife Areas, Refuges and Special Areas
635-065-0635	Winter Range Closure Areas
635-065-0655	Unit Boundary Requirements

Arms and Ammunition Requirements

635-065-0700	Rifles
635-065-0703	Shotguns
635-065-0705	Muzzleloading Rifles
635-065-0710	Handguns
635-065-0720	Bows and Arrows
635-065-0725	Other Weapons

Unlawful Acts

635-065-0730	Shooting Hours
635-065-0733	Decoys
635-065-0735	Vehicles, Boats, Aircraft
635-065-0740	Hunting Prohibited
635-065-0745	Prohibited Methods
635-065-0750	Disguising Sex, Waste and Sale
635-065-0755	Trespass
635-065-0760	Other Restrictions
635-065-0765	Tagging, Possession, Transportation and Evidence of Sex
635-065-0772	Tags for Terminally Ill Children

DIVISION 66

BLACK BEAR SEASONS

635-066-0000	Purpose and General Information
635-066-0001	General Bear Season
635-066-0002	Controlled Bear Hunts
635-066-0010	General Season Regulations
635-066-0020	Controlled Seasons

DIVISION 67

**PRONGHORN ANTELOPE, COUGAR, ROCKY
MOUNTAIN GOAT, BIGHORN SHEEP REGULATIONS**

635-067-0000	Purpose and General Information
635-067-0001	General Information
635-067-0002	Cougar Hunting Regulations
635-067-0004	Cougar Hunting Regulations
635-067-0015	General Cougar Season Zone Harvest Quotas
635-067-0016	Extended Cougar Seasons
635-067-0020	Controlled Pronghorn Antelope Rifle Hunts
635-067-0023	Controlled Pronghorn Antelope Youth Rifle Hunts
635-067-0024	Controlled Pronghorn Antelope Youth Rifle Hunt Application
635-067-0025	Controlled Pronghorn Antelope Bow Hunts
635-067-0027	Controlled Pronghorn Antelope Muzzleloader Hunts
635-067-0028	Pronghorn Antelope Auction Tag
635-067-0029	Controlled Pronghorn Antelope Raffle Tag
635-067-0030	Controlled Bighorn Sheep Hunts
635-067-0031	Controlled Bighorn Sheep Hunt Regulations
635-067-0032	Bighorn Sheep Auction Tag
635-067-0034	Bighorn Sheep Raffle Tag
635-067-0040	Controlled Rocky Mountain Goat Hunt Regulations
635-067-0041	Rocky Mountain Goat Raffle

DIVISION 68

WESTERN OREGON DEER SEASONS

635-068-0000	Purpose and General Information
635-068-0001	Western Oregon Buck Seasons
635-068-0005	High Cascade Buck Deer Hunt
635-068-0022	W. High Cascade Buck Deer Hunt or Hood-White River Hunt and Western Oregon Controlled Deer Hunts
635-068-0025	Western Oregon Controlled Deer Hunts
635-068-0030	Additional Western Oregon Controlled Deer Hunt

DIVISION 69

EASTERN OREGON DEER SEASONS

635-069-0000	Purpose and General Information
635-069-0005	Controlled Buck Hunts
635-069-0010	Controlled Antlerless Deer Hunts
635-069-0030	Controlled Eastern Oregon Deer Hunts

DIVISION 70

WESTERN OREGON ELK SEASONS

635-070-0000	Purpose and General Information
635-070-0001	Coast Elk Rifle Seasons
635-070-0003	Cascade Elk Rifle Season
635-070-0005	Controlled Coast Bull and Either-sex Elk Hunts
635-070-0010	Controlled Coast Elk Rifle Hunts
635-070-0012	Controlled Cascade Elk Rifle Hunts
635-070-0020	Controlled Western Oregon Elk Rifle Hunts

DIVISION 71

ROCKY MOUNTAIN ELK SEASONS

635-071-0000	Purpose and General Information
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635-071-0001	Rocky Mountain Elk Rifle Seasons
635-071-0005	Controlled Rocky Mountain Bull Elk Rifle Hunts
635-071-0010	Controlled Rocky Mountain Antlerless Elk Rifle Hunts
635-071-0020	Controlled Rocky Mountain Either-sex Elk Hunts
635-071-0030	Controlled Rocky Mountain Elk Seasons

DIVISION 72

WESTERN GRAY SQUIRREL SEASON

635-072-0000	Purpose and General Information
635-072-0001	Western Gray Squirrel Season

DIVISION 73

SPECIAL INTEREST SEASONS

635-073-0000	Purpose and General Information
635-073-0001	Bowhunting Seasons
635-073-0005	Early General Bowhunting Seasons
635-073-0010	Late Western Oregon Deer Bowhunting Season
635-073-0015	Late Eastern Oregon Deer Bowhunting Seasons
635-073-0020	Controlled Western Oregon Elk Bowhunting Season
635-073-0023	Controlled Eastern Oregon Elk Bowhunting Season
635-073-0026	Controlled Deer Bow Hunts
635-073-0035	Controlled Muzzleloader Deer Hunts
635-073-0040	Controlled Muzzleloader Elk Seasons
635-073-0050	Controlled Antlerless Deer Youth Hunts
635-073-0060	Controlled Antlerless Elk Youth Hunts
635-073-0065	Early Western Oregon Bowhunting Seasons
635-073-0070	Early Eastern Oregon Bowhunting Seasons
635-073-0075	Late Western Oregon Bowhunting Seasons
635-073-0080	Controlled Muzzleloader Deer Hunt Regulations
635-073-0090	Controlled Antlerless Deer and Elk Youth Hunting Regulations

DIVISION 75

**LANDOWNER HUNTING PREFERENCE AND
OUTFITTERS AND GUIDES TAG ALLOCATION**

635-075-0000	Purpose
635-075-0001	Eligibility
635-075-0005	Registration, Application and Tag Issuance Procedures and Limits For All Controlled Hunts
635-075-0007	Application and Tag Issuance Procedures and Limits for Controlled "Damage Pool" Hunts and Emergency Hunts.
635-075-0010	Hunting Area Allowed with Landowner Hunting Preference Tags
635-075-0011	Southwest Oregon Landowner Preference Pilot Program
635-075-0015	Exchanging Landowner Preference Tags that Do Not Fall Under the Category of a Damage Situation
635-075-0020	Landowner Hunting Preference Tags in Special Seasons
635-075-0025	Outfitters and Guides Nonresident Tag Allocation
635-075-0026	Application Requirements
635-075-0029	Tag Purchasing Requirements
635-075-0030	Tag Limitations
635-075-0035	Remaining Tags

DIVISION 78

EMERGENCY HUNTING REGULATIONS

635-078-0001	Emergency Hunt List (Commission Approval)
635-078-0005	Emergency Hunt List (Director's Approval)
635-078-0008	District Emergency Hunts
635-078-0011	Determining Eligibility

DIVISION 80

WILDLIFE UNITS

635-080-0000	Wildlife Units
635-080-0010	Saddle Mountain Unit
635-080-0011	Scappoose Unit
635-080-0012	Wilson Unit
635-080-0014	Trask Unit
635-080-0015	Willamette Unit
635-080-0016	Santiam Unit
635-080-0017	Stott Mountain Unit
635-080-0018	Alsea Unit
635-080-0019	McKenzie Unit
635-080-0020	Siuslaw Unit
635-080-0021	Indigo Unit
635-080-0022	Dixon Unit
635-080-0023	Melrose Unit
635-080-0024	Tioga Unit
635-080-0025	Sixes Unit
635-080-0026	Powers Unit
635-080-0027	Chetco Unit
635-080-0028	Applegate Unit
635-080-0029	Evans Creek Unit
635-080-0030	Rogue Unit
635-080-0031	Keno Unit
635-080-0032	Klamath Falls Unit
635-080-0033	Sprague Unit
635-080-0034	Upper Deschutes Unit
635-080-0035	Paulina Unit
635-080-0036	Maury Unit
635-080-0037	Ochoco Unit
635-080-0038	Grizzly Unit
635-080-0039	Metolius Unit
635-080-0040	Maupin Unit
635-080-0041	White River Unit
635-080-0042	Hood Unit
635-080-0043	Biggs Unit
635-080-0044	Columbia Basin Unit
635-080-0045	Fossil Unit
635-080-0046	Murderers Creek Unit
635-080-0047	Northside Unit
635-080-0048	Heppner Unit
635-080-0049	Ukiah Unit
635-080-0050	Desolation Unit
635-080-0051	Sumpter Unit
635-080-0052	Starkey Unit
635-080-0053	Catherine Creek Unit
635-080-0054	Mt. Emily Unit
635-080-0055	Walla Walla Unit
635-080-0056	Wenaha Unit
635-080-0057	Sled Springs Unit
635-080-0058	Chesnimnus Unit
635-080-0059	Snake River Unit
635-080-0060	Minam Unit
635-080-0061	Imnaha Unit
635-080-0062	Pine Creek Unit
635-080-0063	Keating Unit
635-080-0064	Lookout Mountain Unit
635-080-0065	Beulah Unit
635-080-0066	Malheur River Unit
635-080-0067	Owyhee Unit
635-080-0068	Whitehorse Unit
635-080-0069	Steens Mountain Unit
635-080-0070	Beatys Butte Unit
635-080-0071	Juniper Unit
635-080-0072	Silvies Unit
635-080-0073	Wagontire Unit
635-080-0074	Warner Unit
635-080-0075	Interstate Unit
635-080-0076	Silver Lake Unit
635-080-0077	Fort Rock Unit

DIVISION 90

ACCESS AND HABITAT PROGRAM

635-090-0000	Purpose
635-090-0010	Policy
635-090-0020	Definitions
635-090-0030	Access and Habitat Board
635-090-0040	Access and Habitat Subaccount
635-090-0050	Access and Habitat Subaccount Expenditures
635-090-0060	Recommendations of the Access and Habitat Board
635-090-0070	Regional Access and Habitat Advisory Councils
635-090-0080	Access and Habitat Project Application
635-090-0090	Evaluation Criteria for Proposed Access and Habitat Projects
635-090-0100	Commission Approval of Proposed Access and Habitat Projects
635-090-0110	Revocation of Access and Habitat Project Approval
635-090-0120	Access and Habitat Project Grant Agreement
635-090-0130	Landowner Preference Tags
635-090-0140	Deer and Elk Tag Auction and Raffle
635-090-0150	Deer and Elk Auction Tags
635-090-0160	Deer and Elk Raffle Tags
635-090-0191	Emergency Seeding

WILDLIFE MANAGEMENT PLANS

DIVISION 100

WILDLIFE DIVERSITY PLAN

635-100-0001	Definition of Terms
635-100-0005	Wildlife Diversity Plan Content and Purpose
635-100-0010	Wildlife Diversity Program Goal
635-100-0015	Wildlife Diversity Program Objectives
635-100-0030	Five-Year Review
635-100-0040	Sensitive Species List

**Threatened and Endangered Species List;
Criteria and Procedures for Listing,
Reclassifying and Delisting Threatened and
Endangered Species; State Agency Cooperation**

635-100-0080	Policy Statement
635-100-0100	Definition of Terms
635-100-0105	Criteria for Listing
635-100-0110	Procedure for Listing Species
635-100-0111	Reclassifying Species
635-100-0112	Removing Species from the State List
635-100-0113	Technical Committees
635-100-0115	Temporary Listing
635-100-0120	Periodic Review of List
635-100-0125	State List of Threatened and Endangered Species
635-100-0130	Requirement for Survival Guidelines
635-100-0135	Survival Guidelines for Species Listed as Threatened or Endangered
635-100-0136	Survival Guidelines for Washington Ground Squirrel
635-100-0140	Endangered Species Management Plans for State Land Owning or Managing Agencies
635-100-0150	Endangered Species Requirements for Agencies Other than State Land Owning or Managing Agencies
635-100-0160	Classification of Agencies
635-100-0170	Incidental Take Permits
635-100-0180	Western Snowy Plover

Lower Columbia River Coho

635-100-0190	Fishery Management
635-100-0191	Hatchery Programs
635-100-0192	Land Management
635-100-0193	Monitoring
635-100-0194	De-listing Criteria

DIVISION 105

**WESTERN SNOWY PLOVER
CONSERVATION PROGRAM**

635-105-0000	Definitions
635-105-0010	Purpose
635-105-0020	Program Objectives
635-105-0030	Program Implementation
635-105-0040	Program Review

DIVISION 110

**OREGON WOLF CONSERVATION AND
MANAGEMENT PLAN**

635-110-0000	Wolf Conservation and Management Plan
635-110-0010	Harassment and Take of Wolves during Phase I (Conservation)
635-110-0020	Harassment and Take of Wolves During Phase II (Management)
635-110-0030	Harassment and Take of Wolves During Phase III
635-110-0040	Incidental Take of Wolves

DIVISION 120

WILDLIFE MANAGEMENT PLAN

635-120-0001	Bighorn Sheep and Rocky Mountain Goat Management Plan Content and Purpose
635-120-0005	Program Objectives
635-120-0010	Plan Implementation
635-120-0015	Authority of the Director
635-120-0020	Five-Year Review

DIVISION 130

**MIGRATORY GAME BIRDS
WILDLIFE MANAGEMENT PLAN**

635-130-0000	Migratory Game Bird Management Plan Content and Purpose
635-130-0010	Program Mission
635-130-0020	Program Policies
635-130-0030	Plan Strategies
635-130-0040	Plan Implementation
635-130-0050	Five-Year Review

DIVISION 135

OREGON WILD TURKEY MANAGEMENT PLAN

635-135-0001	Oregon Wild Turkey Management Plan Content and Purpose
635-135-0005	Program Objectives
635-135-0010	Plan Implementation
635-135-0015	Authority of the Director
635-135-0020	Five-Year Review

DIVISION 140

**GREATER SAGE-GROUSE CONSERVATION
STRATEGY FOR OREGON**

635-140-0000	Purpose
635-140-0005	Population Management Objectives
635-140-0010	Habitat Objectives
635-140-0025	Five-Year Review

DIVISION 160

ELK WILDLIFE MANAGEMENT PLAN

635-160-0000	Elk Management Plan Content and Purpose
635-160-0010	Plan Objectives for Elk Management
635-160-0020	Plan Implementation

635-160-0030 Five-Year Review

DIVISION 405

DIVISION 170

BLACK BEAR WILDLIFE MANAGEMENT PLAN

- 635-170-0001 Black Bear Management Plan Content and Purpose
- 635-170-0005 Program Objectives
- 635-170-0010 Plan Implementation
- 635-170-0015 Five-Year Review

DIVISION 180

COUGAR WILDLIFE MANAGEMENT PLAN

- 635-180-0001 Cougar Management Plan Content and Purpose
- 635-180-0015 Five-Year Review

DIVISION 190

MULE DEER WILDLIFE MANAGEMENT PLAN

- 635-190-0000 Mule Deer Management Plan Content and Purpose
- 635-190-0010 Plan Objectives for Mule Deer Management
- 635-190-0020 Plan Implementation
- 635-190-0030 Five-year Review

DIVISION 200

SALE, PURCHASE OR EXCHANGE OF WILDLIFE PARTS (EXCLUDING MARINE AND COMMERCIAL FISH, SHELLFISH AND MARINE INVERTEBRATES)

- 635-200-0000 Purpose and Applicability
- 635-200-0010 Definitions
- 635-200-0020 Furbearing and Unprotected Mammals Generally
- 635-200-0030 Fur Dealer and Taxidermy
- 635-200-0040 Certain Extant Furbearer and Other Species Lawfully Obtained Out of State
- 635-200-0050 Deer, Elk, and Antelope (Pronghorn)
- 635-200-0060 Fallow Deer, Reindeer and Sika Deer
- 635-200-0070 Moose
- 635-200-0080 Wildlife Not Native to Oregon
- 635-200-0090 Sale of Meat
- 635-200-0110 Rendering
- 635-200-0120 Taxidermy Mounts
- 635-200-0130 Sale, Purchase, or Exchange of Feathers

DIVISION 300

WILDLIFE DAMAGE PLANS

- 635-300-0001 Elkhorn Wildlife Area Program
- 635-300-0005 Goals and Objectives
- 635-300-0010 Implementation of Policies
- 635-300-0015 Delegation of Authority

DIVISION 400

INSTREAM WATER RIGHT RULES

- 635-400-0000 Purpose
- 635-400-0005 Policy
- 635-400-0010 Definitions
- 635-400-0015 Determination of Instream Flow Measurement Methodologies
- 635-400-0020 Standards for Selection of Streams or Stream Reaches for Instream Water Right Applications
- 635-400-0025 Responsibilities to WRD
- 635-400-0030 Internal Process for Instream Water Right Application
- 635-400-0035 Purchase, Lease or Gift of Water Rights for Instream Water Rights
- 635-400-0037 Public Involvement
- 635-400-0040 Review and Coordination of Instream Water Right Applications Submitted by Other Agencies

STATE AGENCY COORDINATION PROGRAM

- 635-405-0000 Purpose
- 635-405-0005 Definitions
- 635-405-0010 Applicability
- 635-405-0015 Compliance with the Statewide Planning Goals and Compatibility with Acknowledged Comprehensive Plans and Land Use Regulations
- 635-405-0020 Compliance with the Statewide Planning Goals
- 635-405-0025 Compatibility with Acknowledged Comprehensive Plans and Land Use Regulations
- 635-405-0030 Dispute Resolution
- 635-405-0035 Compliance and Compatibility of New or Amended Land Use Programs
- 635-405-0040 Coordination with Affected State and Federal Agencies and Special Districts
- 635-405-0045 Cooperation and Technical Assistance to Local Governments

DIVISION 410

NATURAL RESOURCE LOSSES

- 635-410-0000 Authority of the Department of Fish and Wildlife
- 635-410-0005 Policy
- 635-410-0010 Definitions
- 635-410-0015 Investigation Procedures
- 635-410-0020 Safety Policy
- 635-410-0025 Unauthorized Collection of Samples
- 635-410-0030 Calculation of Numbers and Monetary Value of Fish and Wildlife, and Cost of Restoring Productivity Pursuant to ORS 468B.060
- 635-410-0035 Damage Assessment Procedure

DIVISION 412

FISH PASSAGE

- 635-412-0005 Definitions
- 635-412-0010 Fish Passage Task Force
- 635-412-0015 Prioritization
- 635-412-0020 Fish Passage Approval
- 635-412-0025 Fish Passage Waivers and Exemptions
- 635-412-0030 Fish Passage Protests
- 635-412-0035 Fish Passage Criteria
- 635-412-0040 Mitigation Criteria

DIVISION 415

FISH AND WILDLIFE HABITAT MITIGATION POLICY

- 635-415-0000 Purpose
- 635-415-0005 Definitions
- 635-415-0010 Fish and Wildlife Habitat Mitigation Policy
- 635-415-0015 Application of Fish and Wildlife Habitat Mitigation Policy
- 635-415-0020 Implementation of Department Habitat Mitigation Requirements
- 635-415-0025 Implementation of Department Habitat Mitigation Recommendations

DIVISION 420

CHEMICAL PROCESS MINING CONSOLIDATED APPLICATION AND PERMIT REVIEW STANDARDS

- 635-420-0000 Purpose
- 635-420-0010 Definitions
- 635-420-0020 Wildlife Protection Plan
- 635-420-0030 Standards for Wildlife Protection
- 635-420-0040 Minimum Standards for Covering or Containment
- 635-420-0050 Minimum Standards for Fencing
- 635-420-0060 Wildlife Mitigation Plan
- 635-420-0070 Wildlife Injury and Mortality Reporting

Chapter 635 Department of Fish and Wildlife

635-420-0080	Inspection of Mining Operations
635-420-0090	Content of Inspection Report
635-420-0100	Liability and Penalties
635-420-0110	Certification of Self-Sustaining Ecosystem
635-420-0120	Compliance with Statewide Planning Goals and Compatibility with Acknowledged Comprehensive Plans

DIVISION 425

IN-WATER BLASTING PERMITS

635-425-0000	Purpose
635-425-0005	Applicability
635-425-0010	Definitions
635-425-0015	Fish and Wildlife In-Water Blasting Permit Policy
635-425-0020	Application Requirements
635-425-0025	Compliance with Statewide Planning Goals and Compatibility with Acknowledged Comprehensive Plans
635-425-0030	Application Review Procedures
635-425-0035	Permit Conditions
635-425-0040	Notification Requirements
635-425-0045	Compensation for Injury to Fish and Wildlife
635-425-0050	Applicability of Existing Laws

DIVISION 430

TAX INCENTIVE PROGRAMS

Wildlife Habitat Conservation and Management Program

635-430-0000	Purpose
635-430-0010	Definitions
635-430-0020	Wildlife Habitat Conservation and Management Plan Objectives
635-430-0025	State Fish and Wildlife Commission Designation of Eligible Land
635-430-0030	Wildlife Conservation and Management Practices
635-430-0040	Preparation and Content of a Plan
635-430-0050	Plan Submission and Review Procedures
635-430-0060	Approval Standards for Plans
635-430-0070	Amendments to Approved Plans
635-430-0080	Implementation of Approved Plans
635-430-0090	Monitoring Approved Plans
635-430-0100	Compatibility with Existing Laws or Ordinances

Riparian Lands Tax Incentive Program

635-430-0300	Purpose
635-430-0310	Definitions
635-430-0320	Eligibility Criteria
635-430-0330	Limitations on Designation of Riparian Lands
635-430-0340	Factors for Determining Width of Riparian Lands
635-430-0350	Healthy Riparian Habitat
635-430-0360	Application Process
635-430-0370	Plan Review and Approval
635-430-0375	Riparian Conservation and Management Practices
635-430-0380	Activities Generally Compatible with Riparian Lands
635-430-0390	Activities Generally Incompatible with Riparian Lands Tax Incentive Program
635-430-0400	Natural Disasters
635-430-0410	Sale or Transfer of Exempted Riparian Lands
635-430-0420	Monitoring and Compliance
635-430-0430	Program Compatibility with Existing Laws or Ordinances

DIVISION 435

WILDLIFE CONTROL OPERATORS

635-435-0000	Purpose
635-435-0005	Definitions

635-435-0010	Permit Required to Capture, Hold, Transport, or Relocate Wildlife
635-435-0015	Passing a Test Required to Obtain Wildlife Control Operator Permit
635-435-0020	Wildlife Control Operator Permit Required to be in Possession
635-435-0025	Ownership and Holding of Wildlife Held Under Wildlife Control Operator Permits
635-435-0030	Humane Euthanasia and Discarding of Wildlife Carcasses
635-435-0035	Relocation of Nuisance Wildlife
635-435-0040	Transportation of Wildlife
635-435-0045	Equipment Subject to Inspection
635-435-0050	Trap Molestation Prohibited
635-435-0055	Record Keeping and Reporting Requirements
635-435-0060	Cancellation or Non-Renewal of Permit

DIVISION 500

FISH MANAGEMENT PLANS

Purpose

635-500-0002	Purpose
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Steelhead Management

635-500-0010	Steelhead Management Policy
635-500-0015	Steelhead Habitat Protection Policy
635-500-0020	Steelhead Management Goals and Objectives

Warmwater Game Fish Management

635-500-0045	Wild Fish Management Policy
635-500-0055	Objectives of Warmwater Game Fish Management
635-500-0060	Guidelines for Introductions of Warmwater Game Fishes

Trout Management

635-500-0100	Selection Criteria
635-500-0105	Management Guidelines
635-500-0110	Option Movement Criteria
635-500-0115	Management Alternatives
635-500-0120	Objectives of Trout Management

Coastal Chinook Salmon Management

635-500-0130	Coastal Chinook Management Objectives
635-500-0135	Harvest Management Policy
635-500-0140	Enhancement Policy
635-500-0145	Stock Transfer
635-500-0150	Implementation of Coastal Chinook Management Plan
635-500-0175	South Fork Umpqua River — Winter Steelhead
635-500-0200	Management Objectives for North Umpqua River Below Soda Springs Dam

Operating Principles and Objectives Applicable to All Willamette Subbasins

635-500-0205	Organization
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McKenzie Subbasin Fish Management Policies and Objectives

635-500-0266	Applicability
635-500-0267	Habitat
635-500-0268	Resident Trout and Whitefish
635-500-0269	Summer Steelhead
635-500-0270	Winter Steelhead
635-500-0271	Spring Chinook Salmon
635-500-0272	Fall Chinook
635-500-0273	Coho
635-500-0274	Mountain Whitefish
635-500-0275	Miscellaneous Species
635-500-0276	Angling Access

Chapter 635 Department of Fish and Wildlife

Malheur Basin Fish Management Policies and Objectives		635-500-0565	Angling and Boating Law Enforcement
635-500-0285	Organization of Rules	Yaquina River Basin Fish Management Operating Principles and Objectives	
635-500-0290	Habitat		
635-500-0295	Access		
635-500-0300	Crayfish	635-500-0600	Organization of Rules
635-500-0305	Malheur River Headwaters and Tributaries	Habitat	
635-500-0310	Middle Fork Malheur River Above Warm Springs Reservoir and Main Stem South Fork Malheur River	635-500-0605	Habitat
635-500-0315	Malheur River and North Fork Main Stem Reservoirs to Namorf Dam	Finfish	
635-500-0320	Lower Malheur River		
635-500-0325	Reservoirs	635-500-0610	Chinook Salmon
Coos River Basin Fish Management Operating Principles and Objectives		635-500-0615	Coho Salmon
635-500-0385	Organization of Rules	635-500-0620	Chum Salmon
Habitat		635-500-0625	Winter Steelhead
		635-500-0630	Cutthroat Trout
		635-500-0635	White and Green Sturgeon
		635-500-0640	American Shad
		635-500-0645	Miscellaneous Freshwater and Anadromous Fish Species
635-500-0390	Habitat	635-500-0650	Clams
Finfish		635-500-0655	Ghost and Mud Shrimp
		635-500-0660	Other Shellfish and Invertebrate Species
		635-500-0665	Pacific Herring
635-500-0400	Fall Chinook Salmon	635-500-0670	Marine Fish Species
635-500-0405	Spring Chinook Salmon	635-500-0675	Miscellaneous Estuarine and Marine Fish Species
635-500-0410	Coho Salmon	635-500-0680	Dungeness Crab
635-500-0415	Chum Salmon	Miscellaneous Provisions	
635-500-0420	Winter Steelhead		
635-500-0425	Cutthroat Trout	635-500-0685	Angler Access
635-500-0430	Brook Trout	Mini-Management Plans Policies and Objectives	
635-500-0435	Striped Bass		
635-500-0440	White and Green Sturgeon	635-500-0700	Clear Lake
635-500-0445	American Shad	635-500-0703	Diamond Lake
635-500-0450	Miscellaneous Freshwater, Marine and Anadromous Fish	635-500-0706	Hosmer Lake
Shellfish		635-500-0709	Hyatt Lake
635-500-0455	Dungeness Crab	635-500-0712	Lake Billy Chinook
635-500-0460	Clams	635-500-0790	General Fish Management Policies
635-500-0465	Ghost and Mud Shrimp	635-500-0800	Habitat Objectives
635-500-0470	Other Shellfish Species	Clackamas Subbasin Fish Management Operating Principles and Objectives	
Miscellaneous Provisions		Habitat	
635-500-0475	Angler Access		
635-500-0480	Angling Law Enforcement	635-500-0810	Habitat
Tenmile Lakes Basin Fish Management Operating Principles and Objectives		Finfish	
635-500-0500	Organization of Rules		
Habitat		635-500-0820	Winter Steelhead
		635-500-0830	Summer Steelhead
		635-500-0840	Spring Chinook Salmon
		635-500-0850	Fall Chinook Salmon
635-500-0505	Habitat	635-500-0860	Coho Salmon
Finfish		635-500-0870	Warmwater and Miscellaneous Fish
		635-500-0880	Trout
		635-500-0890	Whitefish
635-500-0510	Coho Salmon	Miscellaneous Provisions	
635-500-0515	Winter Steelhead		
635-500-0520	Cutthroat Trout	635-500-0900	Angler Access
635-500-0525	Rainbow Trout	Coast Fork Willamette Subbasin Fish Management Operating Principles and Objectives	
635-500-0530	Bluegill		
635-500-0535	Brown Bullhead	Habitat	
635-500-0540	Largemouth Bass		
635-500-0545	Striped Bass x White Bass Hybrid	635-500-0910	Habitat
635-500-0550	Miscellaneous Native Fish Species	Finfish	
635-500-0555	Unauthorized Fish Species		
Miscellaneous Provisions		635-500-0920	Trout
635-500-0560	Angler Access	635-500-0930	Warmwater Game Fish

635-500-0940	Oregon Chub		Habitat
635-500-0950	Winter Steelhead		
635-500-0960	Spring Chinook Salmon	635-500-1280	Habitat
635-500-0970	Fall Chinook Salmon		
635-500-0980	Coho Salmon		Finfish
	Miscellaneous Provisions	635-500-1290	Spring Chinook Salmon
		635-500-1300	Summer Steelhead
635-500-0990	Angler Access	635-500-1310	Winter Steelhead
	Coast Range Subbasin Fish Management	635-500-1320	Trout and Whitefish
	Operating Principles and Objectives	635-500-1330	Oregon Chub
	Habitat	635-500-1340	Warmwater Game Fish
		635-500-1350	Fall Chinook Salmon
			Miscellaneous Provisions
635-500-1000	Habitat	635-500-1360	Angler Access
	Finfish		Molalla and Pudding Subbasins Fish Management
635-500-1010	Winter Steelhead		Operating Principles and Objectives
635-500-1020	Coho Salmon		Habitat
635-500-1030	Fall Chinook Salmon		
635-500-1040	Trout and Whitefish	635-500-1370	Habitat
635-500-1050	Warmwater Game Fish		
635-500-1060	Oregon Chub		Finfish
635-500-1070	Sand Rollers	635-500-1380	Winter Steelhead
635-500-1080	Crayfish	635-500-1390	Summer Steelhead
	Miscellaneous Provisions	635-500-1400	Coho Salmon
635-500-1090	Angler Access	635-500-1410	Spring Chinook Salmon
	Long Tom Subbasin Fish Management	635-500-1420	Fall Chinook Salmon
	Operating Principles and Objectives	635-500-1430	Trout and Whitefish
	Habitat	635-500-1440	Warmwater Game Fish
		635-500-1450	Sand Rollers
635-500-1100	Habitat	635-500-1460	Crayfish
	Finfish		Miscellaneous Provisions
635-500-1110	Warmwater Game Fish	635-500-1470	Angler Access
635-500-1120	Trout		Santiam and Calapooia Subbasins Fish Management Operating
635-500-1130	Coho Salmon		Principles and Objectives
	Miscellaneous Provisions		Habitat
635-500-1140	Angler Access	635-500-1480	Habitat
	Mainstem Willamette Subbasin Fish Management		Finfish
	Operating Principles and Objectives	635-500-1490	Winter Steelhead
	Habitat	635-500-1500	Summer Steelhead
635-500-1150	Habitat	635-500-1510	Coho Salmon
	Finfish	635-500-1520	Spring Chinook Salmon
635-500-1160	Winter Steelhead	635-500-1530	Fall Chinook Salmon
635-500-1170	Summer Steelhead	635-500-1540	Sockeye Salmon
635-500-1180	Spring Chinook Salmon	635-500-1550	Trout and Whitefish
635-500-1190	Fall Chinook Salmon	635-500-1560	Warmwater Game Fish
635-500-1200	Shad	635-500-1570	Oregon Chub
635-500-1210	Sturgeon	635-500-1580	Sand Rollers
635-500-1220	Trout and Whitefish	635-500-1590	Crayfish
635-500-1230	Warmwater Game Fish		Miscellaneous Provisions
635-500-1240	Oregon Chub		Tualatin Subbasin Fish Management
635-500-1250	Sand Rollers		Operating Principles and Objectives
635-500-1260	Crayfish		Habitat
	Miscellaneous Provisions	635-500-1610	Habitat
635-500-1270	Angler Access		Finfish
	Middle Fork Willamette Subbasin Fish Management	635-500-1620	Winter Steelhead
	Operating Principles and Objectives	635-500-1630	Coho Salmon

635-500-1640	Warmwater and Miscellaneous Fish	Lower Deschutes River Fish Management Policies and Objectives	
635-500-1650	Trout		
Miscellaneous Provisions		635-500-2000	Applicability
635-500-1660	Angler Access	635-500-2010	Organization of Rules
Willamette Basin Fish Management Plan for Spring Chinook		635-500-2020	Habitat Management
McKenzie River Basin Fish Management Plan for Spring Chinook		635-500-2030	Cascade Mountain Lakes
635-500-1661	Operating Policy and Objectives	635-500-2040	Small Ponds With Public Access
Clackamas River Basin Fish Management Plan for Spring Chinook		635-500-2050	Badger Lake
635-500-1662	Operating Policy and Objectives	635-500-2060	Clear Lake
Willamette River Basin Above the Mouth of the McKenzie River Fish Management Plan for Spring Chinook		635-500-2070	Frog Lake
635-500-1663	Operating Policy and Objectives	635-500-2080	Olallie Lake
Mainstem Willamette River Basin Fish Management Plan for Spring Chinook		635-500-2090	Pine Hollow Reservoir
635-500-1664	Objectives	635-500-3000	Rock Creek Reservoir
Molalla and Pudding River Basins Fish Management Plan for Spring Chinook		635-500-3010	Trout, Whitefish and Miscellaneous Species in Flowing Waters
635-500-1665	Operating Policies and Objectives	635-500-3020	Indigenous Species
Santiam and Calapooia River Basins Fish Management Plan for Spring Chinook		635-500-3030	Summer Steelhead
635-500-1666	Operating Policies and Objectives	635-500-3040	Spring Chinook Salmon
Lahontan Subbasins Fish Management Policies and Objectives		635-500-3050	Fall Chinook Salmon
635-500-1670	Applicability	635-500-3060	Warmwater Gamefish
635-500-1680	Organization of Rules	635-500-3070	Public Access
635-500-1690	General Priorities	Upper Deschutes River Fish Management Policies and Objectives	
635-500-1700	Habitat	635-500-3100	Applicability
635-500-1710	Trout	635-500-3110	Organization of Rules
635-500-1720	Nongame Fish	635-500-3120	Deschutes River from Bend (North Canal Dam) to Lake Billy Chinook Including the Tributaries Tumalo and Squaw Creeks
635-500-1730	Angler Access	635-500-3130	Deschutes River from Wickiup Dam to Bend (North Canal Dam) including the Tributaries Fall and Spring Rivers
Crooked River and Metolius River Subbasins Fish Management		635-500-3140	Wickiup Reservoir and Tributaries including the Deschutes River up to Crane Prairie Dam
635-500-1800	Applicability	635-500-3150	Crane Prairie Reservoir and Tributaries including the Deschutes River up to Little Lava Lake
635-500-1810	Organization of Rules	635-500-3160	Little Deschutes River and Tributaries
Metolius River Subbasin		635-500-3170	Crescent Lake
635-500-1820	Metolius River and Tributaries	635-500-3180	Summit Lake
635-500-1830	Blue and Suttle Lakes	635-500-3190	East Lake
635-500-1840	Cascade Mountain Lakes	635-500-3200	Paulina Lake
Crooked River Subbasin		635-500-3210	Paulina Creek
635-500-1850	Crooked River Subbasin	635-500-3220	Davis Lake
635-500-1860	Crooked River and its Tributaries Above Prineville Reservoir	635-500-3230	Odell Lake
635-500-1870	Crooked River and its Tributaries Below Prineville Reservoir	635-500-3240	Odell, Ranger and Maklaks Creeks
635-500-1880	Willow Creek	635-500-3250	Lava Lake and Little Lava Lake
635-500-1890	Prineville Reservoir	635-500-3260	Cultus Lake
635-500-1900	Ochoco Reservoir	635-500-3270	Little Cultus Lake
635-500-1910	Haystack Reservoir	635-500-3280	Century Drive Lakes Isolated from the Deschutes River (Sparks, Devils, Elk, Hosmer, North Twin, and South Twin Lakes)
635-500-1920	Lake Billy Chinook	635-500-3290	Cascade Mountain Lakes
635-500-1930	Lake Simtustus	635-500-3300	Miscellaneous Waters (Three Creeks Lake, Little Three Creeks Lake, Shevlin Pond, Century Pond, Sprague Pit Pond, Firemens Pond)
635-500-1940	Small Impoundments in the Crooked River Subbasin	635-500-3400	Applicability
		635-500-3410	Organization of Rules
		635-500-3420	Habitat
		635-500-3430	Winter Steelhead
		635-500-3440	Summer Steelhead
		635-500-3450	Coho
		635-500-3460	Spring Chinook
		635-500-3470	Fall Chinook
		635-500-3480	Wild Trout Production
		635-500-3490	Trout — Cascade Mountain Lakes
		635-500-3500	Trout — High Use Reservoirs and Small Ponds
		635-500-3510	Warmwater and Other Miscellaneous Fish
		635-500-3520	Public Access

Klamath River Basin Fish Management Policies and Objectives

635-500-3600	Applicability
635-500-3610	Organization of Rules
635-500-3620	Habitat Management
635-500-3630	Klamath River Basin, All Waters
635-500-3640	Klamath River: State Line to Upper Klamath Lake, including Spencer Creek, Lake Ewauna and Link River, of the Klamath River Basin
635-500-3650	Various Lakes, Rivers, and Tributaries of the Klamath River Basin
635-500-3660	Williamson River, Above the Falls (RM 23) and Tributaries, of the Klamath River Basin
635-500-3670	Sycan River, Sprague River North and South Forks, Cascade Mountain Streams, and Various Creeks of the Klamath River Basin
635-500-3680	Lost River and Tributaries
635-500-3690	Fourmile Lake
635-500-3700	Lake of the Woods
635-500-3710	Miller Lake and Miller Creek
635-500-3720	Cascade and Gearhart Mountain Lakes
635-500-3730	Howard Prairie Reservoir
635-500-3740	Hyatt Lake
635-500-3750	Little Hyatt Lake
635-500-3760	Keene Creek Reservoir
635-500-3770	Deadhorse Lake
635-500-3780	Holbrook Reservoir
635-500-3790	Heart Lake
635-500-3800	Big Swamp Reservoir
635-500-3810	Lofton Reservoir
635-500-3820	J. C. Boyle Reservoir
635-500-3830	Gerber Reservoir
635-500-3840	Willow Valley Reservoir
635-500-3850	Devil Lake
635-500-3860	Campbell Reservoir
635-500-3870	Bumpheads, Upper Midway, Dog Hollow, Round Valley, and Smith Reservoirs
635-500-3880	Angler Access

Miller Lake Lamprey Conservation Plan

635-500-3885	Miller Lake Lamprey Conservation Plan
635-500-4000	Applicability
635-500-4010	Organization of Rules
635-500-4020	Mid-Coast Small Ocean Tributary Streams, All Waters
635-500-4030	Habitat Management
635-500-4040	Fall Chinook
635-500-4050	Coho Salmon
635-500-4060	Winter Steelhead
635-500-4070	Cutthroat Trout
635-500-4080	Pacific Lamprey
635-500-4090	Crayfish
635-500-4100	Public Access
635-500-4300	Applicability
635-500-4310	Organization of Rules
635-500-4320	Salmon River Basin, All Waters
635-500-4330	Habitat Management
635-500-4340	Chum Salmon
635-500-4350	Fall Chinook
635-500-4360	Coho Salmon
635-500-4370	Winter Steelhead
635-500-4380	Cutthroat Trout
635-500-4390	Pacific Lamprey
635-500-4400	Crayfish
635-500-4410	Public Access
635-500-4500	Applicability
635-500-4510	Organization of Rules
635-500-4520	Siletz River Basin, All Waters
635-500-4530	Habitat Management
635-500-4540	Chum Salmon
635-500-4550	Fall Chinook
635-500-4560	Spring Chinook

635-500-4570	Coho Salmon
635-500-4580	Winter Steelhead
635-500-4590	Summer Steelhead
635-500-4600	Cutthroat Salmon
635-500-4610	White and Green Sturgeon
635-500-4620	Pacific Lamprey
635-500-4630	Crayfish
635-500-4640	Public Access
635-500-4800	Applicability
635-500-4810	Organization of Rules
635-500-4820	Alsea River Basin, All Waters
635-500-4830	Habitat Management
635-500-4840	Chum Salmon
635-500-4850	Fall Chinook
635-500-4860	Spring Chinook
635-500-4870	Coho Salmon
635-500-4880	Winter Steelhead
635-500-4890	Cutthroat Trout
635-500-4900	White and Green Sturgeon
635-500-4910	Pacific Lamprey
635-500-4920	Crayfish
635-500-4930	Public Access
635-500-5000	Applicability
635-500-5010	Organization of Rules
635-500-5020	Yachats River Basin, All Waters
635-500-5030	Habitat Management
635-500-5040	Fall Chinook
635-500-5050	Chum Salmon
635-500-5060	Coho Salmon
635-500-5070	Winter Steelhead
635-500-5080	Cutthroat Salmon
635-500-5090	Pacific Lamprey
635-500-5100	Crayfish
635-500-5110	Public Access
635-500-5200	Applicability
635-500-5210	Organization of Rules
635-500-5220	Siuslaw River Basin, All Waters
635-500-5230	Habitat Management
635-500-5240	Fall Chinook
635-500-5250	Spring Chinook
635-500-5260	Coho Salmon
635-500-5270	Chum Salmon
635-500-5280	Winter Steelhead
635-500-5290	Cutthroat Trout
635-500-5300	American Shad
635-500-5310	White and Green Sturgeon
635-500-5320	Pacific Lamprey
635-500-5330	Crayfish
635-500-5340	Public Access
635-500-5400	Nestucca River — Winter Steelhead

Upper Deschutes River Subbasin Anadromous Fish Management

635-500-6000	Applicability
635-500-6010	Organization of Rules
635-500-6020	Summer Steelhead
635-500-6030	Spring Chinook
635-500-6040	Sockeye Salmon
635-500-6050	Bull Trout
635-500-6060	Pacific Lamprey

DIVISION 1

ADMINISTRATION

Procedural Rules

635-001-0000

Notification of Interested Persons of Proposed Rules

Prior to the adoption, amendment, or repeal of any permanent rule, the Department shall give notice of the proposed action:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least twenty-one (21) days prior to the effective date.

(2) By mailing a copy of the notice to persons on the Agency's mailing list established pursuant to ORS 183.335(7) at least 28 days before the effective date of the rule.

(3) By mailing or furnishing a copy of the notice to the Associated Press.

Stat. Auth.: ORS 183.335 & 183.360

Stats. Implemented: ORS 183.335 & 183.360

Hist.: FWC 35, f. & ef. 1-13-76, Renumbered from 630-001-0000; FWC 81-1994, f. & cert. ef. 10-26-94

635-001-0005

Model Rules of Procedure

Pursuant to ORS 183.341, the Oregon Department of Fish and Wildlife hereby adopts the Model Rules of Procedure as promulgated by the Attorney General under the Administrative Procedures Act, dated January 1, 2006.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or the Department of Fish and Wildlife.]

Stat. Auth.: ORS 183.341(2)

Stats. Implemented: ORS 183.341

Hist.: GC 86, f. 8-26-58; GC 249, f. & ef. 12-1-71; GC 266, f. 10-18-73, ef. 11-11-73; FWC 25, f. & ef. 11-28-75, Renumbered from 630-001-0005; FWC 8-1978, f. & ef. 3-7-78; FWC 3-1981, f. & ef. 1-21-81; FWC 2-1982, f. & ef. 1-11-82; FWC 64-1983, f. & ef. 11-17-83; FWC 21-1986, f. & ef. 6-20-86; FWC 112-1991, f. & cert. ef. 9-30-91; FWC 28-1992, f. & cert. ef. 4-22-92; FWC 8-1994, f. & cert. ef. 2-7-94; DFW 1-2002, f. & cert. ef. 1-3-02; DFW 83-2003, f. & cert. ef. 8-28-03; DFW 50-2004, f. & cert. ef. 6-2-04; DFW 4-2006, f. & cert. ef. 2-15-06

635-001-0007

Model Public Contract Rules

The Model Public Contract Rules, promulgated by the Attorney General, are hereby adopted as the rules of procedures for the Department of Fish and Wildlife.

Stat. Auth.: ORS 496.138 & 496.146

Stats. Implemented: ORS 496.138 & 496.146

Hist.: FWC 27-1992, f. 4-22-92, cert. ef. 4-23-92

635-001-0010

Legal Notice Mailing List and Fee

Any person requesting in writing to be placed on the mailing list (as required by subsection (6) of ORS 183.335) to receive copies of each Department of Fish and Wildlife notice of intended rule making action given pursuant to paragraph (a) of subsection (1) of ORS 183.335 and copies of each rule adopted, amended, or repealed as filed in the office of the Secretary of State pursuant to subsection (1) of ORS 183.355 shall be notified that prior to placement on such mailing list an annual fee of \$25 is required to be remitted in advance to defray the costs of mailing and maintenance of mailing lists under subsection (6) of ORS 183.335.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 183

Hist.: FWC 24, f. 11-28-75, ef. 1-1-76, Renumbered from 630-001-0010

635-001-0020

Commission Policy on Advisory Bodies

The Commission shall, consistent with state law:

(1) Consider appointment of minorities and women to fill vacancies so that advisory bodies are representative of the population served, to the extent possible.

(2) Develop a system of staggered terms of office in order to maintain continuity.

(3) Limit terms to four years, with no more than two consecutive terms to be served by any member, unless the Commission, for just cause, chooses to extend the number of said terms or term.

(4) Direct advisory bodies to establish minimum frequency for meetings and to establish a minimum attendance required by advisory body members. The Commission shall be notified of advisory body members who fail to meet the minimum attendance and may, at their discretion, remove advisory body members who fail to meet the attendance requirement.

(5) Notify advisory body members upon their appointment that they serve at the pleasure of the Commission.

Stat. Auth.: ORS 496.138

Stats. Implemented: ORS 496.085, 496.228, 496.460, 506.465, 508.755 & Sec. 11, Ch. 512, OL 1989

Hist.: DFW 89-1998, f. & cert. ef. 11-25-98

635-001-0025

Civil Damages

(1) It is the policy of the Commission that the Director may institute suit for the recovery of damages for the unlawful taking or killing of wildlife pursuant to ORS 496.705.

(2) In deciding whether to institute suit against a person convicted of unlawfully taking or killing wildlife, the Director may consider, but is not limited to, the following criteria:

(a) Whether the person was convicted of unlawfully taking or killing more than one game or furbearing mammal;

(b) Whether the person was convicted of selling or wasting the wildlife, or parts thereof, unlawfully taken or killed;

(c) Whether the person convicted has also been convicted of any previous violations of the wildlife laws or regulations promulgated pursuant thereto;

(d) Whether the violation for which the person was convicted occurred outside any authorized season for the species taken or killed; and

(e) Whether the cumulative value, as established by ORS 496.705, of the wildlife unlawfully taken or killed is equal to or greater than \$100.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 15-1982, f. & ef. 3-5-82

635-001-0035

Sampling Data and Tag Recovery

It is *unlawful* for any person licensed by the Department of Fish and Wildlife to fail to comply with the directions of authorized Department personnel related to the collection of sampling data or material from salmon or other food fish. It is also *unlawful* for any such person to fail to relinquish to the Department any part of a salmon or other food fish containing coded-wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 26-1983(Temp), f. 6-30-83, ef. 7-1-83; FWC 20-1984, f. & ef. 5-11-84

635-001-0050

License Refunds

Consistent with the authority to make refunds prescribed in ORS 293.445(2):

(1) License and tag refunds will be granted upon request only to a person furnishing satisfactory evidence to the Department that:

(a) More licenses or tags than necessary have been acquired;

(b) A higher fee than set by statute was paid for; or

(c) A license agency made an error.

(d) Death of a tag holder occurs before the opening of the season for which the tag was issued; only the tag fee shall be refunded. For the purpose of this rule the person in possession of the deceased's tag shall be presumed to be entitled to the refund.

(2) Where seasons have closed that affect a large number of license buyers and where other similar opportunities are not available, the Director may authorize a license refund for monies received by the state, which, in equity and good conscience, it is not entitled to.

(3) For the purpose of this rule in sections (4) and (5) of this rule, application fee is defined as that portion of the money paid for an application card representing the cost to administer the controlled hunt program; tag fee is defined as that portion of the money paid for an application card representing the value of a particular tag prior to the drawing.

(4) Application fee and tag fee refunds will be granted upon written request only to a person issued an application card in error by a license agency. The request must be accompanied by the license agency's written acknowledgement of error.

(5) Tag fee refunds will be granted upon written request only to a person that:

(a) Has requested a refund and is unsuccessful in or disqualified from the drawing (normal computer refund).

(b) Has an unused application card and returns the original application card to the Department.

(c) Has lost the original application card or it was destroyed or stolen. The original hunter receipt copy must be returned to the Department. If both application card and receipt copy are lost, the Department will issue a refund only if the remittance copy is located;

(d) Has lost or never received a refund check or the check was destroyed or stolen. A signed affidavit form is required.

(e) Originally donated the tag fee, but requests a refund within 15 days of the drawing date.

Stat. Auth.: ORS 293.445

Stats. Implemented: ORS 293.445

Hist.: FWC 79-1985, f. & ef. 12-11-85; FWC 25-1987, f. & ef. 6-11-87; FWC 81-1994, f. & cert. ef. 10-26-94

635-001-0060

Tribal I.D. in Lieu of Licenses

In accordance with ORS 497.170, tribal identification cards may be issued in lieu of Department-issued free hunting and fishing licenses for Columbia River Treaty Tribe members.

Stat. Auth.: ORS 497

Stats. Implemented: ORS 497

Hist.: FWC 102-1987, f. 12-16-87, ef. 1-1-88

635-001-0100

Definition

For the purpose of ORS 498.279, "competition or contest in which prizes are offered" means any event where the total value of all cash or merchandise awards exceeds \$25.

Stat. Auth.: ORS 183, 299 & 496

Stats. Implemented: ORS 183, 299 & 496

Hist.: FWC 3-1982, f. & ef. 1-11-82; FWC 96-1987, f. & ef. 11-17-87

635-001-0105

Bass and Walleye Fishing Tournaments

Black bass or walleye fishing tournaments are subject to provisions of ORS 498.279 and the following rules:

(1) Permit Application and Processing; General Provisions.

(a) Requests for tournament permits, other than those specified in (2)(c), will be processed in order of time of receipt at an ODFW office beginning December 15 of the year proceeding the year in which the proposed tournament will be held.

(b) Parties requesting conflicting tournaments are encouraged to resolve the conflict among themselves. Parties may submit an amended tournament request that resolves conflicts among competing applicants that reserves the priority date of the original requests.

(c) At the request of the Commission, the sponsor of the event shall report the results of the event to the Commission, on a form provided by the Commission not later than 30 days after the end of the event.

(d) The Commission may order closure of any waters to competitions or contests when the Commission considers such action necessary to protect wildlife resources.

(e) Live fish must be released in scattered locations at least one mile from the weigh-in site or at locations designated by ODFW. The tournament director or a designee may exceed possession limits for the purpose of transporting fish from the weigh-in site to release sites on the same water.

(f) No bass or walleye may be retained by tournament sponsors or participants after a tournament ends except as specified in subsection (1)(g).

(g) The tournament director may dispose of fish that die during or as a result of tournament activities in the following manner:

(A) donated in accordance with local bag and possession limits to individuals at the weigh-in site not participating in or with the tournament. The tournament sponsor must issue a receipt for donated fish that must stay with the fish. The receipt must include the name of the recipient and the species and number of fish donated;

(B) the tournament director may exceed the bag or possession limit in order to transport the fish to donate them in a manner detailed in OAR 635-002-0005.

(2) Large Tournaments.

(a) Large tournaments are those with more than 24 boats or 49 individuals participating.

(b) A permit from ODFW is required. Sponsors must apply for permits at least 30 days prior to the event. Permit applications must include a written description of the manner in which the competition or contest is to be conducted. Such description shall include the location, dates and times of the event, the maximum number of boats participating, the amounts of prizes, and the equipment and methods to be used by contestants to keep fish taken in a live and healthy condition. Permits must be in possession of the sponsor or a designated representative at the tournament location, and must be shown to OSP or ODFW employees on request.

(c) Requests for bass tournament permits from the annual tournament scheduling workshop sponsored by the Oregon Bass Federation submitted to the Department by December 31 for tournaments the following year will be given priority so long as that workshop is widely advertised and equally open to all persons desiring to participate.

(d) The frequency of bass tournaments and number of participants is limited. Surface areas of tournament waters will be based on Atlas of Oregon Lakes (OSU Press, 1985). (See Table 1). No more large competitions or contests for bass may be held on any particular body of water than provided by table 1, and no more often than once in any 13-day period except on the Columbia River downstream from Bonneville Dam, including the Willamette River upstream to Willamette Falls, and on Columbia River impoundments, where a competition or contest may not be held at launch sites less than 10 river miles apart more often than once in any 13-day period. Distance between launch sites will be determined from the River Mile Index for the Main Stem Columbia River (Hydrology Subcommittee of the Columbia Basin Inter-Agency Committee, 1962) and the Willamette River Recreation Guide (Oregon State Marine Board and Oregon Parks and Recreation Department, 1998).

(e) Notwithstanding restrictions set forth in the Oregon Sport Fishing regulations published annually, the following catch and possession restrictions apply to participants in bass fishing tournaments. Participants competing as individuals may continue to fish while holding five bass of any size in the livewell, as long as one bass is released immediately upon catching a bass. Two person teams may continue to fish while holding 10 bass of any size in the livewell, regardless of the number of bass caught by each angler, as long as one bass is released immediately when either team member catches a bass. The released bass may be either the bass just caught, or from the livewell. However, if the number of participants on any single boat is three or more anglers, the possession limit per boat is limited to 10 bass of any size.

(f) Frequency of walleye tournaments is limited to one in each 13-day period, and the total number of tournaments is further limited as provided in Table 2, however, a competition or contest for walleye on the Columbia River downstream from Bonneville Dam, including the Willamette River upstream to Willamette Falls, and on Columbia River impoundments, may not be held at launch sites less than 10 river miles apart more often than once in any 13-day period. Distance between launch sites will be determined from the River Mile Index for the Main Stem Columbia River (Hydrology Subcommittee, 1962) and the Willamette River Recreation Guide (Oregon State Marine Board and Oregon Parks and Recreation Department, 1998).

(g) There is no limit on the number of participants in a walleye tournament.

(3) Small Bass or Walleye Tournaments.

(a) Small black bass or walleye fishing tournaments are those which have fewer than 50 participants and 25 participating boats.

(b) Sponsors must notify the local ODFW District fish biologist and OSP office of the location, date and time of the event at least 10 days prior to the commencement of the event.

(c) Tournament participant boats must be clearly marked as "Contestant" or "Tournament" in a manner visible without magnification from a minimum distance of 50 yards.

(d) Notwithstanding restrictions set forth in the Oregon Sport Fishing regulations published annually, the catch and possession restrictions in subsection (2)(e) of these rules apply to participants in small bass fishing tournaments.

[ED. NOTE: Tables and publications referenced are available from the agency.]

Stat. Auth.: ORS 498.118, 496.138 & 496.146

Stats. Implemented: ORS 498.279 & 498.284

Hist.: FWC 96-1987, f. & ef. 11-17-87; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; DFW 78-2001, f. & cert. ef. 8-24-01; DFW 127-2003, f. 12-11-03, cert. ef. 1-1-04

635-001-0116

Game Fish Tournaments

In accordance with ORS 498.286(2), when a prize is offered that exceeds \$1,000 for the amount, quality, size, weight or other physical characteristic of a game fish taken, other than black bass or walleye, the following restrictions apply:

(1) A permit from ODFW is required. Sponsors must apply for permits at least 60 days prior to the event. Permits must be in pos-

session of the sponsor or a designated representative at the tournament location, and must be shown to OSP or ODFW representatives on request. ODFW shall set permit conditions after consideration of the condition of the resource and social impacts.

(2) Permit applications shall be accepted beginning November 1 of the year prior to the event. No more than one event on any water body shall be authorized on any single date, and no more than two tournaments shall be authorized on any single water body in any 14 days.

(3) All current angling regulations apply and shall not be altered to accommodate any tournament. In addition, special permit conditions such as reduced bag limits may be applied in order to protect affected fish stocks.

(4) Catch and release is permitted, provided fish are released unharmed.

(5) Tournament sponsors are responsible for identifying non-profit outlets for any unwanted fish which result from the tournament.

(6) Tournament sponsors are responsible for meeting all other state and local requirements for such things as special use permits, etc.

Stat. Auth.: ORS 496.118, 496.138 & 496.146
Stats. Implemented: ORS 498.279
Hist.: DFW 90-1998, f. & cert. ef. 11-25-98

Standards and Procedures Under the Wildlife Law Violator Compact

635-001-0200

Purpose

The purpose of these rules is to provide standards and procedures for license suspension and revocation required under the Wildlife Violator Compact (Compact), and to identify the Compact Administrator to the Board of Compact Administrators for the State of Oregon.

Stat. Auth.: ORS 496 & 497
Stats. Implemented: ORS 496 & 497
Hist.: FWC 43-1991, f. 5-1-91, cert. ef. 5-6-91

635-001-0205

Definitions

The Wildlife Violator Compact, ORS 496.715, defines "suspension" to include any revocation, denial or withdrawal of any or all license privileges. However, to insure consistency with other applicable law, the terms "revocation" and "suspension" as used in these rules shall have the following meaning:

(1) "Revocation" means to cancel, annul and make void for the entire remainder of the term of any license.

(2) "Suspension" means to temporarily discontinue and interrupt a license, but with an expectation that it may be reinstated upon the occurrence of a specific event, such as evidence of compliance with a citation.

Stat. Auth.: ORS 496 & 497
Stats. Implemented: ORS 496 & 497
Hist.: FWC 43-1991, f. 5-1-91, cert. ef. 5-6-91

635-001-0210

Standard for License Suspension or Revocation

(1)(a) Upon receipt of the following information from a party state to the Compact, the Director shall initiate license suspension proceedings in accordance with OAR 635-01-215:

(b) That a person has failed to comply with the terms of a citation from the licensing authority of a party state. Such suspension shall remain in effect until the Director receives adequate evidence of compliance with the citation.

(2) Upon receipt of the following information from a party state to the Compact, the Director or Commission may initiate license suspension or revocation proceedings as appropriate in accordance with OAR 635-01-215.

(a) That a person has had his or her license privileges suspended or revoked in a party state for an offense which could have been the basis for suspension or revocation of license privileges in Oregon. Where the Commission chooses to suspend, such suspension shall remain in effect until the Commission receives adequate evidence of reinstatement of license privileges in the party state;

(b) That a person has been convicted in a party state of a misdemeanor or felony or forfeited bail, for an offense that could have been the basis for revocation of license privileges had it occurred in Oregon and when bail in Oregon for the offense would have been \$50 or more;

(c) That an individual has been convicted in a party state of a crime which would be classed as a violation in Oregon; and that person has been convicted of previous violations in Oregon or of previous crimes in a party state that would be classed as a violation in Oregon.

Stat. Auth.: ORS 496.750
Stats. Implemented:
Hist.: FWC 43-1991, f. 5-1-91, cert. ef. 5-6-91; DFW 40-2006, f. & cert. ef. 6-9-06

635-001-0215

Procedures to Suspend or Revoke

(1) When the Director is notified of a failure to comply with the terms of a citation from the licensing authority of a party state, the Director shall initiate license suspension proceedings in accordance with this section.

(2) When the Commission has been notified of any of the conditions under 635-001-0210(2), the Director or Commission may initiate license suspension or revocation proceedings in accordance with this section.

(3) The person shall be notified in writing of the Director's or Commission's intention to suspend, revoke, or refuse to issue, licenses and tags, and shall be provided with an opportunity to request a hearing within 14 days of the date of mailing.

(4) If at the end of 14 days no response has been received, a final order shall be issued suspending, revoking or refusing to issue license privileges and mailed by certified mail to the person.

(5) If prior to 14 days from the date of mailing the person submits a request for a hearing, a hearing will occur. At the discretion of the Department, the case may be reviewed in writing upon stipulation by the licensee or a hearing may be scheduled before the administrative law judge.

(6) Following the administrative law judge's review, a proposed order, including findings of fact and conclusions of law, shall be prepared by the administrative law judge, served on all parties, and shall be forwarded to the Director or Commission.

(7) In accordance with ORS Chapter 183, the Director or Commission shall provide an opportunity to all parties to respond in writing within 14 days to the proposed order of the administrative law judge.

(8) A final order shall be reviewed and signed by the Director or Commission chair and all parties shall be provided a copy by certified mail.

Stat. Auth.: ORS 496 & 497
Stats. Implemented: ORS 496 & 497
Hist.: FWC 43-1991, f. 5-1-91, cert. ef. 5-6-91; DFW 40-2006, f. & cert. ef. 6-9-06

635-001-0220

Compact Administrator

For the purposes of Article VII of the Wildlife Violator Compact referred to in ORS 496.750 the Administrative head of the Oregon State Police Game Enforcement unit, or his or her designee, shall be the Compact Administrator for the State of Oregon.

Stat. Auth.: ORS 496 & 497
Stats. Implemented: ORS 496 & 497
Hist.: FWC 43-1991, f. 5-1-91, cert. ef. 5-6-91

635-001-0230

Payment of R&E Revenues to Watershed Improvement Grant Fund

In accordance with Chapter 8, Oregon Laws 1997, \$1,000,000 of revenues from surcharges on recreational licenses deposited to the Restoration and Enhancement Fund shall be paid to the Watershed Improvement Grant Fund in accordance with the following schedule:

- (1) On or before June 30, 1998, \$400,000 to be transferred.
- (2) On or before January 1, 1999, \$200,000 to be transferred.
- (3) On or before June 30, 1999, \$400,000 to be transferred.

Stat. Auth.: Sec. 13, Ch. 8, HB 3700, 1997
Stats. Implemented: Sec. 13, Ch. 8, HB 3700, 1997
Hist.: FWC 55-1997, f. & cert. ef. 9-4-97

General Rules

635-001-0301

Inspection of Public Records

All records of the Commission and the Department defined as public records under ORS 192.410, and not exempt from disclosure under ORS 192.501 to 192.505, are available for inspection by members of the public at the current principal offices of the Commission and Department in Salem, Oregon, or other reasonable location

designated by the Director. Inspection of such records will be permitted during normal Department work hours, provided responding to such a request does not unreasonably disrupt the Commission's and the Department's duties.

Stat. Auth.: ORS 192.420

Stats. Implemented: ORS 192.420

Hist.: DFW 34-2000, f. & cert. ef. 6-23-00; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-001-0311

Information Officers and Certification of Public Records

(1) The following individuals are designated as information officers for all public records requests:

(a) Assistant to the Commission for agendas, reports, correspondence and other files maintained by and for the Commission itself;

(b) Director of the Department, Deputy Director, Director of each division and section heads, for records and files of the Department and its staff;

(c) Each information officer must designate an alternate.

(2) Upon request, the information officer will give a certified copy of any released public record.

Stat. Auth.: ORS 192.430

Stats. Implemented: ORS 192.430

Hist.: DFW 34-2000, f. & cert. ef. 6-23-00

635-001-0321

Requests to Inspect or Obtain Copies of Public Records

A request to inspect or get copies of a public record or information from public records may be made orally or in writing and must identify as specifically as possible the type of record, subject matter, approximate date, names of persons involved, and the number of copies requested. If the request is made in writing, the person must include the name, address and phone number of the person requesting the public records.

Stat. Auth.: ORS 192.440

Stats. Implemented: ORS 192.440

Hist.: DFW 34-2000, f. & cert. ef. 6-23-00

635-001-0331

Fees for Inspection and Copies of Public Records

(1) The Department will establish a fee schedule for records search and for copies of public records or information from public records. The amount of the fees will be set from time to time on the basis of the Department's reasonable estimates of the cost for:

(a) Staff time necessary to locate and handle the record;

(b) Producing the copies of the information;

(c) Other supplies or procedures necessary to furnish the copies of information.

(2) The cost of mailing or shipping the copies of public records will be added to the amount of the fee from the fee schedule to arrive at the total fee.

(a) No fees will be charged to other state agencies for providing copies of Commission transcripts, tapes, orders, or any document or record of the Department, not exempt from disclosure under ORS 192.501 to 192.505.

(b) The Department may waive or reduce its public records fees if the Department determines that making the record available primarily benefits the general public.

Stat. Auth.: ORS 192.440

Stats. Implemented: ORS 192.440

Hist.: DFW 34-2000, f. & cert. ef. 6-23-00

DIVISION 2

DISPOSAL OF WILDLIFE AND EQUIPMENT SEIZED OR OTHERWISE ACQUIRED

635-002-0005

Disposal of Edible Wildlife

Carcasses of edible wildlife, except black bear, shall be disposed of in the following manner:

(1) Donated to public and charitable institutions such as welfare organizations, churches, and others provided the receiving agency pays all storage and handling charges and does not sell the meat.

(2) Donated to persons determined to be eligible because of low income or medical reasons, provided the eligible person requests and

accepts the carcass as delivered, consumes the meat at his/her place of residence, and does not offer it for sale.

(3) Donated to wildlife rehabilitators licensed by the Department provided those rehabilitators use the meat to feed sick, injured, or orphaned wildlife and do not sell the meat.

(4) Donated to rendering plants, pet food manufacturers or disposed of as specified by personnel of the Department.

Stat. Auth.: ORS 183.545, 183.550, 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 183.545, 183.550, 496.012, 496.138, 496.146 & 496.162

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74; FWC 135, f. & ef. 8-4-77, Renumbered from 630-025-0004, Renumbered from 635-020-0005; FWC 84-1984, f. & ef. 12-24-84; FWC 32-1991, f. & cert. ef. 3-25-91; FWC 36-1993, f. & cert. ef. 6-14-93

635-002-0007

Disposal of Black Bear Carcasses

Except as provided in OAR 635-002-0009 for bear taken due to a threat of human safety, carcasses of black bear shall be disposed of in the following manner:

(1) Donated to wildlife rehabilitators licensed by the Department provided those rehabilitators use the meat to feed sick, injured or orphaned wildlife and do not sell the meat.

(2) Donated to persons determined to be eligible because of low income or medical reasons, provided the eligible persons sign a written release acknowledging the proper methods of preparation for human consumption, accepts the carcass as is, consume the meat at their place of residence and do not offer the meat for sale.

(3) Donated to persons or public or charitable institutions who request their name be placed on a waiting list maintained by the Department. These persons or public or charitable institutions will be notified on a first-come, first-serve basis and shall sign a written release acknowledging the proper methods of preparation for human consumption, accepts the carcass as is, consume the meat at their place of residence and do not offer the meat for sale.

(4) Donated to rendering plants, pet food manufacturers or disposed of as specified by personnel of the Department. Department directed disposal of black bear carcasses may include but is not limited to disposal at approved landfill sites; disposal on public or private lands; used in research activities; or for other scientific, enforcement or educational purposes.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 84-1984, f. & ef. 12-24-84; FWC 32-1991, f. & cert. ef. 3-25-91; FWC 36-1993, f. & cert. ef. 6-14-93; DFW 96-1998, f. & cert. ef. 11-25-98; DFW 107-2002, f. & cert. ef. 9-28-02

635-002-0008

Disposition of Wildlife Taken on Damage

In accordance with ORS 498.012, any wildlife taken on damage shall be disposed of in the following manner:

(1) Any deer, elk, antelope, bighorn sheep or gamebird shall be salvaged and delivered to a location determined by the Department. Carcasses shall be disposed of as directed by OAR 635-002-0005.

(2) Black bear taken on damage shall be disposed of in the following manner:

(a) The carcass and hide, including gall bladder and female reproductive tract, shall be delivered to a location determined by the Department;

(b) The department may permit the landowner to retain the carcass including hide, skull, paws, claws, and meat (but not the gall bladder) for personal use. The hide, head, paws, claws, and meat may not be sold or bartered.

(A) If the landowner chooses to retain the carcass he/she must sign a written release provided by the department acknowledging the proper methods of preparation for human consumption, accepting the carcass as is, and that the meat will not be offered for sale;

(B) If the carcass, including hide, skull, paws and claws or meat, is transferred to another person, written documentation must be provided as outlined in OAR 635-065-0765(5).

(c) If the landowner chooses not to retain the carcass, including the hide, skull, paws, claws, and meat, the carcass shall be disposed of as directed in OAR 635-002-0007.

(d) The hide, skull, paws, claws, and gall bladder shall be salvaged and disposed of in a manner determined by the department. Options for disposition include but are not limited to scientific, enforcement, or educational purposes.

(3) Any cougar taken when damaging livestock shall be disposed of in the following manner:

(a) The carcass and hide, including viscera, shall be delivered to a location determined by the Department;

(b) The Department may permit the landowner to retain the legally marked hide and carcass, including the skull of such cougar for personal use. Such skull, hide, and carcass, including feet and claws, may not be sold or bartered;

(c) Such hide shall be marked with a possession tag which shall remain with the hide.

(4) Any red fox or bobcat shall be disposed of in a manner determined by the Department. Priority for disposition shall be for scientific, enforcement, or educational purposes.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 32-1991, f. & cert. ef. 3-25-91; DFW 96-1998, f. & cert. ef. 11-25-98; DFW 41-2006, f. & cert. ef. 6-14-06

635-002-0009

Disposition of Bear and Cougar Killed Posing a Threat to Human Safety

This rule implements the Department's responsibilities under ORS 498.166, enacted by the 2001 Oregon Legislature, which authorizes any person to take a cougar or bear that poses a threat to human safety.

(1) Any person who takes a black bear posing a threat to human safety shall dispose of the bear in the following manner:

(a) The carcass, hide, and meat, including gall bladder and female reproductive tract, shall be delivered to a location determined by the Department;

(b) The Department shall not permit the person to retain any part of the carcass including hide, skull, paws, claws, meat, or gall bladder for personal use.

(c) The hide, skull, paws, claws, and gall bladder shall be salvaged and disposed of in a manner determined by the Department. Options for disposition shall include scientific, enforcement, or educational purposes.

(d) Edible portions of the carcasses shall be disposed of as outlined in OAR 635-002-0007.

(2) Any person who takes a cougar posing a threat to human safety shall dispose of the cougar in the following manner:

(a) The carcass, hide, and meat, including female reproductive tract, shall be delivered to a location determined by the Department;

(b) The Department shall not permit the person to retain any part of the carcass including hide, skull, paws, claws, or meat for personal use.

(c) The hide, skull, paws, and claws shall be salvaged and disposed of in a manner determined by the Department. Options for disposition include but are not limited to scientific, enforcement, or educational purposes.

(d) Inedible portions of the carcasses shall be disposed of as outlined in OAR 635-002-0010.

Stat. Auth.: ORS 183.545, 183.550, 496.012, 496.138, 496.146, 496.162 & 498.166

Stats. Implemented: ORS 183.545, 183.550, 496.012, 496.138, 496.146, 496.162 & 498.166

Hist.: DFW 107-2002, f. & cert. ef. 9-28-02

635-002-0010

Disposition of Inedible Wildlife

Carcasses of inedible wildlife shall be disposed of in a manner directed by the Department including donations to rendering plants, pet food manufacturers, or zoos, provided the meat is not used for human consumption.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0005, Renumbered from 635-020-0010; FWC 32-1991, f. & cert. ef. 3-25-91

635-002-0012

Disposition of Wildlife or Wildlife Parts

Any wildlife or parts of wildlife acquired and not otherwise specifically directed elsewhere in this division shall be disposed of as follows: Pelts or hides of furbearing and game mammals shall be disposed of in a manner determined by the Department including use for scientific, enforcement or educational purposes. Pelts or hides may be sold.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: FWC 32-1991, f. & cert. ef. 3-25-91

635-002-0020

Sale Price of Wildlife

The price of furbearing and other mammal pelts shall be established at public auction.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0007, Renumbered from 635-020-0020; FWC 32-1991, f. & cert. ef. 3-25-91

635-002-0025

Payment for Wildlife Sold

Payment must be made at the time of delivery by check or money order to the Oregon Department of Fish and Wildlife.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0008, Renumbered from 635-020-0025; FWC 32-1991, f. & cert. ef. 3-25-91

635-002-0030

Sale of Seized Fish or Shellfish

In accordance with ORS 506.690, all food fish and shellfish taken by or in possession of any person in violation of the commercial fishing laws or regulations of the Commission shall be seized. To prevent spoilage, the fish so seized and not required as evidence shall be sold. The officer undertaking the sale shall, if reasonable and practical, obtain more than one bid price for the seized fish to insure the price paid is the market value of the fish at the time of seizure. Market value as used in subsection (3) of ORS 506.690 and this regulation means the price at fisherman or producer level. If it is not practical to sell seized fish to prevent spoilage, such fish may be provided for food purposes, free gratis to any state, county, or other public institution. Any food fish or shellfish seized and determined as unsuitable for human consumption may be destroyed.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; Renumbered from 625-030-0090, 1975; Renumbered from 635-020-0030, 1979

635-002-0035

Disposal or Sale of Forfeited Fishing Gear and Boats

(1) All property received by the Commission under order of forfeiture of any court shall be disposed of by public sale to the highest bidder. However, forfeited property in the custody of the Oregon State Police which is determined to have a value of less than the expense which would be incurred in such property's transfer to the Commission and subsequent sale, may be authorized for destruction.

(2) The State Police officer having custody of the forfeited property must request and receive approval of the property control officer of the Commission before the property may be destroyed.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; Renumbered from 625-030-0095, 1975; Renumbered from 635-020-0035, 1979

635-002-0100

When Salmon Eggs are Surplus

For the purposes of ORS 508.730, the following criteria shall be used in determining when all natural and artificial fish production needs of the state have been met:

(1) General limitations — Salmon eggs will not be declared surplus unless and until the capacities of all public hatchery facilities contributing fish for release in Oregon waters, including coastal streams and Columbia River and tributaries, have been filled, and approved rehabilitation and enhancement programs, including Salmon and Trout Enhancement Program, have been provided for. However, the Department recognizes that certain constraints may limit hatchery production to less than full capacity, including available finances, legislative direction, Commission policy, and status of stream/water body management plans. The Department may not be able to locate, determine, or accommodate all areas of need at any one time.

(2) Biological limitations — Biological factors which limit numbers of salmon eggs that can be utilized in meeting state needs are:

(a) Fish carrying capacity of a given stream or water body;

(b) Probability of disease transfer to naturally produced stocks;

- (c) Maintenance of genetic integrity or compatibility of stocks;
 (d) Impacts of other species of fish.
 Stat. Auth.: ORS 183, 506 & 508
 Stats. Implemented: ORS 183, 506 & 508
 Hist.: FWC 4-1982, f. & ef. 1-11-82

COMMERCIAL FISHERIES

DIVISION 3

OCEAN COMMERCIAL SALMON FISHERY

General Rules

635-003-0003

Purpose and Scope

(1) The purpose of Division 003 is to provide for management of commercial salmon fisheries off the Oregon Coast over which the state has jurisdiction.

(2) Division 003 incorporates into Oregon Administrative Rules, by reference, the annual ocean troll salmon specifications and management measures for 2005, included in the **Pacific Fishery Management Council — Adopted 2005 Ocean Salmon Management Measures and Impacts, dated April 2005**, and in addition to the extent they are consistent with these rules, **Code of Federal Regulations (CFR), Title 50, Part 660, Subpart H (61FR34572, July 2, 1996**, as amended to incorporate the standards in the Pacific Fishery Management Council referenced document). Therefore, persons must consult the **Pacific Fishery Management Council referenced document and Federal Regulations** in addition to Division 003 to determine all applicable troll salmon fishing requirements. A copy of the **Pacific Fishery Management Council referenced document and the Federal Regulations** may be obtained by contacting Pacific Council News at www.pcouncil.org or at 7700 NE Ambassador Place, Suite 200, Portland, OR 97220-1383.

(3) To the extent not preempted by Federal law, these regulations apply within the State of Oregon's Fisheries Conservation Zone (out to fifty miles from shore).

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.129

Hist.: FWC 29-1989, f. 4-28-89, cert. ef. 5-1-89; FWC 25-1994, f. & cert. ef. 5-2-94; FWC 20-1996, f. & cert. ef. 4-29-96; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 38-2000, f. & cert. ef. 7-3-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; Administrative correction, 11-16-06

635-003-0004

Inclusions and Modifications

(1) OAR 635-003-0005 through 635-003-0076 modify or are in addition to provisions contained in **Code of Federal Regulations, Title 50, Part 660, Subpart H**.

(2) The **Code of Federal Regulations (CFR), Title 50, Part 660, Subpart H**, provides requirements for commercial salmon fishing in the Pacific Ocean off the Oregon coast. However, additional regulations may be promulgated subsequently, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations.

(3) This rule contains requirements which modify commercial salmon fishing regulations off the Oregon coast. The following modifications are organized in sections that apply to the ocean commercial salmon fishery in general and within management zones established by the Pacific Fishery Management Council and enacted by **Federal Regulations (CFR, Title 50, Part 660, Subpart H)**.

(4) General Requirements, Definitions, Restrictions or Exceptions: Vessels prevented by unsafe weather conditions or mechanical problems from meeting management area landing restrictions, must notify the U.S. Coast Guard and receive acknowledgement of such notification prior to leaving the area. Notification shall include the vessel name, port where delivery will be made, approximate number of salmon (by species) on board, and estimated time of arrival.

(5) South of Cape Falcon to Humbug Mountain:

(a) Open for all salmon except coho March 15–March 25 and April 1–April 15;

(b) It is *unlawful* to take chinook salmon less than 27 inches in length;

(c) It is *unlawful* to retain incidentally caught halibut during the March/April salmon season;

(d) It is *unlawful* to fish with gear having more than four spreads per wire, and only single point, single shank barbless hooks are allowed;

(e) A triangular area offshore is open to the retention of all chinook salmon consistent with seasons adopted by the Pacific Fishery Management Council in adjacent waters, except that prior to August 1 only fin-clipped chinook salmon may be retained in this area. This triangular area extends from the green buoy approximately one-half mile offshore from the mouth of Tillamook Bay northeasterly to Twin Rocks (45°35'49" N. lat.) and southeasterly to Pyramid Rock (45°29'49" N. lat.).

(6) Humbug Mountain, Oregon, to Humboldt South Jetty: When the fishery is closed north of the Oregon/California border and open to the south, vessels with fish on board taken in the open area may request authorization to temporarily moor in Brookings, Oregon, prior to landing in California. Such vessels shall first notify the Chetco River Coast Guard Station via VHF Channel 22A between the hours of 0500 and 2200. Proper notification shall include the vessel name, number of fish on board, and estimated time of arrival.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.129

Hist.: FWC 29-1989, f. 4-28-89, cert. ef. 5-1-89; FWC 42-1991, f. 4-29-91, cert. ef. 5-1-91; FWC 25-1994, f. & cert. ef. 5-2-94; FWC 83-1994(Temp), f. 10-28-94, cert. ef. 11-1-94; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 40-1995(Temp), f. & cert. ef. 5-18-95; FWC 62-1995(Temp), f. 7-27-95, cert. ef. 7-28-95; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 26-1996(Temp), f. 5-16-96, cert. ef. 5-17-96; FWC 31-1996(Temp), f. & cert. ef. 6-4-96; FWC 19-1997(Temp), f. 3-17-97, cert. ef. 4-15-97; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 33-1997(Temp), f. & cert. ef. 5-28-97; FWC 44-1997(Temp), f. & cert. ef. 8-13-97; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 36-1998(Temp), f. 5-12-98, cert. ef. 5-13-98 thru 5-15-98; DFW 38-1998(Temp), f. & cert. ef. 5-15-98 thru 6-15-98; DFW 39-1998(Temp), f. 5-19-98, cert. ef. 5-20-98 thru 5-23-98; DFW 44-1998(Temp), f. 6-1-98, cert. ef. 6-2-98 thru 6-4-98; DFW 64-1998(Temp), f. 8-14-98, cert. ef. 8-15-98 thru 8-21-98; DFW 65-1998(Temp), f. & cert. ef. 8-21-98 thru 8-31-98; DFW 20-1999(Temp), f. 3-29-99, cert. ef. 4-1-99 thru 4-30-99; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 16-2000(Temp), f. 3-31-00, cert. ef. 4-1-00 thru 4-30-00; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 45-2000(Temp), f. 8-10-00, cert. ef. 8-11-00 thru 8-31-00; DFW 46-2000(Temp), f. 8-10-00, cert. ef. 8-10-00 thru 9-30-00; DFW 49-2000(Temp), f. 8-17-00, cert. ef. 8-18-00 thru 9-30-00; DFW 56-2000(Temp), f. 8-31-00, cert. ef. 9-1-00 thru 9-30-00; DFW 59-2000(Temp), f. & cert. ef. 9-6-00 thru 9-30-00; DFW 73-2000(Temp), f. 10-26-00, cert. ef. 10-28-00 thru 11-1-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 48-2001(Temp), f. 6-14-01, cert. ef. 6-15-01 thru 6-30-01; DFW 58-2001(Temp), f. 7-18-01, cert. ef. 7-20-01 thru 9-30-01; DFW 67-2001(Temp), f. 8-2-01, cert. ef. 8-3-01 thru 9-30-01; DFW 69-2001(Temp), f. & cert. ef. 8-8-01 thru 9-30-01; DFW 74-2001(Temp), f. & cert. ef. 8-17-01 thru 9-30-01; DFW 83-2001(Temp), f. 8-30-01, cert. ef. 8-31-01 thru 9-30-01; DFW 22-2002(Temp), f. 3-19-02, cert. ef. 3-20-02 thru 4-30-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 58-2002(Temp), f. 6-6-02, cert. ef. 6-7-02 thru 6-30-02; DFW 65-2002(Temp), 6-27-02, cert. ef. 7-1-02 thru 12-27-02; DFW 72-2002(Temp), f. 7-11-02, cert. ef. 7-12-02 thru 12-31-02; DFW 76-2002(Temp), f. 7-25-02, cert. ef. 7-26-02 thru 12-31-02; DFW 77-2002(Temp), f. & cert. ef. 7-26-02 thru 12-31-02; DFW 84-2002(Temp), f. 8-8-02, cert. ef. 8-9-02 thru 12-31-02; DFW 86-2002(Temp), f. & cert. ef. 8-9-02 thru 12-31-02; DFW 92-2002(Temp), f. & cert. ef. 8-22-02 thru 12-31-02; DFW 101-2002(Temp), f. & cert. ef. 9-9-02 thru 12-31-02; DFW 111-2002(Temp), f. 10-8-02, cert. ef. 10-14-02 thru 12-31-02; DFW 18-2003(Temp), f. 2-28-03, cert. ef. 3-1-03 thru 4-30-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 47-2003(Temp), f. 6-5-03, cert. ef. 6-6-03 thru 6-30-03; Administrative correction, 2-18-05; DFW 10-2005(Temp), f. 3-2-05, cert. ef. 3-15-05 thru 4-30-05; DFW 17-2005(Temp), f. & cert. ef. 3-15-05 thru 4-15-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 13-2006(Temp), f. 3-14-06, cert. ef. 3-15-06 thru 4-30-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; Administrative correction, 11-16-06

635-003-0005

Area

As used in this division, the Pacific Ocean includes that area of the Columbia River seaward of a straight line from the knuckle of the south jetty on the Oregon shore to the inshore end of the north jetty on the Washington shore.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FC 241, f. 4-5-72, ef. 4-15-72, Renumbered from 625-010-0000; FWC 16-1978, f. & ef. 3-24-78, Renumbered from 635-036-0005

635-003-0074

Automatic Season Closures

(1) Salmon harvest quotas for Oregon, which include fish caught in the Fishery Conservation Zone (3-200 mile) are set forth in **Federal Register Notice FR Doc. 92-0412-2112, filed May 1, 1992, published pursuant to 50 CFR 661.20 49 FR 43685, October 31, 1984**.

(2) Upon a determination by the Regional Director of the National Marine Fisheries Service, after consulting with the states, of the date

the catch is projected to reach the quotas set forth in section (1) of this rule, the Fish and Wildlife Director may file a temporary rule with the Secretary of State designating those dates when the season will close.

Stat. Auth.: ORS 496.138, 496.162, 506.119 & 506.129

Stats. Implemented:

Hist.: FWC 16-1983, f. & ef. 4-29-83; FWC 17-1984, f. & ef. 4-30-84; FWC 20-1985, f. & ef. 5-1-85; FWC 13-1986, f. & ef. 5-1-86; FWC 19-1987, f. & ef. 5-5-87; FWC 27-1988, f. 4-29-88 (and amended 5-16-88), cert. ef. 5-1-88; FWC 33-1989, f. & cert. ef. 5-25-89; FWC 37-1990, f. & cert. ef. 5-1-90; FWC 39-1990(Temp), f. & cert. ef. 5-11-90; FWC 40-1990(Temp), f. & cert. ef. 5-18-90; FWC 42-1990(Temp), f. & cert. ef. 5-25-90; FWC 47-1990(Temp), f. 5-30-90, cert. ef. 5-31-90; FWC 48-1990(Temp), f. 6-7-90, cert. ef. 6-8-90; FWC 49-1990 (Temp), f. 6-13-90, cert. ef. 6-14-90; FWC 73-1990(Temp), f. 7-31-90, cert. ef. 8-1-90; FWC 79-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; FWC 85-1990(Temp), f. 8-24-90, cert. ef. 8-25-90; FWC 97-1990(Temp), f. 9-14-90, cert. ef. 9-15-90; FWC 99-1990(Temp), f. 9-17-90, cert. ef. 9-18-90; FWC 104-1990(Temp), f. 9-21-90, cert. ef. 9-22-90; FWC 106-1990(Temp), f. & cert. ef. 9-25-90; FWC 42-1991, f. 4-29-91, cert. ef. 5-1-91; FWC 72-1991(Temp), f. 7-11-91, cert. ef. 7-12-91; FWC 74-1991(Temp), f. 7-12-91, cert. ef. 7-15-91; FWC 76-1991 (Temp), f. 7-29-91, cert. ef. 8-10-91; FWC 87-1991(Temp), f. 8-9-91, cert. ef. 8-10-91; FWC 93-1991, f. 8-30-91, cert. ef. 9-1-91; FWC 111-1991(Temp), f. & cert. ef. 9-30-91; FWC 31-1992, f. 4-29-92, cert. ef. 5-1-92; FWC 57-1992(Temp), f. 7-24-92, cert. ef. 7-25-92; FWC 63-1992(Temp), f. 7-30-92, cert. ef. 7-31-92; FWC 65-1992(Temp), f. & cert. ef. 8-6-92; FWC 66-1992(Temp), f. 8-7-92, cert. ef. 8-8-92; FWC 75-1992(Temp), f. 8-11-92, cert. ef. 8-12-92; FWC 77-1992 (Temp), f. 8-19-92, cert. ef. 8-20-92; FWC 78-1992(Temp), f. & cert. ef. 8-25-92; FWC 53-1993(Temp), f. 8-31-93, cert. ef. 9-1-93; FWC 55-1993(Temp), f. & cert. ef. 9-9-93; FWC 58-1993(Temp), f. 9-15-93, cert. ef. 9-16-93; FWC 28-1994(Temp), f. 5-19-94, cert. ef. 5-20-94; Administrative correction, 2-18-05

Pink Salmon

635-003-0077

US-Canada Border to Cape Falcon

(1) All vessels participating in the commercial ocean salmon fishery must land their fish within the area or in Garibaldi, Oregon, and within 24 hours of any closure of this fishery. Oregon licensed limited fish sellers and fishers intending to transport and deliver their catch outside the area must notify ODFW one hour prior to transport away from the port of landing by calling (541) 867-0300 extension 271. Notification shall include vessel name and number, number of salmon by species, location of delivery, and estimated time of delivery.

(2) The commercial troll salmon fishery is closed to all troll salmon fishing from 12:01 a.m. June 16, 2006 through 11:59 p.m. June 26, 2006.

(3) The commercial troll salmon fishery is open effective 12:01 a.m. June 27, 2006 through 11:59 p.m. June 30, 2006. For the four day period there is a 20 chinook landing and possession limit per vessel.

(4) The commercial troll salmon fishery is open effective 12:01 a.m. July 29, 2006 through 11:59 p.m. September 15, 2006. From July 29, 2006 through August 1, 2006 the fishery is open on a cycle of Saturday through Tuesday with a 60 chinook and 35 adipose fin-clipped coho landing and possession limit per vessel per open period. From August 19, 2006 through September 7, 2006 the fishery is open on a cycle of Saturday through Tuesday with a 80 chinook and 40 adipose fin-clipped coho landing and possession limit per vessel per open period. From September 8, 2006 through September 15, 2006 the fishery is open with a 160 chinook and 80 adipose fin-clipped coho landing and possession limit for the eight day period. Only single point/single shank barbless hooks may be used. No other special gear regulations are in effect.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.129

Hist: DFW 6-2005, f. & cert. ef. 2-14-05; DFW 36-2005(Temp), f. & cert. ef. 5-4-05 thru 10-27-05; DFW 48-2005(Temp), f. 5-23-05, cert. ef. 5-24-05 thru 10-27-05; DFW 49-2005(Temp), f. 6-1-05, cert. ef. 6-3-05 thru 10-27-05; DFW 59-2005(Temp), f. 6-21-05, cert. ef. 6-26-05 thru 10-27-05; DFW 97-2005(Temp), f. & cert. ef. 8-23-05 thru 12-31-05; Administrative correction 1-19-06; DFW 43-2006(Temp), f. & cert. ef. 6-16-06 thru 11-16-06; DFW 70-2006(Temp), f. 7-28-06, cert. ef. 7-29-06 thru 12-31-06; DFW 85-2006(Temp), f. 8-18-06, cert. ef. 8-19-06 thru 2-14-07; DFW 93-2006(Temp), f. 9-7-06, cert. ef. 9-8-06 thru 12-31-06

635-003-0078

Humbug Mountain to the Oregon/California Border

All vessels participating in the commercial ocean salmon fishery must land their fish in Gold Beach, Port Orford, or Brookings, Oregon, and within 24 hours of any closure. Fishers intending to transport and deliver their catch to other locations after first landing in one of these ports must notify ODFW prior to transport away from the port of landing by calling (541) 867-0300 extension 271. Notification shall include vessel name and number, number of salmon by species, location of delivery, and estimated time of delivery.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.129

Hist: DFW 6-2005, f. & cert. ef. 2-14-05

Special Seasons

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) Chetco River Ocean Terminal Area — from October 13 through the earlier of a 1,000 chinook quota or November 3 in the area described in section (1)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of the north shore of Twin Rocks (N. Lat. 42°05'36") to the Oregon/California border (N. Lat. 41°59'47") and seaward three nautical miles offshore;

(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 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 25 chinook per day taken in this fishery. Landings are restricted to Brookings.

(2) Elk River Ocean Terminal Area — from September 15 through December 15 in the area described in section (2)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of Cape Blanco (42°50'20" N. Lat.) and north of Humbug Mountain (42°40'30" 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; it is *unlawful* to use barbed hooks or to fish more than four spreads per line; and landings are restricted to Port Orford.

(3) Tillamook Bay Ocean Terminal Area — from November 1 through November 15 in the area described in section (3)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area between Pyramid Rock (44°29'45" N. Lat.) and Twin Rocks (45°35'49" 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 and it is *unlawful* to use barbed hooks or fish more than four spreads per line.

(4) Rogue River Ocean Terminal Area — from September 1 through the earlier of a 750 chinook quota or September 15 in the area described in section (4)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of Nesika Reef (N. Lat. 42°30'00") and north of Cape Sebastian (N. Lat. 42°19'30") within state territorial waters (three nautical miles from land) but more than one nautical mile from the mouth of the Rogue River;

(b) During the season described in this section (4) it is *unlawful* to take chinook salmon less than 28 inches in total length; it is *unlawful* to use barbed hooks or to fish more than four spreads per line. All chinook taken in this fishery must be landed in Brookings, Gold Beach, or Port Orford.

(5) Coos River Ocean Terminal Area — from September 1 through the earlier of a 1,500 chinook quota or October 16 in the area described in section (5)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of N. Lat. 43°31'00" and north of Cape Arago (N. Lat. 43°18'24") and seaward to the 30 fathom depth contour;

(b) During the season described in this section (5) it is *unlawful* to take chinook salmon less than 28 inches in total length; it is *unlawful* to use barbed hooks or to fish more than four spreads per line. All chinook taken in this fishery must be landed in Coos Bay.

(6) Umpqua River Ocean Terminal Area — from September 1 through the earlier of a 1,000 chinook quota or September 30 in the area described in section (6)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of Tahkenitch Creek (N. Lat. 43°47'55") and north of N. Lat. 43°37'00" and seaward to the 30 fathom depth contour;

(b) During the season described in this section (6) it is *unlawful* to take chinook salmon less than 28 inches in total length; it is *unlawful* to use barbed hooks or to fish more than four spreads per line. All

chinook taken in this fishery must be landed in Coos Bay or Winchester Bay.

(7) Siuslaw River Ocean Terminal Area — from September 1 thru 16 and October 1 thru 16 or 2,000 chinook quota in the area described in section (7)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of Heceta Head (N. Lat. 44°08'18") and north of N. Lat. 44°00'00" and within state territorial waters (seaward three nautical miles from land);

(b) During the season described in this section (7) it is *unlawful* to take chinook salmon less than 28 inches in total length; it is *unlawful* to use barbed hooks or to fish more than four spreads per line. All chinook taken in this fishery must be landed in Coos Bay, Winchester Bay, Florence, or Newport.

(8) Alsea River Ocean Terminal Area — from September 1 thru 16 and October 1 thru 16 or 2,000 chinook quota in the area described in section (8)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of N. Lat. 44°29'00" and north of N. Lat. 44°23'00" and within state territorial waters (seaward three nautical miles from land);

(b) During the season described in this section (8) it is *unlawful* to take chinook salmon less than 28 inches in total length; it is *unlawful* to use barbed hooks or to fish more than four spreads per line. All chinook taken in this fishery must be landed in Newport or Depoe Bay.

(9) Yaquina River Ocean Terminal Area — from September 1 thru 16 and October 1 thru 16 or 1,000 chinook quota in the area described in section (9)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of Yaquina Head (N. Lat. 44°40'35") and north of N. Lat. 44°33'00" and within state territorial waters (seaward three nautical miles from land);

(b) During the season described in this section (9) it is *unlawful* to take chinook salmon less than 28 inches in total length; it is *unlawful* to use barbed hooks or to fish more than four spreads per line. All chinook taken in this fishery must be landed in Newport or Depoe Bay.

(10) Nestucca River Ocean Terminal Area — from September 1 thru 16 and October 1 thru 16 or 1,000 chinook quota in the area described in section (10)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of Cape Kiwanda (N. Lat. 45°13'00") and north of Neskowin Cr. (N. Lat. 45°06'00") and within state territorial waters (seaward three nautical miles from land);

(b) During the season described in this section (10) it is *unlawful* to take chinook salmon less than 28 inches in total length; it is *unlawful* to use barbed hooks or to fish more than four spreads per line. All chinook taken in this fishery must be landed in Pacific City or Garibaldi.

(11) Tillamook Bay/Nehalem River Ocean Terminal Area — from September 1 thru 16 and October 1 thru 16 or 2,000 chinook quota in the area described in section (11)(a) of this rule:

(a) The open area is all Pacific Ocean waters inside an area south of Cape Falcon (N. Lat. 45°46'00") and north of Pyramid Rock (N. Lat. 45°29'48") and within state territorial waters (seaward three nautical miles from land);

(b) During the season described in this section (11) it is *unlawful* to take chinook salmon less than 28 inches in total length; it is *unlawful* to use barbed hooks or to fish more than four spreads per line. All chinook taken in this fishery must be landed in Garibaldi or Nehalem.

(12) It is unlawful for a vessel to have in possession or to land more than 50 chinook per calendar week (Sunday thru Saturday) taken in any of the terminal area fisheries authorized in sections (4) through (11) of this rule, combined, during the months of September or October.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 48-1984(Temp), f. & ef. 8-31-84; 57-1984(Temp), f. & ef. 9-15-84; FWC 59-1986(Temp), f. & ef. 9-19-86; FWC 106-1992(Temp), f. 10-8-92, cert. ef. 10-24-92; FWC 111-1992(Temp), f. 10-26-92, cert. ef. 10-27-92; FWC 62-1993, f. & cert. ef. 10-1-93; FWC 56-1994, f. 8-30-94, cert. ef. 9-1-94; FWC 80-1994(Temp), f. 10-25-94, cert. ef. 10-26-94; FWC 82-1994(Temp), f. 10-28-94, cert. ef. 10-30-94; FWC 81-1995, f. 9-29-95, cert. ef. 10-1-95; FWC 85-1995(Temp), f. & cert. ef. 10-20-95; FWC 56-1996, f. 9-27-96, cert. ef. 10-1-96; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 66-1997(Temp), f. 10-24-97, cert. ef. 10-26-97; FWC 67-1997(Temp), f. 10-28-97, cert. ef. 10-29-97; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 78-2006(Temp), f. 8-7-06, cert. ef. 9-1-06 thru 12-15-06

DIVISION 4

COMMERCIAL FISHERIES OTHER THAN SALMON OR SHELLFISH

635-004-0003

Bait Restrictions

It is *unlawful* to use lamprey as bait in any commercial fishery.

Stat. Auth.: ORS 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.036 & 508.306

Hist.: DFW 24-2005, f. 4-15-05, cert. ef. 5-1-05

Halibut Fishery

635-004-0005

Scope of Rules

Division 004 incorporates into Oregon Administrative Rules, by reference, Pacific Halibut Fishery Regulations of the International Pacific Halibut Commission (IPHC), and in addition to the extent they are consistent with these regulations, **Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996), as amended by Federal Regulations, Vol. 70, No. 74, dated April 19, 2005**. Therefore, persons must consult the Federal Regulations in addition to division 004 to determine all rules applicable to halibut fishing requirements. It is *unlawful* to take halibut for commercial purposes except as set by the IPHC and in accordance with a valid permit issued by the IPHC.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129

Hist.: FC 241, f. 4-5-72, ef. 4-15-72, Renumbered from 625-010-0725, Renumbered from 635-036-0330; FWC 25-1989(Temp), f. & cert. ef. 4-5-89; FWC 51-1989, f. & cert. ef. 7-28-89; FWC 32-1990(Temp), f. & cert. ef. 4-4-90; FWC 67-1991, f. 6-25-91, cert. ef. 7-1-91; FWC 94-1995(Temp), f. 12-29-95, cert. ef. 1-1-96; FWC 9-1996, f. 3-5-96, cert. ef. 3-8-96; FWC 25-1997, f. 4-22-97, cert. ef. 5-1-97; DFW 91-1998, f. & cert. ef. 11-25-98; DFW 98-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 81-2000, f. 12-22-00, cert. ef. 1-1-01; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 135-2002, f. 12-23-02, cert. ef. 1-1-03; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04; DFW 120-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 29-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05 (Suspended by DFW 72-2005(Temp), f. & cert. ef. 7-7-05 thru 10-27-05); DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05

635-004-0009

Halibut Seasons

The Pacific halibut commercial fishery in Oregon is regulated by the federal government and the **International Pacific Halibut Commission (IPHC)**. OAR chapter 635, division 004 incorporates into Oregon Administrative Rules, by reference, modifications or additions to provisions determined by the Commission and to the extent they are consistent with **Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996); Volume 70, Number 37, dated February 25, 2005**.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119, 506.129

Stats. Implemented: ORS 496.162, 506.129

Hist.: DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05

Sardine Fishery

635-004-0011

Fishing Gear

A grate with spacing no larger than 2-3/8 inches between the bars must be placed over the intake of the hold of the vessel to sort out larger species of fish.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129

Hist.: DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06

635-004-0013

Bycatch Restriction

All groundfish, as defined by OAR 365-004-0020 and salmon must be returned to the water immediately. Every effort must be made to dipnet salmon out of the seine net before they go through a pump system.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129

Hist.: DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06

635-004-0014**No Directed Reduction Fishery Allowed**

(1) No more than ten percent of a sardine landing may be used for the purposes of conversion into fish flour, fish meal, fish scrap, fertilizer, fish oil, other fishery products or by-products for purposes other than human consumption or fishing bait.

(2) Exceptions to the limit in section (1) of this rule may be granted due to unforeseen circumstances with written authorization by the ODFW Director to avoid wastage of fish.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06

635-004-0016**Harvest Guideline**

This rule incorporates, by reference, the sardine management measures for 2006 included in the Pacific Council list of decisions for the November 2005 Pacific Fishery Management Council meeting, and in addition to the extent they are consistent with these rules, Code of Federal Regulations, Title 50 Part 660, as amended to incorporate the standards recommendations of the Pacific Council. Therefore, persons must consult the Federal Regulations in addition to this rule to determine all applicable sardine fishing requirements. Where regulations refer to the fishery management area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic Zone.

[Publications: Publications references are available from the agency.]

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06

Ocean Food Fish Fishery**635-004-0018****Scope of Rules**

Division 004 incorporates into Oregon Administrative Rules, by reference, the groundfish specifications and management measures for 2005 included in the **Pacific Council News, Volume 28, Number 2, Summer 2004**, and in addition to the extent they are consistent with these rules, **Code of Federal Regulations, Title 50 Part 660, Subpart G (61FR34572, July 2, 1996, as amended)** to incorporate the standards in **Vol. 28, No. 2 of the Pacific Council News**. Therefore, persons must consult the **Pacific Council News** and **Federal Regulations** in addition to division 004 to determine all applicable groundfish fishing requirements. Where regulations refer to the fishery management area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic Zone. A copy of the Pacific Council News and the Federal Regulations may be obtained by contacting Pacific Council News at www.pcouncil.org or at 7700 NE Ambassador Place, Suite 200, Portland, OR 97220-1384.

[Publications: Publications references are available from the agency.]

Stat. Auth.: ORS 496.138 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 141-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95; FWC 71-1996, f. 12-26-96, cert. ef. 1-1-97; DFW 1-1998, f. & cert. ef. 1-9-98; DFW 91-1998, f. & cert. ef. 11-25-98; DFW 98-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 81-2000, f. 12-22-00, cert. ef. 1-1-01; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 135-2002, f. 12-23-02, cert. ef. 1-1-03; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05

635-004-0019**Inclusions and Modifications**

(1) OAR chapter 635, division 004, modifies or is in addition to provisions contained in **Code of Federal Regulations, Title 50, Part 660, Subpart G, West Coast Groundfish Fisheries**.

(2) The **Code of Federal Regulations (CFR), Title 50, Part 660, Subpart G**, provides requirements for commercial groundfish fishing in the Pacific Ocean off the Oregon coast. However, additional regulations may be promulgated subsequently, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations.

(3) Notwithstanding the regulations as defined in OAR 635-004-0018, the National Marine Fisheries Service (NMFS) by means of NMFS-SEA-06-01, announced inseason management measures, effective March 1, 2006, including but not limited to adjusted Rockfish Conservation Area (RCA) boundaries, commercial trip limit tables and darkblotched rockfish optimal yield (OY).

(4) Notwithstanding the regulations as defined in OAR 635-004-0018, the National Marine Fisheries Service (NMFS) by means of

NMFS-SEA-06-03, announced inseason management measures, effective May 1, 2006, including but not limited to adjustments to chilipepper rockfish limited entry trawl; sablefish open access trip limits; and gear restrictions in the limited entry fixed gear and open access fisheries for "other flatfish."

(5) Notwithstanding the regulations as defined in OAR 635-004-0018, the National Marine Fisheries Service (NMFS) by means of NMFS-SEA-06-04, announced inseason management measures, effective July 1, 2006, including but not limited to adjustments to the trawl rockfish conservation area (RCA); minor slope and darkblotched rockfish limited entry trawl trip limits; splitnose rockfish limited entry trawl trip limits and an inseason "trigger" mechanism which will be used to close and/or adjust bottom trawl fisheries if specific criteria are met prior to the September, 2006, Pacific Fishery Management Council (PFMC) meeting.

(6) Notwithstanding the regulations as defined in OAR 635-004-0018, the National Marine Fisheries Service (NMFS) by means of NMFS-SEA-06-05, announced inseason management measures, effective October 1, 2006, including but not limited to adjustments to sablefish and petrale sole limited entry trawl trip limits; and closure of the open access daily trip limit sablefish fishery.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 76-1999(Temp), f. 9-30-99, cert. ef. 10-1-99 thru 12-31-99; DFW 81-1999(Temp), f. & cert. ef. 10-12-99 thru 12-31-99; DFW 98-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 23-2005(Temp), f. & cert. ef. 4-8-05 thru 10-4-05; DFW 30-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 43-2005(Temp), f. & cert. ef. 5-13-05 thru 10-17-05; DFW 68-2005(Temp), 6-30-05, cert. ef. 7-1-05 thru 12-27-05; DFW 114-2005(Temp), f. 9-30-05, cert. ef. 10-1-05 thru 12-31-05; DFW 125-2005(Temp), f. & cert. ef. 10-19-05 thru 12-31-05; DFW 134-2005(Temp), f. & cert. ef. 11-30-05 thru 12-31-05; DFW 147-2005(Temp), f. 12-28-05, cert. ef. 1-1-06 thru 6-28-06; DFW 8-2006(Temp), f. 2-28-06, cert. ef. 3-1-06 thru 8-25-06; DFW 25-2006(Temp), f. 4-28-06, cert. ef. 5-1-06 thru 10-27-06; DFW 55-2006(Temp), f. 6-30-06, cert. ef. 7-1-06 thru 12-27-06; DFW 110-2006(Temp), f. 9-29-06, cert. ef. 10-1-06 thru 12-31-06

635-004-0020**Definitions**

As used in these regulations, unless the context requires otherwise:

(1) "At-sea processing" means processing that takes place on a vessel or other platform that floats and is capable of being moved from one location to another whether shoreside or on the water.

(2) "DTS complex" includes Dover sole (*Microstomus pacificus*), thornyhead (*Sebastolobus* spp.), and trawl-caught sablefish (blackcod, *Anoplopoma fimbria*).

(3) "Exclusive economic zone" means the zone between 3-200 nautical miles offshore of the United States.

(4) "Fishing gear" includes:

(a) "Beam trawl" means a trawl which is held open by a fixed beam frame;

(b) "Bobbin trawl" means the same as roller trawl, and is a type of bottom trawl;

(c) "Bottom trawl" means a trawl in which the otter boards or the footrope of the net contact the seabed, and includes Danish and Scottish seine gear. It also includes pair trawls fished on the bottom. Any trawl not meeting the requirements for pelagic trawls described in OAR 635-004-0040(5) is a bottom trawl;

(d) "Chafing gear" means webbing or other material attached to the codend of a trawl net to protect the codend from wear;

(e) "Codend" shall be defined as the last 50 mesh length constituting the terminal, closed end of a trawl. The meshes shall be counted forward of the pursing tackle which terminates the codend;

(f) "Double-ply mesh" or "Double-bar mesh" means two lengths of twine tied into a single knot;

(g) "Double-walled codend" means a codend constructed of two walls of webbing;

(h) "Fixed gear" means longline, trap or pot, setnet, and stationary hook-and-line gears;

(i) "Gill net" has the meaning as set forth in OAR 635-042-0010;

(j) "Hook-and-line" means one or more hooks attached to one or more lines;

(k) "Large footrope trawl gear" is a bottom trawl net with a footrope diameter larger than 8 inches (20 cm) (including rollers, bobbins or other material encircling or tied along the length of the footrope).

(l) "Longline" means a stationary buoyed, and anchored ground-line with hooks attached;

(m) "Mesh size" means the opening between opposing knots. Minimum mesh size means the smallest distance allowed between the inside of one knot to the inside of the opposing knot regardless of twine size;

(n) "Nontrawl gear" means all legal commercial groundfish gear other than trawl gear;

(o) "Pelagic trawl" (midwater or off-bottom) means a trawl in which the otter boards may be in contact with the seabed but the footrope of the net remains above the seabed. It includes pair trawls if fished in midwater. A pelagic trawl has no rollers or bobbins on the net;

(p) "Pot or trap" means a portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats;

(q) "Roller trawl" or "bobbin trawl" are identical, and mean a trawl net with footropes equipped with rollers or bobbins made of wood, steel, rubber, plastic, or other hard material which protects the net and footrope during fishing on the seabed. A roller trawl is a type of bottom trawl;

(r) "Seine" means any nonfixed net other than a trawl net or gill net;

(s) "Selective flatfish trawl gear" is a type of small footrope trawl gear. The selective flatfish trawl net must be a two-seamed net with no more than two riblines, excluding the codend. The breastline may not be longer than 3 ft (0.92 m) in length. There may be no floats along the center third of the headrope or attached to the top panel except on the riblines. The footrope must be shorter than 105 ft (32.26 m) in length. The headrope must be at least 30% longer in length than the footrope. An explanatory diagram of a selective flatfish trawl net is provided as Figure 1 of Part 660, Subpart G in Title 50 Code of Federal Regulations.

(t) "Set net" means a stationary, buoyed and anchored gill net or trammel net;

(u) "Single-walled codend" means a codend constructed of a single wall of webbing knitted with single or double-ply mesh;

(v) "Small footrope trawl gear" is a bottom trawl net with a footrope diameter of 8 inches (20 cm) or smaller (including rollers, bobbins or other material encircling or tied along the length of the footrope). Other lines or ropes that run parallel to the footrope must not be augmented with material encircling or tied along their length such that they have a diameter larger than 8 inches (20 cm). For enforcement purposes, the footrope will be measured in a straight line from the outside edge to the opposite outside edge at the widest part on any individual part, including any individual disk, roller, bobbin, or any other device.

(w) "Trammel net" means a gill net made with two or more walls joined to a common float line;

(x) "Trawl net" means a cone or funnel-shaped net which is towed or drawn through the water by one or two vessels. Trawl nets are used both on bottom and off bottom. They may be fished with or without trawl doors. They may employ warps or cables to herd fish. Trawl nets are restricted to beam trawl, bobbin or roller trawl, bottom trawl and pelagic trawl;

(y) "Trawl riblines" means heavy rope or lines that run down the sides, top, or underside of a trawl net from the mouth of the net to the terminal end of the codend to strengthen the net during fishing;

(z) "Troll" has the meaning as set forth in OAR 635-003-0010;

(aa) "Vertical hook and line (Portuguese longline)" means a line attached to the vessel or to a surface buoy vertically suspended to the bottom by a weight or anchor, with hooks attached between its surface and bottom end.

(5) "Groundfish" means all species of ocean food fish defined as groundfish in the **Pacific Coast Groundfish Fishery Management Plan** and in the **Federal Groundfish Regulations, Title 50, Parts 660 and 663**.

(6) "Inland waters" means all waters of the state except the Pacific Ocean.

(7) "Land, landed, or landing" means to begin transfer of fish from a fishing vessel. Once transfer begins, all fish aboard the vessel are counted as part of the landing.

(8) "Length, total" is measured from the tip of the snout (mouth closed) to the tip of the tail (pinched together) without mutilation of the fish or the use of additional force to extend the length.

(9) Management lines include:

(a) "Cape Arago" means a line extending due west at 43 degrees 20 minutes 50 seconds north latitude;

(b) "Cape Blanco" means a line extending due west at 42 degrees 50 minutes 00 seconds north latitude;

(c) "Cape Falcon" means a line extending due west at 45 degrees 46 minutes 00 seconds north latitude;

(d) "Cape Lookout" means a line extending due west at 45 degrees 20 minutes 15 seconds north latitude;

(e) "Cascade Head" means a line extending due west at 45 degrees 03 minutes 50 seconds north latitude;

(f) "Heceta Head" means a line extending due west at 44 degrees 08 minutes 18 seconds north latitude;

(g) "Humbog Mountain" means a line extending due west at 42 degrees 40 minutes 30 seconds north latitude;

(h) "Mack Arch" means a line extending due west at 42 degrees 13 minutes 40 seconds north latitude.

(10) "Ocean food fish" includes all saltwater species of food fish except salmon, halibut, and shellfish whether found in fresh or salt water.

(11) "Pacific Ocean" means all water seaward of the end of the jetty or jetties of any river, bay, or tidal area, except in the Columbia River the Pacific Ocean has the definition prescribed in OAR 635-003-0005, or all water seaward of the extension of the shoreline high water-mark across the river, bay, or tidal area where no jetties exist.

(12) "Rockfish" includes:

(a) Aurora rockfish, *Sebastes aurora*;

(b) Bank rockfish, *S. rufus*;

(c) Black rockfish, *S. melanops*;

(d) Black and yellow rockfish, *S. chrysomelas*;

(e) Blackgill rockfish, *S. melanostomus*;

(f) Blue rockfish, *S. mystinus*;

(g) Bocaccio, *S. paucispinis*;

(h) Bronzespotted rockfish, *S. gilli*;

(i) Brown rockfish, *S. auriculatus*;

(j) Calico rockfish, *S. dalli*;

(k) California scorpionfish, *Scorpaena guttata*;

(l) Canary rockfish, *Sebastes pinniger*;

(m) Chilipepper, *S. goodei*;

(n) China rockfish, *S. nebulosus*;

(o) Copper rockfish, *S. caurinus*;

(p) Cowcod, *S. levis*;

(q) Darkblotched rockfish, *S. crameri*;

(r) Dusty rockfish, *S. ciliatus*;

(s) Flag rockfish, *S. rubrivinctus*;

(t) Gopher rockfish, *S. carnatus*;

(u) Grass rockfish, *S. rastrelliger*;

(v) Greenblotched rockfish, *S. rosenblatti*;

(w) Greenspotted rockfish, *S. chlorostictus*;

(x) Greenstriped rockfish, *S. elongatus*;

(y) Harlequin rockfish, *S. variegatus*;

(z) Honeycomb rockfish, *S. umbrosus*;

(aa) Kelp rockfish, *S. atrovirens*;

(bb) Longspine thornyhead, *Sebastolobus altivelis*;

(cc) Mexican rockfish, *Sebastes macdonaldi*;

(dd) Olive rockfish, *S. serranoides*;

(ee) Pacific ocean perch, *S. alutus*;

(ff) Pink rockfish, *S. eos*;

(gg) Quillback rockfish, *S. maliger*;

(hh) Redbanded rockfish, *S. babcocki*;

(ii) Redstripe rockfish, *S. proriger*;

(jj) Rosethorn rockfish, *S. helvomaculatus*;

(kk) Rosy rockfish, *S. rosaceus*;

(ll) Rougheye rockfish, *S. aleutianus*;

(mm) Sharpchin rockfish, *S. zacentrus*;

(nn) Shortbelly rockfish, *S. jordani*;

(oo) Shortraker rockfish, *S. borealis*;

(pp) Shortspine thornyhead, *Sebastolobus alascanus*;

(qq) Silvergray rockfish, *Sebastes brevispinis*;

(rr) Speckled rockfish, *S. ovalis*;

(ss) Splitnose rockfish, *S. diploproa*;

- (tt) Squarespot rockfish, *S. hopkinsi*;
- (uu) Starry rockfish, *S. constellatus*;
- (vv) Stripetail rockfish, *S. saxicola*;
- (ww) Tiger rockfish, *S. nigrocinctus*;
- (xx) Treefish, *S. serriceps*;
- (yy) Vermilion rockfish, *S. miniatus*;
- (zz) Widow rockfish, *S. entomelas*;
- (aaa) Yelloweye rockfish, *S. ruberrimus*;
- (bbb) Yellowmouth rockfish, *S. reedi*.

(13) “*Sebastes* complex” means all rockfish managed by the **Pacific Coast Groundfish Fishery Management Plan** except Pacific ocean perch (*Sebastes alutus*), widow rockfish (*S. entomelas*), shortbelly rockfish (*S. jordani*), and thornyhead (*Sebastolobus* spp.). The *Sebastes* complex includes yellowtail rockfish (*Sebastes flavidus*).

(14) “Shore-based (shoreside) processors” means any facility where fish will be processed which is fixed permanently to land.

(15) “Tender” means any vessel that buys or obtains fish directly from a catching vessel and transports it to a port of landing or fish dealer.

(16) “Trip limit” means the total allowable amount of a groundfish species or species complex, by weight, or by percentage of fish on board, that may be taken and retained, possessed, or landed per vessel from a single fishing trip. A vessel which has landed its cumulative or daily limit may continue to fish on the limit for the next legal period as long as the fish are not landed until the next period:

(a) “Daily trip limit” means the maximum amount that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours local time. Only one landing of groundfish may be made in that 24-hour period;

(b) “Cumulative trip limit” means the maximum amount that may be taken and retained, possessed, or landed per vessel in a specified period of time, without a limit on the number of landings or trips. Cumulative trip limits apply to calendar months.

Stat. Auth.: ORS 496.138 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FWC 37, f. & ef. 1-23-76, Renumbered from 625-010-0545; FWC 49-1979, f. & ef. 11-1-79, Renumbered from 635-036-0270; FWC 10-1983, f. & ef. 3-1-83; FWC 1-1985(Temp), f. & ef. 1-4-85; FWC 5-1985, f. & ef. 2-19-85; FWC 17-1987(Temp), f. & ef. 5-7-87; FWC 103-1988, f. 12-29-88, cert. ef. 1-1-89; FWC 28-1989(Temp), f. 4-25-89, cert. ef. 4-26-89; FWC 130-1990, f. 12-31-90, cert. ef. 1-1-91; FWC 67-1991, f. 6-25-91, cert. ef. 7-1-91; FWC 21-1992(Temp), f. 4-7-92, cert. ef. 5-1-92; FWC 141-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 21-1992(Temp), f. 4-7-92, cert. ef. 5-1-92; FWC 36-1992, f. 5-26-92, cert. ef. 5-27-92; FWC 6-1993, f. 1-28-93, cert. ef. 2-1-93; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95; FWC 45-1995, f. & cert. ef. 6-1-95; FWC 71-1996, f. 12-31-96, cert. ef. 1-1-97; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 32-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 70-2005, f. & cert. ef. 7-8-05

635-004-0021

Catch Restrictions

The minimum length limit for rockfish, greenling, and cabezon that is taken for commercial purposes by means of non-trawl fishing gear is 12 inches for grass, China, copper, and quillback rockfish and greenling, and 16 inches for cabezon.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129

Hist.: DFW 97-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 117-2002, f. & cert. ef. 10-21-02

635-004-0025

Closed Season

There is no closed season or area for the taking of ocean food fish for commercial purposes except:

(1) As provided in these rules or in the Code of Federal Regulations, Title 50 Part 660, subpart G.

(2) It is *unlawful* at all times to take Ocean food fish for commercial purposes from Oregon coastal bays, the Oregon estuary waters of the Columbia River, or from man-made structures, that extend from coastal bays, or within 200 yards of any man-made structure. This closure does not apply to:

(a) Ocean food fish taken in specific fisheries established by rule.

(b) Ocean food fish taken to be sold or used for scientific or educational purposes, or for live public display; or to

(c) Pacific herring, Pacific sardine (pilchard), anchovies, smelt, candlefish, and shad that are taken by hook-and-line and sold as bait.

(3) It is *unlawful* to take surfperch for commercial purposes from the Pacific Ocean from August 1 through September 30.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FWC 38, f. & ef. 1-23-76, Renumbered from 625-010-0550; FWC 8-1979, f. 3-1-79, ef. 3-2-79; FWC 9-1979(Temp), f. & ef. 3-5-79 through 3-31-79; FWC 50-1979, f. & ef. 11-1-79, Renumbered from 635-036-0275; FWC 95-1994, f. 12-28-95, cert. ef. 1-1-95; FWC 71-1996, f. 12-31-96, cert. ef. 1-1-97; DFW 97-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 63-2002(Temp), f. & cert. ef. 6-18-02 thru 12-14-02; DFW 103-2002(Temp), f. 9-13-02 cert. ef. 9-14-02 thru 9-30-02; DFW 115-2002, f. & cert. ef. 10-21-02; DFW 135-2002, f. 12-23-02, cert. ef. 1-1-03

635-004-0026

Pacific Ocean Herring Season

There is no closed season for the commercial taking of herring in the Pacific Ocean.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FWC 50-1979, f. & ef. 11-1-79

635-004-0027

Inland Waters Herring Season

There is no closed season for the commercial taking of herring in inland waters except:

(1) In all inland waters except Yaquina Bay, herring taken during the period January 1 through April 15 may only be sold for use as bait.

(2) In Yaquina Bay:

(a) The open season for the taking of herring is January 1 through December 31;

(b) The yearly harvest quota for the Yaquina Bay commercial roe herring fishery during the period of January 1 through April 15 shall not exceed 20% of the available spawning biomass as established in the Yaquina River Basin Fish Management Operating Principles and Objectives 635-500-0665(2). The available spawning biomass shall be determined by the ODFW Fish Division’s Marine Resources Program. Only fishers with a limited entry permit issued pursuant to ORS 508.765 may participate in this fishery.

(c) The factor used to convert an equivalent amount of “whole fish” resource in the Yaquina Bay commercial roe herring fishery during the period of January 1 through April 15 to the equivalent amount of herring eggs on kelp fishery is 0.2237;

(d) During the period January 1 through April 15 it is unlawful to:

(A) Fish commercially from midnight Friday through midnight Sunday with nets;

(B) Use any fishing gear or method of harvest for the taking of herring other than: a purse seine with a maximum length of 50 fathoms (300 feet), defined as the maximum distance from the first to last pursuing rings on the purse line; lampara net; hook and line “jigging”; or eggs-on-kelp method.

Stat. Auth.: ORS 506.109, 506.119, 506.129 & 508.765

Stats. Implemented:

Hist.: FWC 50-1979, f. & ef. 11-1-79; FWC 67-1980, f. & ef. 12-3-80; FWC 4-1983, f. 1-28-83, ef. 2-1-83; FWC 8-1983(Temp), f. & ef. 2-15-83; FWC 8-1984(Temp), f. & ef. 3-5-84; FWC 29-1984, f. & ef. 7-3-84; FWC 9-1985(Temp), f. & ef. 2-20-85; FWC 5-1986(Temp), f. & ef. 2-11-86; FWC 6-1989(Temp), f. 2-15-89, cert. ef. 2-16-89; FWC 18-1990(Temp), f. 2-23-90, cert. ef. 2-24-90; FWC 13-1991(Temp), f. & cert. ef. 2-22-91; FWC 21-1995(Temp), f. 3-7-95, cert. ef. 3-8-95; FWC 10-1996(Temp), f. & cert. ef. 3-5-96; FWC 14-1997(Temp), f. & cert. ef. 3-10-97; DFW 11-2003, f. & cert. ef. 2-10-03; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 124-2004(Temp), f. 12-10-03, cert. ef. 1-1-04 thru 4-15-04; Administrative correction 8-2-04; DFW 119-2004(Temp), f. 12-13-04, cert. ef. 1-1-05 thru 4-15-05; Administrative correction 4-20-05; DFW 143-2005(Temp), f. 12-16-05, cert. ef. 1-1-06 thru 4-15-06; Administrative correction 4-19-06

635-004-0029

Sorting Required

It is *unlawful* to fail to sort, into the categories listed in 635-004-0033, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, harvest guideline, quota or harvest cap.

Stat. Auth.: ORS 496.138, 496.162, 506.109 & 506.119

Stats. Implemented: ORS 506.129

Hist.: FWC 123-1989, f. 12-19-89, cert. ef. 1-1-90; FWC 141-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 36-1992, f. 5-26-92, cert. ef. 5-27-92; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95; DFW 135-2002, f. 12-23-02, cert. ef. 1-1-03; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05

635-004-0033

Groundfish Restrictions

(1) The season for most species of ocean food fish is open year-round, until catch quotas are met (where applicable). Regulations for the following species or species groups of ocean food fish change

throughout the season and the Oregon Administrative Rules and federal regulations should be consulted before fishing:

- (a) Minor Nearshore Rockfish;
- (b) Minor Shelf Rockfish (excluding tiger rockfish and vermilion rockfish);

- (c) Minor Slope Rockfish;
- (d) Black Rockfish;
- (e) Blue Rockfish;
- (f) Cabezon;
- (g) Canary Rockfish;
- (h) Greenling;
- (i) Tiger Rockfish;
- (j) Vermilion Rockfish;
- (k) Widow Rockfish;
- (l) Yelloweye Rockfish;
- (m) Yellowtail Rockfish;
- (n) Darkblotched Rockfish;
- (o) Pacific Ocean Perch;
- (p) Longspine Thornyhead;
- (q) Shortspine Thornyhead;
- (r) Arrowtooth Flounder;
- (s) Dover Sole;
- (t) Petrale Sole;
- (u) Rex Sole;
- (v) Other Flatfish;
- (w) Lingcod;
- (x) Sablefish;
- (y) Pacific Whiting.

(2) For the purpose of this rule a "harvest cap" is defined as the total catch for a given species, or species group, that may be taken in a single calendar year. For 2006, the commercial harvest caps are:

- (a) Black rockfish and blue rockfish combined of 106.5 metric tons, of which no more than 102.5 metric tons may be black rockfish.
- (b) Other nearshore rockfish, 13.5 metric tons.
- (c) Cabezon, 31.3 metric tons.
- (d) Greenling, 23.4 metric tons.
- (3) In 2006, no vessel may land black rockfish and blue rockfish, combined, more than:
 - (a) 300 pounds per month in the months of January and February;
 - (b) 700 pounds per month in the months of March, April, May, June, July;
 - (c) 1,400 pounds per month in the months of August and September;
 - (d) 600 pounds per month in the month of October;
 - (e) 250 pounds per month in the months of November and December.

- (4) In 2006, in any month, no vessel may land more than:
 - (a) 350 pounds of other nearshore rockfish.
 - (b) 2,000 pounds of cabezon.
 - (c) 600 pounds of greenling.

Stat. Auth.: ORS 506.109 & 506.119
Stats. Implemented: ORS 506.129

Hist.: FWC 73-1982(Temp), f. & ef. 10-27-82; FWC 1-1983 (Temp), f. & ef. 1-6-83; FWC 10-1983, f. & ef. 3-1-83; FWC 23-1983(Temp), f. & ef. 6-14-83; FWC 41-1983(Temp), f. & ef. 9-6-83; FWC 3-1984 f. & ef. 1-26-84; FWC 18-1984 (Temp), f. 5-4-84, ef. 5-6-84; FWC 36-1984(Temp), f. 7-31-84, ef. 8-1-84; FWC 1-1985(Temp), f. & ef. 1-4-85; FWC 5-1985, f. & ef. 2-19-85; FWC 18-1985(Temp), f. 4-26-85, ef. 4-27-85; FWC 52-1985(Temp), f. 8-30-85, ef. 9-1-85; FWC 65-1985 (Temp), f. & ef. 10-4-85; FWC 82-1985, f. 12-16-85, ef. 1-1-86; FWC 50-1986(Temp), f. & ef. 8-29-86; FWC 81-1986, f. 12-31-86, ef. 1-1-87; FWC 57-1987(Temp), f. & ef. 7-24-87; FWC 104-1987, f. 12-18-87, ef. 1-1-88; FWC 97-1988(Temp), f. & cert. ef. 1-6-88; FWC 103-1988, f. 12-29-88, cert. ef. 1-1-89; FWC 49-1989(Temp), f. & cert. ef. 7-26-89; FWC 69-1990 (Temp), f. 7-24-90, cert. ef. 7-25-90; FWC 122-1990, f. 11-26-90, cert. ef. 11-29-90; FWC 130-1990, f. 12-31-90, cert. ef. 1-1-91; FWC 48-1991(Temp), f. & cert. ef. 5-3-91; FWC 82-1991(Temp), f. 7-30-91, cert. ef. 7-31-91; FWC 83-1991, f. 8-1-91, cert. ef. 7-31-91; FWC 58-1992(Temp), f. & cert. ef. 7-29-92; FWC 141-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 9-1992, f. 2-20-92, cert. ef. 2-21-92; FWC 58-1992(Temp), f. & cert. ef. 7-29-92; FWC 6-1993, f. 1-28-93, cert. ef. 2-1-93; FWC 10-1993, f. & cert. ef. 2-10-93; FWC 1-1994, f. & cert. ef. 1-14-94; FWC 32-1994, f. & cert. ef. 6-3-94; FWC 44-1994, f. 7-26-94, cert. ef. 8-1-94; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95; FWC 45-1995, f. & cert. ef. 6-1-95; FWC 94-1995(Temp), f. 12-29-95, cert. ef. 1-1-96; FWC 9-1996, f. 3-5-96, cert. ef. 3-8-96; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 119-2002(Temp), f. 10-24-02, cert. ef. 10-25-02 thru 12-31-02; DFW 135-2002, f. 12-23-02, cert. ef. 1-1-03; DFW 14-2003(Temp), f. 2-20-03, cert. ef. 2-21-03 thru 8-19-03; DFW 25-2003, f. & cert. ef. 3-26-03; DFW 60-2003(Temp), f. 7-15-03, cert. ef. 7-16-03 thru 12-31-03; DFW 79-2003(Temp), f. & cert. ef. 8-18-03 thru 12-31-03; DFW 102-2003(Temp), f. 9-30-03, cert. ef. 10-1-03 thru 12-31-03; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04; DFW 76-2004(Temp), f. 7-23-04, cert. ef. 7-28-04 thru 12-31-04; DFW 100-2004(Temp), f. & cert. ef. 9-28-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 120-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 31-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 82-

2005(Temp), f. 7-29-05, cert. ef. 8-1-05 thru 12-31-05; DFW 86-2005(Temp), f. & cert. ef. 8-3-05 thru 12-31-05; DFW 119-2005(Temp), f. 10-10-05, cert. ef. 10-11-05 thru 12-31-05; DFW 135-2005(Temp), f. 11-30-05, cert. ef. 12-1-05 thru 12-31-05; DFW 138-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 50-2006(Temp), f. 6-28-06, cert. ef. 7-1-06 thru 12-27-06; DFW 83-2006(Temp), f. 8-10-06, cert. ef. 8-11-06 thru 2-6-07; DFW 108-2006(Temp), f. 9-29-06, cert. ef. 10-1-06 thru 12-31-06

635-004-0035

Fishing Gear

(1) It is *unlawful* to possess, deploy, haul, or carry on board a fishing vessel a set net, trap or pot, longline, or commercial vertical hook-and-line that is not in compliance with the gear restrictions listed in sections (2) and (3) of this rule, unless such gear is the gear of another vessel that has been retrieved at sea and made inoperable or stowed in a manner not capable of being fished. The disposal at sea of such gear is prohibited by Annex V of the International Convention for the Prevention of Pollution From Ships, 1973 (Annex V of MARPOL 73/78).

(2) It is *unlawful* to take ocean food fish for commercial purposes by any means except:

- (a) Handline, pole-and-line, or pole-reel-and-line;
- (b) Longlines and vertical hook and lines are permitted in the ocean;

- (c) Pots or traps;
- (d) Dip nets of hoop or A-frame design;

(e) Troll gear is permitted in the ocean from May 1 of any year through April 14 of the following year;

(f) Seines are permitted in the ocean for ocean food fish other than groundfish and for the taking of herring, sardine, smelt, and anchovy from the following inland waters:

(A) Columbia River westerly of the U.S. Highway 101 Astoria Bridge across the Columbia River;

- (B) Tillamook Bay;
- (C) Yaquina Bay;
- (D) Alsea Bay;
- (E) Winchester Bay;
- (F) Coos Bay.

(g) Trawl nets (bottom and pelagic) are permitted in the ocean;

(h) Set nets (trammel nets and anchored gill nets) are permitted outside state waters for groundfish south of latitude 38 degrees N. (Pt. Reyes, Calif.). The use of set nets is prohibited in all areas of the Pacific Ocean north of latitude 38 degrees N. except when permitted by an experimental gear permit (OAR 635-006-0020) or except when permitted under the Developmental Fisheries Program (OAR 635-006-0800 through 635-006-0950);

(i) Spear.

(3) Longline, vertical hook-and-line and pot gear which is fixed or anchored to the bottom or drifting unattached to the vessel have the following restrictions:

(a) Gear shall not be left unattended for more than seven days;

(b) Longline and pot gear shall be marked at each terminal surface end with a pole, flag, light, radar reflector, and a buoy showing clear identification of the owner or operator;

(c) Vertical hook-and-line gear that is closely tended may be marked only with a single buoy of sufficient size to float the gear. "Closely tended" means that a vessel is within visual sighting distance or within 1/4 nautical mile as determined by electronic navigational equipment, of its vertical hook-and-line gear;

(d) Pot gear used for other than Dungeness crab and hagfish shall have biodegradable escape panels constructed with #21 or smaller, untreated cotton twine in such manner that an opening at least eight inches in diameter will result when the twine deteriorates;

(e) Pot gear used for hagfish shall include a biodegradable escape exit of at least three inches in diameter constructed with 120 thread size or smaller, untreated cotton twine or mild steel not to exceed 1/4-inch (six mm) in diameter or other materials approved by the State Oregon Department of Fish and Wildlife Director. All other species of finfish and shellfish caught in hagfish pots authorized under this rule must be returned immediately to the water.

(4) A buoy used to mark fixed gear under paragraph (3)(b) of this rule must be marked with a number clearly identifying the owner or operator of the vessel. The number may be either:

(a) If required by applicable state law, the vessel's number, the commercial fishing license number, or buoy brand number; or

(b) The vessel documentation number issued by the U.S. Coast Guard, or, for an undocumented vessel, the vessel registration number issued by the state.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129

Hist.: FC 246, f. 5-5-72, ef. 5-15-72, Renumbered from 625-010-0555; FWC 166, f. & ef. 12-23-77; FWC 34-1979, f. & ef. 8-22-79, Renumbered from 635-036-0280; FWC 10-1983, f. & ef. 3-1-83; FWC 103-1988, f. 12-29-88, cert. ef. 1-1-89; FWC 123-1989, f. 12-19-89, cert. ef. 1-1-90; FWC 112-1990, f. 10-3-90, cert. ef. 10-5-90; FWC 141-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 45-1995, f. & cert. ef. 6-1-95; FWC 51-1995, f. 6-16-95, cert. ef. 6-19-95; FWC 71-1996, f. 12-31-96, cert. ef. 1-1-97

635-004-0036

Black Rockfish Management Areas

In addition to catch restrictions set forth in the Code of Federal Regulations, Title 50 Parts 660 and 663, and OAR 635-004-0033, the following trip limit applies to black rockfish (*Sebastes melanops*) taken with all commercial gears except trawl:

(1) It is unlawful to take or retain more than 200 pounds of black rockfish or 65 fish, whichever is greater, per vessel from a single fishing trip within one of the following areas:

(a) Tillamook Head (45°56'45" N latitude) to Cape Lookout (45°20'15" N latitude);

(b) Cascade Head (45°03'50" N latitude) to Cape Perpetua (44°18' N latitude);

(c) From a point (43°30' N latitude), approximately 8 1/2 nautical miles north of the Coos Bay north jetty, to a point (43°03' N latitude) adjacent to the mouth of Four-mile Cr.;

(d) Mack Arch (42°13'40" N latitude) to the Oregon-California border (42°00' N latitude).

(2) No vessel shall take, retain, possess, or land more than the allowed trip limit when fishing occurs for any species of fish within one of these restricted areas.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129

Hist.: DFW 117-2002, f. & cert. ef. 10-21-02; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04

635-004-0040

Trawl Net Restrictions

It is *unlawful* while trawling for ocean food fish to use gear not meeting the following specifications:

(1) Mesh size. Trawl nets may be used if they meet the minimum mesh sizes set forth below. The minimum sizes apply throughout the net. Minimum trawl mesh size requirements are met if a 20-gauge stainless steel wedge, 3.0 or 4.5 inches (7.62 or 11.43 cm) (depending on the gear being measured) less one thickness of the metal at the widest part, can be passed with thumb pressure only through 16 of 20 sets of two meshes each of wet mesh. [Table not included. See ED. NOTE.]

(2) Chafing gear. Chafing gear may encircle no more than 50 percent of the net's circumference, except as provided in section (5) of this rule. No section of chafing gear may be longer than 50 meshes of the net to which it is attached. Chafing gear may be used only on the last 50 meshes of a small footrope trawl, measured from the terminal (closed) end of the codend. Except at the corners, the terminal end of each section of chafing gear on all trawl gear must not be connected to the net. (The terminal end is the end farthest from the mouth of the net.) Chafing gear must be attached outside any riblines and restraining straps. There is no limit on the number of sections of chafing gear on a net.

(3) Codends. Only single-walled codends may be used in any trawl. Double-walled codends are prohibited.

(4) Bottom, roller or bobbin trawls. A net used in a bottom, roller or bobbin trawl must have at least two continuous riblines sewn to the net and extending from the mouth of the trawl net to the terminal end of the codend, if the fishing vessel is simultaneously carrying aboard a net of less than 4.5 inch (11.43 cm) mesh size.

(5) Pelagic trawls. Pelagic trawl nets must have unprotected footropes at the trawl mouth, and must not have rollers, bobbins, tires, wheels, rubber discs, or any similar device anywhere in the net. Sweeplines, including the bottom leg of the bridle, must be bare. For at least 20 ft. (6.15m) immediately behind the footrope or headrope, bare ropes or mesh of 16-inch (40.6-cm) minimum mesh size must completely encircle the net. A band of mesh (a "skirt") may encircle the net under transfer cables, lifting or splitting straps (chokers), but

must be: over riblines and restraining straps; the same mesh size and coincide knot-to-knot with the net to which it is attached; and no wider than 16 meshes.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 506.119 & 506.129

Stats. Implemented: ORS 506.119 & 506.129

Hist.: FC 246, f. 5-5-72, ef. 5-15-72, Renumbered from 625-010-0560, Renumbered from 635-036-0285; FWC 10-1983, f. & ef. 3-1-83; FWC 54-1985(Temp), f. & ef. 8-30-85; FWC 82-1985, f. 12-16-85, ef. 1-1-86; FWC 103-1988, f. 12-29-88, cert. ef. 1-1-89; FWC 112-1990, f. 10-3-90, cert. ef. 10-5-90; FWC 141-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 49-1995, f. 6-7-95, cert. ef. 9-8-95; DFW 32-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 70-2005, f. & cert. ef. 7-8-05

635-004-0048

Maintaining Records of Cumulative Catch

Vessels landing groundfish under a cumulative catch limit shall keep copies of fish landing receipts on board for inspection by authorized enforcement officials for a minimum of 90 days from date of delivery. Receipts shall be signed and dated by both the dealer representative and vessel captain. Fish landing receipts may be in the form of Oregon Department of Fish and Wildlife Fish Receiving Tickets; fish dealer "dock tickets" identified with official dealer logos or other identifying letterhead; *or* official Fish Receiving Tickets from other states.

Stat. Auth.: ORS 496.138, 496.162, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 496.138, 496.162, 506.109, 506.119 & 506.129

Hist.: FWC 141-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 36-1992, f. 5-26-92, cert. ef. 5-27-92; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95

635-004-0050

Logbook Required

(1) The Department of Fish and Wildlife will provide a logbook to each licensed commercial fishing boat from which ocean food fish other than Dungeness crab are taken by means of a trawl net (including a shrimp trawl net), longline, hook-and-line, or pot. In addition, a logbook shall be provided to each licensed commercial fishing boat taking squid regardless of gear. The skipper of such boat shall be responsible for maintaining the logbook in an accurate and truthful manner in accordance with the instructions contained therein.

(2) Logbooks shall be completed for a fishing trip within one week of landing.

(3) The skipper of the licensed commercial fishing boat shall, upon request of an authorized representative of the Department of Fish and Wildlife, permit examination and transcription of information from such logbook. Information so received by the Department shall be considered as confidential.

(4) The agency copy of the logbook shall be surrendered upon request of Department personnel.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129

Hist.: FC 246, f. 5-5-72, ef. 5-15-72, Renumbered from 625-010-0570; FWC 34-1979, f. & ef. 8-22-79, Renumbered from 635-036-0295; FWC 15-1984, f. & ef. 4-5-84; DFW 38-1999, f. & cert. ef. 5-24-99; DFW 135-2002, f. 12-23-02, cert. ef. 1-1-03; DFW 120-2004, f. 12-13-04, cert. ef. 1-1-05

635-004-0052

Squid Harvest Guideline

Prior to reaching a harvest of 4.5 million pounds of squid, with not more than 3 million pounds taken north or south of Heceta Head, the Commission will hold a public hearing to evaluate the fishery.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FWC 15-1984, f. & ef. 4-5-84

Coastal Rivers Shad Fishery

635-004-0055

Closed Season

(1) It is *unlawful* to take shad for commercial purposes from the inland waters of this state other than the Columbia River except: Coquille, Siuslaw, Umpqua, and Smith River, a tributary of the Umpqua River, from 6 a.m. May 10 to 6 a.m. July 1 of each year in the area not otherwise closed by ORS 511.506.

(2) Shad eight (8) inches or less in length may be taken for commercial purposes incidentally in the Inland Waters herring baitfish fishery when legally seining for herring as defined in OAR-004-0027.

Stat. Auth.: ORS 506

Stats. Implemented:

Hist.: FC 241, f. 4-5-72, ef. 4-15-72; FC 272(74-4), f. 3-20-74, ef. 4-11-74; FC 275(74-8)(Temp), f. & cert. ef. 4-19-74, Renumbered from 625-010-0615, Renumbered from

635-036-0300; FC 275(74-8), f. 4-19-74, cert. ef. 5-11-74, Renumbered from 625-010-0615, Renumbered from 635-036-0300; FWC 77-1984, f. 11-28-84, ef. 12-1-84; DFW 112-2003, f. & cert. ef. 11-14-03

635-004-0060

Fishing Gear

(1) It is *unlawful* to take shad for commercial purposes by any means other than:

(a) Gill nets or setnets of a mesh size not less than five inches nor more than 6-1/2 inches in the Coos, Coquille, and Siuslaw Rivers, except that in Coos Bay, the use of any setnet downstream of a straight line from the red blinking light on the south bank at the east end of the Marshfield Channel to the green blinking light at the east end of the Marshfield Channel just off the north-westerly end of Bull Island, and a straight line from the same green blinking light across the northernmost tip of Bull Island to the east bank of Cooston Channel is prohibited;

(b) Gill nets having a mesh size of not less than six inches nor more than 6-3/4 inches in the Umpqua River;

(c) Gill nets or setnets of a mesh size not less than six inches nor more than 6-3/4 inches in the Smith River, a tributary of the Umpqua.

(2) "Gill net" includes drift net or floater net and means a mesh net which takes fish commonly by gilling, having cork and lead lines and which is in a position to drift with the tide or current at all times in the waters in which it is being fished.

(3) It is *unlawful* for a gill net in whole or in part to be anchored, tied, staked, fixed, or attached to the bottom, shore, or a beached boat; left unattended at any time it is in operation; attended by more than one boat while being fished; or for more than one gill net to be fished from a licensed commercial fishing boat at any one time.

(4) There shall be sufficient buoyancy in the corks and/or floats on the cork line of any gill net so that said net shall be free to drift with the current. None of the lines used thereon shall be of metal or of any metallic substance or material. The lead or weight on the lead line of any gill net shall not exceed two pounds in total weight on any one fathom, measurement to be taken along the cork line of said net. However, should extra or additional weight appear necessary or make practical the operation of any such net, permission to use in excess of two pounds-weight per fathom of net may be granted by the Commission to any duly licensed gill net fisherman upon written application which includes an adequate justification for the additional leads or weights of any kind attached to any part of such net except as herein provided.

(5) "Setnet" means a net which takes fish commonly by gilling and which in operation is set or anchored in a fixed position to a specific location and is not free to move or drift with the current or tide.

(6) Before a fisherman may fish a setnet at any one location, he must first register the site by providing a written description of the site location to the Department of Fish and Wildlife, Southwest Regional Office, 4192 N. Umpqua Highway, Roseburg, OR 97470.

(7) It is *unlawful* for a:

(a) Setnet or gill net which is constructed of material having a breaking strength greater than 24 pounds pull on any single mesh to be used during the 1977 coastal rivers shad season;

(b) Setnet or gill net which is constructed of material having a breaking strength greater than ten pounds pull on any single mesh to be used beginning with the 1978 coastal rivers shad season;

(c) Setnet to be used which exceeds 300 feet in length;

(d) Setnet or any part or portion thereof to be set or operated within a distance of 150 feet from any other setnet or any part or portion thereof including the monument or marker to which attached;

(e) Setnet to be set or operated in such a manner that the portion of the setnet at right angles to the thread of the bay or river is at any time longer than one-third the measured distance across the bay or river. This distance to be measured from bank to bank at mean low water;

(f) Commercial fisherman to register and operate more than six set net sites at any one time;

(g) Commercial fisherman to fish a setnet at a site which he has not registered with the Department of Fish and Wildlife;

(h) Commercial fisherman to fish a setnet at a site which is not clearly marked with his commercial fishing license number on a substantial post or monument created for that purpose on the bank of the river or upon a buoy securely anchored on the site location.

(8) The size of mesh of any gill net or setnet is determined by placing any three meshes of such net, while wet from soaking in water for not less than an hour, under ten pounds vertical tension and then measuring while under such tension the distance between the inside of the knot of the middle mesh to the outside of the opposite vertical knot of the middle mesh.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 241, f. 4-5-72, ef. 4-15-72; FC 272(74-4), f. 3-20-74, ef. 4-11-74; FC 287(74-22), f. 11-27-74, ef. 12-25-74; FWC 91, f. 2-23-77, ef. 3-1-77, Renumbered from 625-010-0620, Renumbered from 635-036-0305; FWC 27-1980, f. & ef. 6-23-80; FWC 77-1984, f. 11-28-84, ef. 12-1-84; FWC 8-1985 (Temp), f. & ef. 2-19-85; FWC 50-1989, f. 7-28-89, cert. ef. 7-31-89

635-004-0065

Incidental Catch of Salmon and Striped Bass

(1) It is *unlawful* to possess any salmon or striped bass taken as an incidental catch under OAR 635-004-0055 through 635-004-0060.

(2) Any person fishing with a gill net or setnet for shad under OAR 635-004-0055 through 635-004-0060 who upon lifting, drawing, taking up, or removing any such net from the water finds salmon or striped bass entangled or caught therein must immediately and carefully release and return the salmon or striped bass to the water.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 241, f. 4-5-72, ef. 4-15-72; FC 272(74-4), f. 3-20-74, ef. 4-11-74; FWC 52, f. & ef. 3-26-76, Renumbered from 625-010-0625, Renumbered from 635-036-0310; FWC 77-1984, f. 11-28-84, ef. 12-1-84; FWC 28-1988(Temp), f. & cert. ef. 4-29-88

Smelt Fishery

635-004-0070

Seasons

(1) Smelt may be taken for commercial purposes from the:

(a) Pacific Ocean at all times;

(b) Umpqua River at all times in those areas not closed to commercial fishing for shad;

(c) Sandy River at all times in the area below and west of the highway bridge at Troutdale, Oregon (U.S. 30 Alternate);

(d) Columbia River as described in OAR 635-042-0130.

(2) The taking of smelt for commercial purposes in areas and at times not specified in this rule is prohibited.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 241, f. 4-5-72, ef. 4-15-72; FC 290(75-3), f. 2-20-75, ef. 3-11-75, Renumbered from 625-0100-210; FWC 16-1979, f. & ef. 4-27-79, Renumbered from 635-036-0140; FWC 83-1985, f. 12-17-85, ef. 12-18-85

635-004-0075

Fishing Gear

It is *unlawful* to take smelt for commercial purposes from the:

(1) Pacific Ocean by any means other than fishing gear authorized for the taking of ocean food fish.

(2) Umpqua River by any means other than dip nets and gill nets of a mesh size no more than two inches nor more than 600 feet in length.

(3) Sandy River by any means other than dip nets.

(4) Columbia River by any means other than those described in OAR 635-042-0130.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 241, f. 4-5-72, ef. 4-15-72, Renumbered from 625-010-0215; FWC 16-1979, f. & ef. 4-27-79, Renumbered from 635-036-0145; FWC 83-1985, f. 12-17-85, ef. 12-18-85

Sturgeon Fishery

635-004-0080

Closures

It is *unlawful* to take sturgeon for commercial purposes except in the:

(1) Columbia River, in the areas and during the times open to the taking of salmon and/or sturgeon for commercial purposes.

(2) Coos, Coquille, and Siuslaw, in the areas and during the times open to the taking of shad for commercial purposes.

(3) Pacific Ocean at all times.

Stat. Auth.: ORS 506.119 & 506.129

Stats. Implemented: ORS 506.119 & 506.129

Hist.: FC 241, f. 4-5-72, ef. 4-15-72, Renumbered from 625-010-0120, Renumbered from 635-036-0110; FWC 1-1981, f. & ef. 1-19-81; FWC 23-1995, f. 3-29-95, cert. ef. 4-1-95

635-004-0085

Fishing Gear

It is *unlawful* to take sturgeon for commercial purposes by any means other than the commercial fishing gear authorized in the fishing area in which the sturgeon are taken except setlines are permitted in the Columbia River for the taking of sturgeon.

Stat. Auth.: ORS 506.119 & 506.129

Stats. Implemented: ORS 506.119 & 506.129

Hist.: FC 241, f. 4-5-72, ef. 4-15-72, Renumbered from 625-010-0125, Renumbered from 635-036-0115

635-004-0090

Size Limit

(1) Except as provided in OAR 635-007-0700 through 635-007-0720 it is *unlawful* to:

(a) Take from the waters of this state or to land sturgeon for commercial purposes less than 48 inches or more than 60 inches in length;

(b) Remove the head or tail of any sturgeon taken from the waters of this state or landed for commercial purposes prior to being received at the premises of a wholesale fish dealer or canner;

(c) To possess, sell, or transport any whole sturgeon under four feet in length taken for commercial purposes in the waters of this state or the Pacific Ocean. Proof of possession, sale, or transportation of any dressed sturgeon under 28 inches in length exclusive of head and tail shall in itself create a permissible inference that the dressed sturgeon was under 48 inches in length at the time it was taken.

(2) Any person fishing with commercial fishing gear in the waters of this state who, on lifting, drawing, taking up or removing any such gear finds sturgeon entangled or caught therein which are not within the legal length limits set forth in section (1)(a) of this rule or during a season not open for sturgeon, shall immediately, with care and the least possible injury to the fish, disentangle, release and transfer the fish to the water without violence.

Stat. Auth.: ORS 506.119, 506.129 & 507.030

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FC 241, f. 4-5-72, ef. 4-15-72; Renumbered from 625-010-0130; Renumbered from 635-036-0120; FWC 39-1981, f. 10-30-81, ef. 1-1-81; FWC 33-1988, f. & cert. ef. 5-24-88; FWC 9-1994, f. 2-14-94, cert. ef. 2-15-94; FWC 23-1995, f. 3-29-95, cert. ef. 4-1-95; DFW 1-1998, f. & cert. ef. 1-9-98; DFW 144-2005(Temp), f. 12-20-05, cert. ef. 1-1-06 thru 3-31-06; DFW 5-2006, f. & cert. ef. 2-15-06

Thresher Shark Fishery

635-004-0100

Thresher Shark Fishery

Notwithstanding OAR 635-004-0035, gillnets may be used for the taking of thresher shark north of 42° N. latitude and west of 20 nautical miles from shore, only at such times as prescribed by OAR 635-004-0110.

Stat. Auth.: ORS 506 & 508

Stats. Implemented: ORS 506 & 508

Hist.: FWC 18-1987, f. & ef. 5-7-87; FWC 25-1988, f. 4-27-88, cert. ef. 5-13-88; FWC 31-1989, f. 5-4-89, cert. ef. 5-5-89

635-004-0110

Season

It is *unlawful* to take thresher shark for commercial purposes with gillnets.

Stat. Auth.: ORS 506 & 508

Stats. Implemented: ORS 506 & 508

Hist.: FWC 34-1987(Temp), f. & ef. 6-25-87; FWC 5-1987(Temp), f. & ef. 7-13-87; FWC 61-1987(Temp), f. & ef. 8-3-87; FWC 25-1988, f. 4-27-88, cert. ef. 5-13-88; FWC 31-1989, f. 5-4-89, cert. ef. 5-5-89

Far Offshore Fishery

635-004-0125

Definition

“Far Offshore Fishery” means a fishery where the fish are taken outside the United States 200-mile fishery conservation zone.

Stat. Auth.: ORS 496.138, 496.162, 506.119 & 506.129

Stats. Implemented: ORS 496.138, 496.162, 506.119 & 506.129

Hist.: FWC 109-1991(Temp), f. & cert. ef. 9-27-91; FWC 10-1992, f. 2-26-92, cert. ef. 2-27-92

635-004-0130

Commercial Vessel License — Right to Land Fish

Fish taken in a far offshore fishery which may be lawfully imported into this state from a foreign nation or from another state, may be landed in this state, provided Oregon commercial fishing license requirements and the provisions contained in OAR 635-004-0135 through 635-004-0150 have been met.

Stat. Auth.: ORS 496.138, 496.162, 506.119 & 506.129

Stats. Implemented: ORS 496.138, 496.162, 506.119 & 506.129

Hist.: FWC 109-1991(Temp), f. & cert. ef. 9-27-91; FWC 10-1992, f. 2-26-92, cert. ef. 2-27-92

635-004-0135

Declaration

(1) The vessel operator of any vessel participating in the far offshore fishery intending to land fish or fish products in Oregon shall notify the Department of any such fishing trip at least 48 hours prior to leaving port by writing to the Oregon Department of Fish and Wildlife, Building #3, Marine Science Drive, Newport, OR 97365, or by calling 503-867-4741 during regular business hours Monday through Friday. Such declaration shall include the area to be fished and the intended port of landing, including the identification of the processor to whom delivery will be made.

(2) In addition, 24 hours or more prior to landing, the vessel operator shall notify the Department, at the telephone number listed above, during regular business hours, or the Oregon State Police at other times, telephone number 503-238-8434, of the following:

(a) Vessel name and documentation number;

(b) Estimated time of arrival;

(c) Port of landing;

(d) Processor's location; and

(e) Estimated weight of fish on board.

Stat. Auth.: ORS 496.138, 496.162, 506.119 & 506.129

Stats. Implemented: ORS 496.138, 496.162, 506.119 & 506.129

Hist.: FWC 109-1991(Temp), f. & cert. ef. 9-27-91; FWC 10-1992, f. 2-26-92, cert. ef. 2-27-92

635-004-0140

Compliance Evidence

It shall be the responsibility of the vessel operator to maintain a navigation plotting record of any far offshore fishing trip, and such record shall be available for inspection by any person authorized to enforce the commercial fishing laws of Oregon. Such record shall be maintained for 30 days following any such fishing trip.

Stat. Auth.: ORS 496.138, 496.162, 506.119 & 506.129

Stats. Implemented: ORS 496.138, 496.162, 506.119 & 506.129

Hist.: FWC 109-1991(Temp), f. & cert. ef. 9-27-91; FWC 10-1992, f. 2-26-92, cert. ef. 2-27-92

635-004-0145

Trip Limit

Except for the licensing requirements provided in ORS 635-004-0130, there are no trip limits or landing restrictions for fish or fish products taken in the far offshore fishery.

Stat. Auth.: ORS 496.138, 496.162, 506.119 & 506.129

Stats. Implemented: ORS 496.138, 496.162, 506.119 & 506.129

Hist.: FWC 109-1991(Temp), f. & cert. ef. 9-27-91; FWC 10-1992, f. 2-26-92, cert. ef. 2-27-92

635-004-0150

Fishing Within 200 Mile Fishery Zone — When Unlawful

It is *unlawful* for the operator of any vessel to fish in or land fish from the 200-mile fishery conservation zone or from state waters during any trip for which a declaration to participate in the far offshore fishery has been made.

Stat. Auth.: ORS 496.138, 496.162, 506.119 & 506.129

Stats. Implemented: ORS 496.138, 496.162, 506.119 & 506.129

Hist.: FWC 109-1991(Temp), f. & cert. ef. 9-27-91; FWC 10-1992, f. 2-26-92, cert. ef. 2-27-92

Black Rockfish, Blue Rockfish, and Nearshore Fishery

635-004-0160

Definition

“Black rockfish/blue rockfish/nearshore fishery” shall mean the commercial fishery for black rockfish, blue rockfish and nearshore fish as defined in ORS 506.011.

Stat. Auth.: ORS 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 506.450 - 506.465

Hist.: DFW 112-2003, f. & cert. ef. 11-14-03

635-004-0165**Fishing Gear**

It is unlawful to take black rockfish/blue rockfish/nearshore fishery species by any means other than:

(1) Hook-and-line gear (including pole-and-line, troll, longline, and stick gear).

(2) Pot gear may be used if a Developmental Fisheries permit (OAR 635-006-0900) for nearshore species using pot gear was issued in 2003. Pot gear shall be limited to a maximum of 35 pots.

Stat. Auth.: ORS 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 506.450 - 506.465

Hist.: DFW 112-2003, f. & cert. ef. 11-14-03

635-004-0170**Incidental Catch in Other Fisheries**

A person may operate a vessel in the black rockfish/blue rockfish/nearshore fishery without a permit required by OAR 635-006-1015(1)(j) if the person:

(1) For only one landing per day, lands no more than 15 pounds of black rockfish, blue rockfish, nearshore fish or a combination of black rockfish, blue rockfish or nearshore fish and if the black rockfish, blue rockfish and nearshore fish:

(a) Make up 25 percent or less of the total poundage of the landing; and

(b) Are landed with fishing gear that is legal to use in the fishery in which the black rockfish, blue rockfish or nearshore fish are landed;

(2) Operates a vessel in the ocean troll salmon fishery pursuant to ORS 508.801 to 508.825 and the person lands black rockfish, blue rockfish or a combination of black rockfish and blue rockfish in the same landing in which the person lands a salmon under the permit required by ORS 508.801 to 508.825. The black rockfish or blue rockfish landed under this paragraph must be landed dead. A person who lands black rockfish and blue rockfish under this paragraph may land up 100 pounds of black rockfish, blue rockfish or a combination of black rockfish and blue rockfish per landing.

(3) Lands no more than 15 pounds per vessel of black rockfish, blue rockfish, or a combination of black rockfish and blue rockfish per trip, after the total amount of black rockfish and blue rockfish combined landed in the salmon troll fishery reaches 3000 pounds in any calendar year, except as provided in subsection (4).

(4) Operates a vessel in the west coast groundfish trawl fishery pursuant to federal regulations and lands no more than 1,000 pounds of black rockfish, blue rockfish or a combination of black rockfish and blue rockfish per calendar year and if the black rockfish and blue rockfish:

(a) Make up 25 percent or less of the total poundage of each landing; and

(b) Are landed dead; or

(5) Is a nonprofit aquarium or has contracted with a nonprofit aquarium to land black rockfish, blue rockfish or nearshore fish for the purpose of displaying or conducting research on the black rockfish, blue rockfish or nearshore fish.

Stat. Auth.: ORS 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 506.450 - 506.465

Hist.: DFW 112-2003, f. & cert. ef. 11-14-03; DFW 138-2005, f. 12-7-05, cert. ef. 1-1-06

DIVISION 5**COMMERCIAL SHELLFISH FISHERY****General****635-005-0001****Clams and Mussels from Health Closure Areas**

(1) As used in this section:

(a) "Bait" means clams or mussels not harvested for human consumption;

(b) "Biotxin" means naturally occurring shellfish toxins monitored by the Oregon Department of Agriculture;

(c) "Health closure area" means an area closed to the public due to health risks of consuming shellfish from the area;

(d) "Live boxed" means any type of container used to hold or store clams/mussels in the water;

(e) "Open area" means an area approved by the Oregon Department of Agriculture for the harvest of clams or mussels for human consumption;

(f) "Restricted area" means an area closed or prohibited to commercial harvest of shellfish by the Oregon Department of Agriculture for the harvest of clams or mussels for human consumption by commercial shellfish harvesters.

(g) "Shellfish sanitation certificate" means a license required by Oregon Department of Agriculture to engage in business of harvesting shellfish for human consumption;

(2) It is *unlawful* to take clams or mussels for any commercial purpose from a health closure area closed for biotoxins.

(3) It is *unlawful* for any person to sell shellfish for human consumption:

(a) Taken from an area designated as restricted by the Oregon Department of Agriculture; or

(b) Taken without a shellfish sanitation certificate from the Oregon Department of Agriculture.

(4) Clams and mussels taken as bait must be visibly dyed with a Department of Fish and Wildlife-approved dye;

(a) Dyeing must occur before leaving the harvest area, before being transported by vehicle, or before the time of docking of the vessel used in harvesting;

(b) Clams and mussels taken for bait may not be possessed aboard a vessel while clams and mussels for human consumption are on board. Upon leaving the vessel or the harvest area, clams and mussels taken as bait may not be mixed with clams and mussels taken for human consumption.

(c) Prior to sale, clams or mussels taken from restricted areas and live boxed must be stored in a restricted area pending sale.

(d) Clams or mussels taken for human consumption and later sold as bait must be dyed at the time of sale to a bait dealer.

Stat. Auth.: ORS 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.129

Hist.: FWC 30-1985, f. 6-27-85, ef. 7-1-85; FWC 137-1991(Temp), f. 12-20-91, cert. ef. 12-23-91; FWC 39-1992(Temp), f. & cert. ef. 6-19-92; DFW 61-2002, f. & cert. ef. 6-14-02

635-005-0002**Sale of Clams and Mussels**

Clams and mussels shall be sold to a wholesale fish dealer or fish bait dealer within 48 hours of harvest or leaving the digging area, whichever comes last.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FWC 30-1985, f. 6-27-85, ef. 7-1-85

635-005-0003**Additional License Requirement**

Each harvester or distributor or processor of shellfish for human consumption must obtain a shellfish sanitation certificate from the Oregon Department of Agriculture. (ORS 622.020).

Stat. Auth.: ORS 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.129

Hist.: DFW 61-2002, f. & cert. ef. 6-14-02

Abalone Fishery**635-005-0005****Prohibited**

(1) Except as provided in section (2) of this rule, it is *unlawful* to take abalone for commercial purposes.

(2) A commercial aquaculture facility may take abalone for use as broodstock under the terms and conditions specified in a permit issued by the Oregon Department of Fish and Wildlife. Application for such a permit shall be in writing and shall include a description of the commercial aquaculture facility, the methods for collecting and returning broodstock abalone to and from the wild, the methods for checking abalone and imported kelp food for pathogens or exotic fauna, the procedures for isolating and culturing abalone to prevent contamination of wild abalone stock and such other information as the Department may require. Permit applications shall be mailed to: Marine Regional Office, Department of Fish and Wildlife, 2040 SE Marine Science Drive, Newport, OR 97365.

Stat. Auth.: ORS 506.119 & 506.129

Stats. Implemented: ORS 506.119 & 506.129

Hist.: FC 241, f. 4-5-72, ef. 4-15-72; Renumbered from 625-010-0320, 1975; Renumbered from 635-036-0190, 1979; FWC 24-1995, f. 3-29-95, cert. ef. 4-1-95

Clam Fishery**635-005-0015****Closed to Commercial and Personal Use**

It is *unlawful* to take:

(1) Any clams from a research experimental clam culture area in that portion of Yaquina Bay, Lincoln County, which is the tideflat on the north side of the wood piling breakwater, south of the troller's basin. The legal description is as follows: Beginning at a point 1,181.24 feet south and 430.55 feet east of the meander corner of Sections 8 and 9, T11S, R11W, W.M., said point being a flashing red beacon on the southeastern end of the U.S. Army Engineers wood piling breakwater, thence northwesterly along said breakwater to a point being a flashing white beacon on the northwestern end of said breakwater located 583.46 feet south and 2,082.62 feet west of the above meander corner, thence southeasterly along the extreme low water line of the sand pit lying on the north side of the said breakwater to the point of beginning, said tideland being 7.2 acres, more or less, at mean low water line.

(2) Any clams from an experimental oyster and clam cultivation study area in that portion of Netarts Bay beginning from the quarter corner of Section 17, 20, T2S, R10W, thence north 10 degrees 14 feet west 200 feet to point of beginning, thence west approximately 6,250 feet to the west meander line of Netarts Bay, thence north 1,000 feet, thence east about 6,250 feet, thence south along the meander line to the point of beginning, except any privately owned tidelands within the described area are excluded from the closure.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 241, f. 4-5-72, ef. 4-15-72; Renumbered from 625-010-0060, 1975; Renumbered from 635-036-0085, 1979

635-005-0016**Permit and Logbook Required**

(1) It is *unlawful*:

(a) To take clams for commercial purposes without first obtaining a permit from the Department of Fish and Wildlife;

(b) To take clams except under the terms and conditions specified in the permit. Permits may be issued to mechanically harvest clams in subtidal areas by means of water jet or other hand or handpowered tool. Application for such a permit must be written and include a description of the specific areas where mechanical taking is proposed and such other information as the Director shall require.

(2) Applications should be mailed to: Marine Regional Office, Department of Fish and Wildlife, 2040 SE Marine Science Drive, Newport, OR 97365.

Stat. Auth.: ORS 506.109 & 506.119

Stats. Implemented: ORS 506.129

Hist.: FWC 30-1985, f. 6-27-85, ef. 7-1-85; DFW 61-2002, f. & cert. ef. 6-14-02

635-005-0020**Closed Seasons and Areas**

It is *unlawful* to take for commercial purposes:

(1) Gaper clams from January 1 through June 30, except under a limited entry bay clam dive fishery permit (OAR 635-006-1015), an incidental catch of one gaper clam per eight butter clams, or 25 pounds of gaper clams per 100 pounds of butter clams, whichever allows the greater gaper clam incidental catch.

(2) Razor clams from July 15 through September 30 in the area north of Tillamook Head in Clatsop County.

(3) Any clams from:

(a) Little Nestucca Bay;

(b) Big Nestucca Bay;

(c) Netarts Bay, except cockles may be taken;

(d) Salmon River and Bay;

(e) Siletz River and Bay;

(f) All state parks south of Tillamook Head.

(4) Bay clams in Tillamook Bay, under a bay clam dive permit (OAR 635-006-1015), from the following areas:

(a) The "Ghost Hole" from the floating toilet site south to Sandstone Point and 500 feet westward from the Highway 101 shoreline;

(b) The area east of a line connecting the Coast Guard tower on the north jetty and buoy marker 13;

(c) The area above mean lower low water near Kincheloe Point.

(5) Cockle clams in Netarts Bay, under a bay clam dive permit (OAR 635-006-1015), from the following areas:

(a) An area extending 500 feet to the north adjacent to Oregon State University's shellfish reserve and across the entire width of the bay;

(b) The area above mean lower low water.

(6) Bay clams in Coos Bay, under a bay clam dive permit (OAR 635-006-1015), from the following areas:

(a) In depths less than 10 feet from mean lower low water;

(b) The area of South Slough east of the Charleston bridge.

Stat. Auth.: ORS 506.109 & 506.119

Stats. Implemented: ORS 506.129

Hist.: FC 241, f. 4-5-72, ef. 4-15-72; Renumbered from 625-010-0065, 1975; Renumbered from 635-036-0090, 1979; FWC 30-1985, f. 6-27-85, ef. 7-1-85; FWC 137-1991(Temp), f. 12-20-91, cert. ef. 12-23-91; FWC 39-1992(Temp), f. & cert. ef. 6-19-92; FWC 94-1992(Temp), f. 9-18-92, cert. ef. 9-19-92; FWC 102-1992 (Temp), f. 10-1-92, cert. ef. 10-2-92; FWC 121-1992(Temp), f. & cert. ef. 11-9-92; DFW 30-1998(Temp), f. & cert. ef. 5-6-98 thru 10-23-98; DFW 92-1998, f. & cert. ef. 11-25-98; DFW 61-2002, f. & cert. ef. 6-14-02; DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06

635-005-0030**Size Limit**

(1) The minimum legal size of razor clams taken for commercial purposes is 3-3/4 inches from tip to tip of the shell. It is unlawful to possess any razor clams taken for commercial purposes which are less than the minimum legal size.

(2) All undersized razor clams must be immediately returned to the hole from which they were dug with the hinge oriented towards the ocean.

(3) The minimum legal size of cockle clams taken for commercial purposes under a bay clam dive permit (OAR 635-006-1015) is 2-1/4 inches at the widest dimension. It is unlawful to possess any cockle clams taken for commercial purposes under a bay clam dive permit which are less than the minimum legal size

(4) The minimum legal size of gaper clams taken for commercial purposes under a bay clam dive permit (OAR 635-006-1015) is 4 inches at the widest dimension. It is unlawful to possess any gaper clams taken for commercial purposes under a bay clam dive permit which are less than the minimum legal size.

Stat. Auth.: ORS 506.119 & 506.129

Stats. Implemented: ORS 506

Hist.: FC 241, f. 4-5-72, ef. 4-15-72; FC 255, f. 9-12-72, ef. 10-1-72; Renumbered from 625-010-0075, 1975; Renumbered from 635-036-0100, 1979; DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 61-2006, f. 7-13-06, cert. ef. 10-1-06

635-005-0031**Fishing Gear**

It is unlawful to take razor clams for commercial purposes by any means other than by hand or by shovel.

Stat. Auth.: ORS 506.119 and ORS 506.129

Stats. Implemented: ORS 506.129

Hist.: DFW 61-2006, f. 7-13-06, cert. ef. 10-1-06

635-005-0032**Catch Limits**

(1) In Netarts Bay, the annual quota for cockle clams harvested by the bay clam dive fishery (OAR 635-006-1015) is 8,000 pounds.

(2) In Tillamook Bay, the annual quota for cockle clams harvested by the bay clam dive fishery (OAR 635-006-1015) is 90,000 pounds.

(3) Staff will initiate rulemaking to close the commercial season for cockle clams for an area when the quota is reached.

Stat. Auth.: ORS 506.109 & 506.119

Stats. Implemented: ORS 506.129

Hist.: DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06

635-005-0035**Additional License Requirement**

The Oregon State Health Division requires a certificate of shellfish sanitation as a harvester from any individual taking clams for commercial purposes and a certificate of shellfish sanitation as a shucker from any individual cleaning clams prior to sale (ORS 622.080).

Stat. Auth.: ORS 622

Stats. Implemented: ORS 622

Hist.: FC 241, f. 4-5-72, ef. 4-15-72; Renumbered from 625-010-0080, 1975; Renumbered from 635-036-0105, 1979

Dungeness Crab Fishery

635-005-0040

License Limitation

In the event that a license limitation measure is adopted by the Commission, August 14, 1991, shall be used as the eligibility date for participation in the Dungeness crab fishery.

Stat. Auth.: ORS 506.119 & 506.129

Stats. Implemented: ORS 506.119 & 506.129

Hist.: FWC 124-1991, f. 10-23-91, cert. ef. 10-25-91

635-005-0042

Areas

Oregon Dungeness crab permits are valid only in Oregon state waters and the Pacific Ocean in federal waters south of an east-west line extending 200 nautical miles westward at 46° 15' 00" N. Lat. (Oregon/Washington border).

Stat. Auth.: ORS 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.129

Hist.: DFW 117-2005, f. 10-7-05, cert. ef. 12-1-05

635-005-0045

Closed Season in Pacific Ocean and Columbia River

(1) In addition to any closures described in Section 3, it is unlawful to take, land or possess Dungeness crab for commercial purposes from the Pacific Ocean or Columbia River from August 15 through November 30.

(2) It is unlawful prior to January 1 to land or to receive, or to buy, Dungeness crab from a vessel that has not been certified by officials of the State of Oregon, Washington, or California to have been free of Dungeness crab on November 30, except as provided in section (3)(c) of this rule.

(3) Delay of Season Openings:

(a) The Northern Zone is bounded on the north by Gray's Harbor (at Oyehut) and on the south by Cascade Head, Oregon: Upon a determination by the Department that preseason sampling indicates the consistent presence of more than 50 percent Grade II and III (softshell) crab in the samples, the Fish and Wildlife Director, in consultation with the Washington Department of Fish and Wildlife, may adopt a temporary rule delaying the opening date of the commercial crab season in all or part of the Northern Zone area until additional sampling indicates meat recovery is 23 percent or is projected to be 23 percent by the opening date.

(b) The Southern Zone is bounded on the north by Cascade Head and on the south by Point Arena: Upon a determination by the Department that preseason sampling indicates meat recovery is projected to be less than 25 percent by December 1 in the Oregon portion of the Southern Zone, the Fish and Wildlife Director shall delay the opening date of the commercial crab fishery in all or part of the Oregon portion of the zone for 15 days and re-open December 16.

(4) In the event the season in the Northern Zone or Southern Zone is delayed, the following applies:

(a) The Director shall adopt rules identifying the boundary between, or within, the Northern and Southern zones. The boundary between or within the zones shall take into account the existence of traditional fishing patterns;

(b) If the opening date for a season is delayed for either zone, or part of a zone, fishermen electing to fish in a zone or part of a zone with a December 1 opening date may not fish in an area with the delayed opening date within the first 30 days of the delayed opening date;

(c) For the first 30 days of a fishing zone season, vessels electing to fish a zone shall be certified by officials of the State of Oregon, Washington or California to have been free of Dungeness crab on the day immediately prior to the opening day of the selected fishing zone. At the time of vessel inspection, the vessel operator shall certify the vessel has not been used to take crab in the selected fishing zone.

(5) Upon a determination by the Department that catch in Oregon's Pacific Ocean Dungeness crab fishery after May 31 is greater than ten percent of the catch in the previous December 1 through May 31 period, the Fish and Wildlife Director shall adopt a temporary rule closing the commercial season until the following December 1.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FC 285(74-20), f. 11-27-74, ef. 12-25-74; FC 293(75-6), f. 6-23-75, ef. 7-11-75; FWC 30, f. & ef. 11-28-75; FWC 132, f. & ef. 8-4-77; FWC 30-1985, f. 6-27-1985, ef. 7-1-85, Renumbered from 625-010-0155, Renun-

bered from 635-036-0125; FWC 56-1982, f. & ef. 8-27-82; FWC 13-1983, f. & ef. 3-24-83; FWC 39-1983(Temp), f. & ef. 8-31-83; FWC 11-1984, f. 3-30-84, ef. 9-16-84, except section (1) per FWC 45-1984, f. & ef. 8-30-84; FWC 30-1985, f. 6-27-85, ef. 7-1-85; FWC 78-1986(Temp), f. & ef. 12-1-86; FWC 36-1987, f. & ef. 7-1-87; FWC 97-1987(Temp), f. & ef. 11-17-87; FWC 102-1988, f. 11-29-88, cert. ef. 12-29-88; FWC 119-1989(Temp), f. 11-29-89, cert. ef. 12-1-89; FWC 135-1991(Temp), f. 12-10-91, cert. ef. 12-11-91; FWC 136-1991(Temp), f. & cert. ef. 12-19-91; FWC 112-1992, f. 10-26-92, cert. ef. 11-1-92; FWC 70-1993, f. 11-9-93, cert. ef. 11-11-93; FWC 88-1994(Temp), f. 11-30-94, cert. ef. 12-1-94; FWC 89-1994(Temp), f. & cert. ef. 12-1-94; FWC 89-1995(Temp), f. 11-28-95, cert. ef. 12-1-95; FWC 1-1996(Temp), f. 1-11-96, cert. ef. 1-13-96; DFW 51-1998(Temp), f. 6-29-98, cert. ef. 7-1-98 thru 9-15-98; DFW 54-1998(Temp), f. & cert. ef. 7-24-98 thru 9-15-98; DFW 40-1999, f. & cert. ef. 5-26-99; DFW 70-2000, f. & cert. ef. 10-23-00; DFW 77-2000(Temp), f. 11-27-00, cert. ef. 12-1-00 thru 12-14-00; DFW 39-2002, f. & cert. ef. 4-26-02; DFW 128-2002(Temp), f. & cert. ef. 11-15-02 thru 1-31-03; DFW 129-2002(Temp), f. & cert. ef. 11-20-02 thru 1-31-03; DFW 132-2002(Temp), f. & cert. ef. 11-25-02 thru 1-31-03 (Suspended by DFW 133-2002(Temp)); DFW 133-2002(Temp), f. & cert. ef. 12-6-02 thru 1-31-03; DFW 117-2003(Temp), f. 11-25-03, cert. ef. 12-1-03 thru 2-29-04; Administrative correction 10-26-04; DFW 113-2004(Temp), f. 11-23-04, cert. ef. 12-1-04 thru 3-1-05; DFW 116-2004(Temp), f. & cert. ef. 12-8-04 thru 3-1-05; DFW 126-2004(Temp), f. & cert. ef. 12-21-04 thru 3-1-05; DFW 132-2004(Temp), f. & cert. ef. 12-30-04 thru 3-1-05; Administrative correction, 3-18-05; DFW 129-2005(Temp), f. & cert. ef. 11-29-05 thru 12-31-05; DFW 140-2005(Temp), f. 12-12-05, cert. ef. 12-30-05 thru 5-31-06; Administrative correction 7-20-06

635-005-0047

Possession and Landing Limits

(1) It is *unlawful*, from the second Monday in June through August 14, for any permitted ocean Dungeness crab vessel to take, land or possess more than 1200 pounds of Dungeness crab per week from the Pacific Ocean and Columbia River.

(2) Landing Dungeness crab legally taken from the Pacific Ocean and Columbia River is allowed in Oregon with a valid Oregon Dungeness crab permit.

(3) Commercial fishers must retain copies of fish landing receipts for a minimum of 90 days on board vessels landing Dungeness crab under the cumulative catch limit described in section (1) of this rule. The receipts must be available for inspection by authorized enforcement officials and by employees of Oregon Department of Fish and Wildlife (ODFW). Legal landing receipts are defined in section (4).

(4) For purposes of this rule, the following definitions apply:

(a) "Landing" and "Land" means to begin transfer of Dungeness crab from a fishing vessel. Once transfer begins, all Dungeness crab aboard the vessel are counted as part of the landing;

(b) "Landing receipt" means either an ODFW-issued Fish Receiving Ticket or a fish dealer dock ticket identified with a fish dealer's logo or letterhead and that must include the following:

(A) Fish dealer's name and dealer license number;

(B) Date of receipt of the Dungeness crab;

(C) Name of fisher from whom the Dungeness crab were purchased;

(D) Vessel name, vessel license number, and the federal document or State Marine Board number of the vessel from which catch was made;

(E) Port name of landing;

(F) Fishing gear used by the fisher;

(G) Gross pounds of Dungeness crab received and price paid per pound; and

(H) Signature of both the fisher making the landing and the individual preparing the dock ticket.

(c) "Week" means the period beginning 12:01 a.m. local time Monday through 12 midnight Sunday.

Stat. Auth.: ORS 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.129

Hist.: DFW 40-1999, f. & cert. ef. 5-26-99; DFW 117-2005, f. 10-7-05, cert. ef. 12-1-05

635-005-0048

Reporting Requirements

All commercial fisherman landing Dungeness crab must report the area of primary catch to the dealer at the time of landing.

Stat. Auth.: ORS 506.119 & 506.129

Stats. Implemented: ORS 506.129

Hist.: DFW 117-2003(Temp), f. 11-25-03, cert. ef. 12-1-03 thru 2-29-04; DFW 10-2004, f. & cert. ef. 2-13-04

635-005-0049

Closed Season in Bays and Estuaries

It is *unlawful* to take Dungeness crab for commercial purposes from any bay or estuary or to land or possess any Dungeness crab so taken:

- (1) From January 1 through Labor Day;
 - (2) During December, if the adjacent ocean area is closed as provided in OAR 635-005-0045;
 - (3) From midnight Friday through midnight Sunday of any week; and
 - (4) On all legal state and federal holidays.
- Stat. Auth.: ORS 506.119 & 506.129
 Stats. Implemented: ORS 506.119 & 506.129
 Hist.: FWC 70-1993, f. 11-9-93, cert. ef. 11-11-93

635-005-0055**Fishing Gear**

It is *unlawful* for commercial purposes to:

- (1) Take crab by any means other than crab rings or crab pots (ORS 509.415); a crab ring is any fishing device that allows crab unrestricted entry or exit while fishing.
- (2) Use any crab pot which is greater than thirteen cubic feet in volume, calculated using external dimensions.
- (3) Use any crab pot which does not include a minimum of two circular escape ports of at least 4 -1/4 inches inside diameter located on the top or side of the pot. If escape ports are placed on the side of the pot, they shall be located in the upper half of the pot.
- (4) Use any crab pot which does not have a release mechanism. Acceptable release mechanisms are:
 - (a) Iron lid strap hooks constructed of iron or "mild" steel rod (not stainless steel) not to exceed 1/4-inch (6mm) in diameter;
 - (b) A single loop of untreated cotton or other natural fiber twine, or other twine approved by the Department not heavier than 120 thread size between pot lid tiedown hooks and the tiedown straps; or
 - (c) Any modification of the wire mesh on the top or side of the pot, secured with a single strand of 120 thread size untreated cotton, natural fiber, or other twine approved by the Department which, when removed, will create an opening of at least five inches in diameter.
- (5) Place, operate, or leave crab rings or pots in the Pacific Ocean and Columbia River or in any bay or estuary during the closed season, except that in only the Pacific Ocean and Columbia River, rings or pots may be placed no more than 64 hours immediately prior to the date the Dungeness crab season opens. In addition, unbaited crab rings or pots with open release mechanisms may be left in the Pacific Ocean (not including the Columbia River) for a period not to exceed 14 days following the closure of the Dungeness crab season.
- (6) Use commercial crab pots in the Columbia River or Pacific Ocean unless the pots are individually marked with a surface buoy bearing, in a visible and legible manner, the brand of the owner and an ODFW buoy tag, provided that:

- (a) The brand is a number registered with and approved by the Department;
- (b) Only one unique buoy brand shall be registered to any one permitted vessel;
- (c) All crab pots fished by a permitted vessel must use only the Oregon buoy brand number registered to that vessel in the area off of Oregon;
- (d) The Department shall issue crab buoy tags to the owner of each commercial crab permit in the amount determined by OAR 635-006-1015(1)(g)(E);
- (e) All buoy tags eligible to a permit holder must be purchased from the Department at cost and attached to the gear prior to setting gear; and
- (f) Buoys attached to a crab pot must have the buoy tag securely attached to the first buoy on the crab pot line (the buoy closest to the crab pot) at the end away from the crab pot line;

(g) Additional buoy tags to replace lost tags will be issued by the Department as follows:

(A) After 45 days following the season opening in the area fished, up to ten percent of the tags initially issued for that season; or

(B) For a catastrophic loss, defined as direct loss of non-deployed gear in the event of a vessel being destroyed due to fire, capsizing, or sinking. Documentation of a catastrophic loss may include any information the Department considers appropriate, such as fire department or US Coast Guard reports.

(C) Permit holders must obtain, complete, and sign a declaration of loss under penalty of perjury in the presence of an authorized Department employee. The declaration shall state the number of buoy tags lost, the specific tag number of each lost tag, the location and date

where lost gear or tags were last observed, and the presumed cause of the loss.

(7) Remove, damage, or otherwise tamper with crab buoy or pot tags except when lawfully applying or removing tags on the vessel's buoys and pots.

(8) Possess, use, control, or operate any crab pot not bearing a tag identifying the pot as that vessel's, or buoys not bearing tags issued by the Department to that vessel, except:

- (a) To set gear as allowed under OAR 635-006-1015; or
- (b) Under a waiver granted by the Department to allow one time retrieval of permitted crab gear to shore by another crab permitted vessel provided that:

(A) Vessel is incapacitated due to major mechanical failure or destroyed due to fire, capsizing, or sinking;

(B) Circumstances beyond the control of the permit holder created undue hardship as defined by OAR 635-006-1095(7)(d);

(C) A Request must be in writing and a waiver approved and issued prior to retrieval.

(D) A copy of the waiver must be on board the vessel making the retrieval. (Contact Oregon Department of Fish and Wildlife License Services, Salem for guidelines.)

(9) Attach one crab pot to another crab pot or ring net by a common groundline or any other means that connects crab pots together,

(10) Take crabs for commercial purposes by crab pots from any bay or estuary except the Columbia River.

(11) Operate more than 15 crab rings from any one fishing vessel in bays or estuaries, except the Columbia River.

(12) Take or fish for Dungeness crab for commercial purposes in the Columbia River or Pacific Ocean adjacent to the state of Oregon unless a crab pot allocation has been issued to the permit required under OAR 635-006-1015(1)(g).

(13) Deploy or fish more crab pots than the number of pots assigned by the crab pot allocation certificate or to use any vessel other than the vessel designated on the crab pot allocation, except to set gear as allowed under OAR 635-006-1015.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FC 285(74-20), f. 11-27-74, ef. 12-25-74, Renumbered from 625-010-0160; FWC 49-1978, f. & ef. 9-27-78, Renumbered from 635-036-0130; FWC 56-1982, f. & ef. 8-27-82; FWC 81-1982, f. & ef. 11-4-82; FWC 82-1982(Temp), f. & ef. 11-9-82; FWC 13-1983, f. & ef. 3-24-83; FWC 11-1984, f. 3-30-84, ef. 9-16-84, except section (5) per FWC 45-1984, f. & ef. 8-30-84; FWC 72-1984, f. & ef. 10-22-84; FWC 30-1985, f. 6-27-85, ef. 7-1-85; FWC 78-1986(Temp), f. & ef. 12-1-86; FWC 97-1987(Temp), f. & ef. 11-17-87; FWC 102-1988, f. 11-29-88, cert. ef. 12-29-88; FWC 107-1990, f. & cert. ef. 10-1-90; FWC 70-1993, f. 11-9-93, cert. ef. 11-11-93; FWC 84-1994, f. 10-31-94, cert. ef. 12-1-94; FWC 68-1996(Temp), f. & cert. ef. 12-5-96; FWC 2-1997, f. 1-27-97, cert. ef. 2-1-97; DFW 45-2006, f. 6-20-06, cert. ef. 12-1-06; DWF 96-2006(Temp), f. & cert. ef. 9-8-06 thru 3-6-07; DFW 97-2006(Temp), f. 9-8-06, cert. ef. 9-9-06 thru 3-7-07

635-005-0060**Size and Sex**

- (1) It is *unlawful* to take or possess for commercial purposes:
 - (a) Female Dungeness crab;
 - (b) Male Dungeness crab less than 6-1/4 inches measured the shortest distance through the body of the crab from edge of shell to edge of shell from directly in front of the tenth anterolateral spine.
- (2) Any undersized or female Dungeness crab taken from the Pacific Ocean must be released within 15 minutes of capture unharmed into the Pacific Ocean at the point of capture. Any undersized or female Dungeness crab taken from a bay must be released immediately unharmed into the fishing area and not brought to the dock.
- (3) It is *unlawful* to possess or transport Dungeness crab that have been mutilated prior to landing so that the size or sex cannot be determined.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FWC 56, f. & ef. 4-26-76; FWC 112, f. & ef. 5-11-77, Renumbered from 625-010-0165, Renumbered from 635-036-0135; FWC 78-1986(Temp), f. & ef. 12-1-86; FWC 97-1987(Temp), f. & ef. 11-17-87; FWC 102-1988, f. 11-29-88, cert. ef. 12-29-88

Red Rock, Box and Tanner Crab Fisheries**635-005-0063****Tanner and Box Crab Taken in Trawl Nets**

Notwithstanding OAR 635-005-0065, permits may be issued to land Tanner crab and box crabs taken as incidental catch in trawl nets outside Oregon Waters.

Stat. Auth.: ORS 506
 Stats. Implemented: ORS 506
 Hist.: FWC 12-1982, f. & ef. 2-16-82; FWC 17-1982, f. & ef. 3-22-82; FWC 30-1985, f. 6-27-85, ef. 7-1-85, Renumbered from 635-005-0056

635-005-0064**Closed Season**

Except as authorized under a Developmental Fisheries Species Permit (OAR 635-006-0900), it is *unlawful* to take red rock, box, Tanner, Oregon hair, and scarlet king crab from the Pacific Ocean from November 1 until the opening of the next ocean Dungeness crab season in that area.

Stat. Auth.: ORS 506.119
 Stats. Implemented: ORS 506.109, 506.129 & 506.450 - 506.465
 Hist.: FWC 12-1982, f. & ef. 2-16-82; FWC 17-1982, f. & ef. 3-22-82; FWC 30-1985, f. 6-27-85, ef. 7-1-85; FWC 84-1994, f. 10-31-94, cert. ef. 12-1-94; DFW 93-1998, f. & cert. ef. 11-25-98

635-005-0065**Fishing Gear**

Except as provided in OAR 635-005-0063, it is *unlawful* to take red rock, box, Tanner, Oregon hair, and scarlet king crab for commercial purposes except by rings, pots, and crab longline gear. Rings, pots, and crab longline gear must comply with the provisions contained in OAR 635-005-0055.

Stat. Auth.: ORS 506.109, 506.119 & 506.129
 Stats. Implemented: ORS 506.109, 506.119 & 506.129
 Hist.: FWC 30-1985, f. 6-27-85, ef. 7-1-85; FWC 84-1994, f. 10-31-94, cert. ef. 12-1-94

635-005-0066**Fishing Area**

It is *unlawful* to take red rock, box, Tanner, Oregon hair, and scarlet king crab from the Pacific Ocean shoreward of the 40 fathom contour line.

Stat. Auth.: ORS 506.109, 506.119 & 506.129
 Stats. Implemented: ORS 506.109, 506.119 & 506.129
 Hist.: FWC 30-1985, f. 6-27-85, ef. 7-1-85; FWC 84-1994, f. 10-31-94, cert. ef. 12-1-94

635-005-0067**Size and Sex**

There are no size or sex restrictions for the taking of red rock, box and Tanner crab; however, these crab may not be mutilated before landing so that species cannot be determined.

Stat. Auth.: ORS 506
 Stats. Implemented: ORS 506
 Hist.: FWC 30-1985, f. 6-27-85, ef. 7-1-85

Crayfish Fishery**635-005-0070****Closed Season**

It is *unlawful* to take crayfish for commercial purposes from November 1 of any year through March 31 of the following year.

Stat. Auth.: ORS 506
 Stats. Implemented: ORS 506
 Hist.: FC 241, f. 4-5-72, ef. 4-15-72, Renumbered from 625-010-0365, Renumbered from 635-036-0225; FWC 22-1988, f. 3-21-88, cert. ef. 4-1-88

635-005-0075**Fishing Gear**

It is *unlawful* to take crayfish for commercial purposes by any means other than crawfish pots or ring nets.

Stat. Auth.: ORS 506
 Stats. Implemented: ORS 506
 Hist.: FC 241, f. 4-5-72, ef. 4-15-72, Renumbered from 625-010-0370, Renumbered from 635-036-0230; FWC 22-1988, f. 3-21-88, cert. ef. 4-1-88

635-005-0080**Size Limit**

It is *unlawful* to take for commercial purposes crayfish which are less than 3-5/8 inches long. Crayfish will be measured from the tip of the bony spike extending between and beyond the eyes (acumen) to the distal edge of the last bony plate in the tail (telson). Any undersized crayfish taken must be immediately returned unharmed to the water.

Stat. Auth.: ORS 506
 Stats. Implemented: ORS 506
 Hist.: FC 241, f. 4-5-72, ef. 4-15-72, Renumbered from 625-010-0375, Renumbered from 635-036-0235; FWC 22-1988, f. 3-21-88, cert. ef. 4-1-88

635-005-0082**Protection of Females**

Any crayfish taken with eggs attached must be returned immediately unharmed to the water. Possession of crayfish with eggs attached is prohibited.

Stat. Auth.: ORS 506
 Stats. Implemented: ORS 506
 Hist.: FWC 22-1988, f. 3-21-88, cert. ef. 4-1-88

635-005-0084**Identification of Gear**

All boats, traps, buoys, liveboxes, holding pens, boxes, bags, or other containers used to take, hold, or transport crayfish must be labeled with an identification number issued by the Oregon Department of Fish and Wildlife.

Stat. Auth.: ORS 506
 Stats. Implemented: ORS 506
 Hist.: FWC 22-1988, f. 3-21-88, cert. ef. 4-1-88

635-005-0085**Closed Area**

It is *unlawful* to take crayfish for commercial purposes from Malheur Reservoir (Malheur County), South Twin Lake (Deschutes County), and the Williamson River (Klamath County).

Stat. Auth.: ORS 506
 Stats. Implemented: ORS 506
 Hist.: FWC 33-1984, f. 7-25-84, ef. 8-1-84; FWC 9-1986, f. 3-26-86, ef. 3-30-86; FWC 22-1988, f. 3-21-88, cert. ef. 4-1-88; FWC 102-1989, f. 9-29-89, cert. ef. 10-1-89

Intertidal Animal and Mussel Fisheries**635-005-0090****Closed Season**

(1) It is *unlawful* to take intertidal animals and mussels for commercial purposes without first obtaining a permit issued by the Department of Fish and Wildlife of Oregon.

(2) Commercial permits will not be issued to other than licensed commercial or bait fishermen.

(3) Application for a permit may be submitted by letter or on the appropriate Department of Fish and Wildlife form. Letter applications must include the following:

- (a) Name and address of applicant;
- (b) Commercial or bait fishing license number of applicant;
- (c) Species to be collected;
- (d) Collecting period;
- (e) Collecting areas.

(4) Applications should be mailed to: Marine Regional Office, Oregon Department of Fish and Wildlife, Marine Science Drive, Bldg. No. 3, Newport, Oregon 97365.

Stat. Auth.: ORS 506
 Stats. Implemented: ORS 506
 Hist.: FC 241, f. 4-5-72, ef. 4-15-72, Renumbered from 625-010-0650, Renumbered from 635-036-0315; FWC 20-1980, f. 4-25-80, ef. 4-28-80

635-005-0095**Collection Report**

(1) A collection report form will be provided with each commercial intertidal animal permit issued by the Department of Fish and Wildlife. The collection report must be completed and returned to the Department of Fish and Wildlife by the permittee immediately upon expiration of the collection permit.

(2) No subsequent collection permit shall be issued to an individual who has not submitted a collection report for any prior collection permit.

Stat. Auth.: ORS 506
 Stats. Implemented: ORS 506
 Hist.: FC 241, f. 4-5-72, ef. 4-15-72, Renumbered from 625-010-0655, Renumbered from 635-036-0320; FWC 20-1980, f. 4-25-80, ef. 4-28-80

635-005-0100**Permit Areas**

It is *unlawful* to take subtidal or intertidal marine invertebrates and shellfish (including mussels) for commercial purposes, other than as set forth in a collection permit issued by the Department of Fish and Wildlife, in the following areas described in OAR 635-039-0090 and the "Oregon Sport Fishing Regulations":

- (1) Boiler Bay.
- (2) Depoe Bay.

- (3) Harris Beach.
- (4) Haystack Rock.
- (5) Neptune State Park.
- (6) Sunset Bay — Cape Arago.
- (7) Yaquina Head;
- (8) Pirate Cove Research Reserve;
- (9) Gregory Point Research Reserve.

Stat. Auth.: ORS 506.119 & 506.129

Stats. Implemented: ORS 506.119 & 506.129

Hist.: FC 241, f. 4-5-72, ef. 4-15-72, Renumbered from 625-010-0660, Renumbered from 635-036-0325; FWC 20-1980, f. 4-25-80, ef. 4-28-80; FWC 25-1995, f. 3-29-95, cert. ef. 4-1-95

635-005-0115

Fishing Gear

It is *unlawful* to take mussels for commercial purposes by any means other than hand or a hand-powered tool.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 241, f. 4-5-72, ef. 4-15-72, Renumbered from 625-010-0420, Renumbered from 635-036-0245

635-005-0120

Size Limit

There is no size limit for mussels taken for commercial purposes.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 241, f. 4-5-72, ef. 4-15-72, Renumbered from 625-010-0425, Renumbered from 635-036-0250

Oysters

635-005-0130

Oysters Defined

The term oyster as used in these regulations includes oysters, oyster seed, oyster cultch, and oyster shell.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 140, f. 3-4-66, Renumbered from 625-010-0275, Renumbered from 635-036-0165

635-005-0135

Oyster Importation Prohibited Except by Permit

It is *unlawful* for any person to import oysters into this state for the purpose of planting or to plant the same in the waters of this state without first having obtained a permit to do so from the State Fisheries Director.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 140, f. 3-4-66, Renumbered from 625-010-0280, Renumbered from 635-036-0170

635-005-0140

Oyster Import Applications and Permit

(1) Any person before importing into this state any oysters for the purpose of planting shall first apply in writing to the State Fisheries Director for a permit to import the oysters. Such application shall be in the form of a letter and shall include the following information: Maximum quantity to be imported, name of exporter, the approximate time the shipment will be made, and the name of the person or agency that will inspect the seed including a notarized certification from such person or agency at the time the oysters are inspected, declaring them to the best of his knowledge free from disease, infestation pests, and other substances which might endanger shellfish in the waters of this state.

(2) The State Fisheries Director shall issue a permit to import oysters for planting in the waters of this state when it has been established to his satisfaction that a qualified person or agency will inspect the oysters and certify them as being free of disease, infestation pests, and other substances which might endanger shellfish in the waters of this state.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 140, f. 3-4-66; FWC 30-1985, f. 6-27-85, ef. 7-1-85, Renumbered from 625-010-0285, Renumbered from 635-036-0175

635-005-0145

Prohibited Activities in Restricted Shellfish Area

(1) Netarts Bay and all waters, tidelands, and oyster handling facilities operated in conjunction with said water and tidelands of Netarts Bay are defined as a restricted shellfish area.

(2) It shall be *unlawful* for any person to move or transfer from a restricted shellfish area any oysters, any marine organisms adversely affecting oysters, or other material whatsoever without first obtaining written permission from the State Fisheries Director.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 140, f. 3-4-66, Renumbered from 625-010-0290, Renumbered from 635-036-0180; FWC 30-1985, f. 6-27-85, ef. 7-1-85

635-005-0150

Oyster Seasons and Gear

It is *unlawful* to take oysters for either personal use or commercial purposes from natural oyster beds located on unoccupied state lands.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 143, f. 3-4-66, Renumbered from 625-010-0295, Renumbered from 635-036-0185; FWC 28-1982, f. & ef. 5-13-82

Piddock Fishery (Rock Oyster)

635-005-0160

Prohibited

It is *unlawful* to take piddocks for commercial purposes.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 241, f. 4-5-72, ef. 4-15-72; FWC 30-1985, f. 6-27-1985, ef. 7-1-85, Renumbered from 625-010-0465, Renumbered from 635-036-0255

Scallop Fishery

635-005-0170

Closed Season

There is no closed season on scallops taken for commercial purposes.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 241, f. 4-5-72, ef. 4-15-72, Renumbered from 625-010-0505, Renumbered from 635-036-0260

635-005-0175

Fishing Gear

It is *unlawful* to take scallops for commercial purposes by any means other than trawl net or dredge having three-inch or larger mesh or rings throughout. Rock scallops may be taken with an abalone iron.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 241, f. 4-5-72, ef. 4-15-72, Renumbered from 625-010-0510, Renumbered from 635-036-0265; FWC 24-1981(Temp), f. & ef. 7-1-81; FWC 27-1981, f. & ef. 8-14-81

Sea Urchin Fishery

635-005-0180

Sea Urchin Fishery

(1) It is *unlawful* for commercial purposes to take, land, or possess sea urchins:

(a) Without first obtaining a permit issued by the Department of Fish and Wildlife;

(b) Which have been taken in water depths less than ten feet below mean lower low water;

(c) Where more than two divers were in the water off any one boat at the same time;

(d) Where more than two persons without permits, excluding persons authorized by the Department for the performance of official duties, were on board any boat while harvesting, possessing, or transporting sea urchins;

(e) Within the following areas:

(A) From Orford Reef described as the area encompassed as parallels of Latitude 42°46'N and 42°49'N from May 1 through October 31;

(B) Within 1,000 feet of Pyramid Rock on Rogue Reef described by the area encompassed by parallels of Latitude 42°26.4'N and 42°26.9'N and by meridians of Longitude 124°28.4'W and 124°27.8'W, or within the rectangle marked by corner buoys from May 1 through August 31.

(f) Unless the vessel displays the vessel's federal document or Marine Board numbers on a weather deck so as to be visible from above. The number shall contrast with the background and be in block

arabic numerals at least 18 inches high for vessels over 65 feet in length and at least ten inches high for vessels 65 feet or less. The operator of the vessel shall keep the identifying markings clearly legible and in good repair, and shall ensure that no part of the vessel, its rigging, or its fishing gear obstructs the view of the vessel number from an enforcement vessel or aircraft;

(g) More than 50 per permit holder per day per trip between two and three and one-half inches in diameter (shell diameter — not including spines), except as provided in section (2) of this rule for purple sea urchins. There is no limit on the number of sea urchins less than two inches or greater than three and one-half inches in diameter.

(2) Placement, maintenance and removal of the buoys referred to in paragraph (1)(e)(B) of this rule may be carried out cooperatively by the Department and volunteers from the sea urchin industry according to specifications set forth by memorandum of agreement with industry representatives or other interested parties.

(3) A holder of a current sea urchin permit may take more than 50 purple sea urchins between two inches and three and one-half inches in diameter, provided the permit holder obtains a special commercial sea urchin permit from the Department. Applications for a special commercial sea urchin permit shall be submitted on forms provided by the Department. The Department may attach terms and conditions to any special commercial permit including, but not limited to, onboard observers, area or time limits, and preharvest dive surveys of urchin beds.

(4) For each trip, any permit holder shall clearly identify and keep separate until processed all sea urchin taken by that permit holder.

(5) Notwithstanding any other provisions in these regulations, no person other than the holder of a current sea urchin permit issued by the Department is allowed to dive in the water to take or attempt to take sea urchins or to otherwise assist, while submerged, in the harvest of sea urchins.

Stat. Auth.: ORS 506.109, 506.119, 506.129 & 508.760

Stats. Implemented: ORS 506.109, 506.119, 506.129 & 508.760

Hist.: FWC 85-1987, f. 10-6-87, ef. 1-1-88; FWC 117-1989, f. 11-22-89, cert. ef. 12-1-89; FWC 50-1990, f. 6-15-90, cert. ef. 6-18-90; FWC 118-1990, f. 10-24-90, cert. ef. 10-22-90; FWC 12-1991, f. & cert. ef. 2-20-91; FWC 26-1992, f. 4-21-92, cert. ef. 4-22-92; FWC 96-1994, f. 12-28-94, cert. ef. 1-1-95

Pink Shrimp Fishery

635-005-0185

Closed Season

(1) It is *unlawful* to take, land, or possess pink shrimp from the Pacific Ocean from November 1 of any year through March 31 of the following year.

(2) Notwithstanding the provisions of section (1) of this rule, it is lawful to possess pink shrimp taken from the Pacific Ocean during the period November 1 of any year through March 31 of the following year, if such shrimp were taken north of 48°30' north latitude (Washington–Canada boundary).

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 241, f. 4-5-72, ef. 4-15-72; FC 256, f. 12-1-72, ef. 12-15-72; FWC 154(Temp), f. & ef. 10-12-77 through 2-8-78, Renumbered from 625-010-0240; FWC 167, f. & ef. 10-23-77; FWC 50-1978, f. & ef. 9-27-78; FWC 22-1979(Temp), f. 7-18-79, ef. 7-19-79; Suspended by FWC 30-1979(Temp), f. & ef. 8-16-79, Renumbered from 635-036-0150; FWC 24-1980 (Temp), f. & ef. 5-30-80; Suspended by FWC 34-1980(Temp), f. & ef. 7-1-80; FWC 57-1980(Temp), f. & ef. 10-3-80; FWC 59-1980(Temp), f. & ef. 10-21-80; FWC 36-1981(Temp), f. & ef. 9-22-81; FWC 19-1982, f. & ef. 3-22-82; FWC 30-1985, f. 6-27-85, ef. 7-1-85; FWC 94-1987(Temp), f. & ef. 10-30-87

635-005-0186

Mesh Restriction

It is *unlawful* to land shrimp taken south of the Oregon-California border with nets having a mesh size of less than 1-3/8 inches between knots.

Stat. Auth.: ORS 506.119 & 506.129

Stats. Implemented: ORS 506.119 & 506.129

Hist.: FWC 26-1982, f. & ef. 4-30-82; FWC 34-1982, f. & ef. 6-1-82; FWC 35-1995, f. 5-3-95, cert. ef. 5-5-95

635-005-0190

Fishing Gear

(1) It is *unlawful* to take pink shrimp for commercial purposes by any means other than trawl net or pots.

(2) It is *unlawful* to fish with trawl gear for pink shrimp for commercial purposes unless an approved bycatch reduction device is used in each net. Approved bycatch reduction devices are:

(a) Soft Panel Bycatch Reduction Device uses a mesh panel to guide fish out of an escape hole. An approved soft-panel must meet the following criteria:

(A) The panel must completely cover some portion of the net in cross-section, meaning it must extend completely across the full opening of the net in one continuous piece. The panel must be securely fastened to the net around the entire perimeter, such that a 110 mm diameter sphere cannot pass beyond the panel into the terminal area of the codend;

(B) The panel meshes must be constructed of netting material with individual meshes no larger than 5.5 inches, measured between opposing knots, and must be constructed of a single panel of continuous netting, without zippers or other devices designed to allow disabling of the panel such that large fish can pass back into the codend;

(C) The escape hole must, when spread open, expose a hole of at least 100 square inches;

(D) The escape hole must be forward of the mesh panel and must begin within four meshes of the furthest aft point of attachment of the mesh panel to the net;

(b) Nordmore Grate Bycatch Reduction Device uses a rigid panel of narrowly spaced bars to guide fish out of an escape hole in front of the panel, generally in the top of the net. The panel may be hinged to facilitate rolling over a net reel. An approved Nordmore grate must meet the following criteria:

(A) The exterior circumference of the rigid panel must fit completely within the interior circumference of the trawl net, such that there is no space between the panel and the net that will allow a 110 mm sphere to pass beyond the panel, into the terminal area of the codend;

(B) None of the openings between the bars in the rigid panel may exceed two inches in width;

(C) The escape hole must, when spread open, expose a hole of at least 100 square inches;

(D) The escape hole must be forward of the rigid panel and must begin within four meshes of the furthest aft point of attachment of the rigid panel to the net.

(3) All bycatch reduction devices and codends used for trawl fishing for pink shrimp must be readily accessible and made available for inspection at the request of an authorized agent of the state. No trawl gear may be removed from the vessel prior to offloading of shrimp.

(4) It is unlawful to modify bycatch reduction devices in any way that interferes with their ability to allow fish to escape from the trawl, except for the purpose of testing the bycatch reduction device to measure shrimp loss. Authorized testing of bycatch reduction devices must meet the following criteria:

(a) Testing is allowed by special permit only, consistent with OAR 635-006-0020.

(b) For vessels fishing two nets simultaneously (double-rigged boats), while testing under the authority of a special permit, only one net may contain a disabled bycatch reduction device; the other net must be fishing a fully functional bycatch reduction device as described in subsection (2).

Stat. Auth.: ORS 506.119 & 506.129

Stats. Implemented: ORS 506.119 & 506.129

Hist.: FC 241, f. 4-5-72, ef. 4-15-72, Renumbered from 625-010-0245, Renumbered from 635-036-0155; FWC 30-1985, f. 6-27-85, ef. 7-1-85; DFW 31-2001, f. & cert. ef. 5-4-01; DFW 63-2001(Temp), f. 7-24-01, cert. ef. 8-1-01 thru 10-31-01; DFW 56-2002(Temp), f. 5-29-02, cert. ef. 7-1-02 thru 10-31-02; DFW 24-2003, f. & cert. ef. 3-26-03

635-005-0195

Incidental Catch Limit

It is *unlawful* to have on board a commercial fishing boat taking shrimp for commercial purposes an aggregate incidental catch of more than 250 Dover, English, or petrale sole less than 11 inches in length. It is *unlawful* for a commercial fishing boat taking shrimp for commercial purposes to land an incidental catch of ocean food fish in excess of 1,500 pounds per day accumulated over the trip. Pacific whiting, shortbelly rockfish, hagfish and arrowtooth flounder are excluded from the incidental landing restriction.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 241, f. 4-5-72, ef. 4-15-72, Renumbered from 625-010-0250, Renumbered from 635-036-0160; FWC 10-1983, f. & ef. 3-1-83; FWC 34-1983, f. & ef. 8-1-83; FWC 41-1983 (Temp), f. & ef. 9-6-83; FWC 42-1983(Temp), f. 9-9-83, ef. 9-10-83; FWC 112-90, f. 10-3-90, cert. ef. 10-5-90

635-005-0200**Maximum Count Per Pound**

(1) It is *unlawful* to possess or land pink shrimp from any one trip or landing which exceeds an average count of 160 whole shrimp per pound. This rule shall not apply to landings or possession of less than 3,000 pounds of pink shrimp.

(2) To determine average count per pound when a landing exceeds 3,000 pounds of shrimp, one sample must be taken from each one thousand pounds up to a maximum requirement of 20 samples. The sampling unit shall consist of at least one pound of whole unbroken shrimp.

(3) For the purpose of determining count per pound “whole shrimp” and “whole unbroken shrimp” are defined as shrimp in which the body is substantially intact, including an identifiable carapace, abdomen, and telson (tail). It is not intended to require shrimp to have an unbroken rostrum, complete set of legs, antennae, or other appendages.

Stat. Auth.: ORS 506.119 & 506.129

Stats. Implemented: ORS 506.119 & 506.129

Hist.: FWC 34-1982, f. & ef. 6-1-82; FWC 30-1985, f. 6-27-85, ef. 7-1-85; FWC 70-1993, f. 11-9-93, cert. ef. 11-11-93

Spot, Sidesripe and Coonstripe Shrimp Fisheries**635-005-0205****Closed Season**

There is no closed season for the taking of spot, sidesripe or coonstripe shrimp.

Stat. Auth.: ORS 496.116, 496.118 & 506.119

Stats. Implemented: ORS 506.119 & 506.129

Hist.: FWC 30-1985, f. 6-27-85, ef. 7-1-85; DFW 113-2003(Temp), f. 11-21-03, cert. ef. 11-21-03 thru 12-31-03; Administrative correction 8-2-04

635-005-0210**Fishing Gear**

It is *unlawful* to take spot, sidesripe or coonstripe shrimp for commercial purposes by any means other than pots or traps except that trawls legal for the taking of pink shrimp may be used during open pink shrimp seasons and trawls legal for the taking of groundfish may be used when the established seasons for those species are open.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FWC 30-1985, f. 6-27-85, ef. 7-1-85; FWC 15-1986, f. & ef. 5-20-86

635-005-0215**Fishing Area**

It is *unlawful* to take spot, sidesripe or coonstripe from areas other than the Pacific Ocean.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FWC 30-1985, f. 6-27-85, ef. 7-1-85

635-005-0220**Incidental Catch Limit**

Provisions under OAR 635-005-0195 for the possession of incidental catch apply to the taking of spot, sidesripe and coonstripe shrimp.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FWC 30-1985, f. 6-27-85, ef. 7-1-85

DIVISION 6**COMMERCIAL GEAR; LICENSES, POUNDAGE FEES, RECORDS AND REPORTS****Definitions****635-006-0001****Definitions**

For the purposes of OAR 635-006-0001 through 635-006-1210:

(1) “Commercial fishing license” means those things required by ORS 508.235 and, for purposes of the Limited Fish Seller Permit, includes an Albacore Tuna Landing License.

(2) “Fair market value” shall be based on the market price of food fish or shellfish at the same time and place that the fish are landed, or the price established in OAR 635-006-0232 when the market price cannot be determined. For species not listed in OAR 635-006-0232,

fair market value shall be based on the average price per pound paid to law enforcement officials for any fish or shellfish confiscated from persons landing legal overages, or the average ex-vessel price per pound paid for that species in that port during the month in which the overage occurred, whichever is greater. Unless otherwise noted, the fair market value is the price per pound and is based on round weight.

(3) “Fish buyer” means an individual employed by a wholesale fish dealer or food fish canner to purchase or receive food fish or shellfish from commercial fishermen at locations other than the licensed premises of the wholesale fish dealer or food fish canner.

(4) “Fish-buying station” means a location other than the licensed premises of a wholesale fish dealer or food fish canner at which such wholesale fish dealer or food fish canner purchases or receives food fish or shellfish from commercial fishermen.

(5) “Food fish canner” means a wholesale fish dealer who cans food fish including shellfish in hermetically sealed containers whereby no further preservation, artificial or otherwise, is required.

(6) “Harvester” means any person legally authorized to take food fish for commercial purposes.

(7) “Import” means to transport into Oregon from outside the State of Oregon.

(8) “Land” or “landing” means to begin transfer of fish from a fishing vessel. Once transfer begins, all fish aboard the vessel are counted as part of the landing.

(9) “Landing fees” means all fees due to the Department based on the pounds of fish or value of fish landed.

(10) “Limited fish seller” means any person who holds a valid Oregon commercial fishing license and who has obtained an annual limited fish seller permit which enables him/her to sell any species of food fish, taken in lawful activity directly from his/her boat, pursuant to ORS 508.550.

(11) “Limited fish seller — nontreaty Columbia River Gillnet Salmon Vessel Permit fishery” means a person who holds a valid Oregon commercial fishing license, a Columbia River Gillnet Salmon Vessel Permit, and who has obtained an annual limited fish seller permit which enables him/her to sell any species of food fish, taken in lawful activity directly from his/her boat or at locations away from the boat.

(12) “Nonreporting fish dealer” means a wholesale fish dealer or fish bait dealer who buys food fish exclusively from other wholesale fish dealers or bait dealers.

(13) “Overage” means any landing or portion of a landing that exceeds groundfish trip limits. Groundfish trip limits are approved by Pacific Fisheries Management Council and implemented by the National Marine Fisheries Service.

(14) “Possession” means holding any food fish, shellfish or parts thereof in a person’s custody or control.

(15) “Processing” means smoking, reducing, loining, steaking, pickling, filleting, or fresh packaging requiring freezing of food fish, or any part thereof. (Does not include cooking crab.)

(16) “Processor” means a person who buys fresh food fish from a licensed commercial fisher or a wholesale fish dealer and processes food fish for sale through retail outlets or for sale to the ultimate consumer.

(17) “Purchase” means to obtain by paying money or its equivalent, trade, or barter.

(18) “Receive” or “Receiving” means to take or come into possession of.

(19) “Retail fish bait dealer” means a person who buys fresh food fish or shellfish from a wholesale fish dealer or wholesale fish bait dealer, and sells to the ultimate consumer for use as bait.

(20) “Retail fish dealer” means a person who buys fresh food fish or shellfish from wholesale fish dealers, undertakes limited processing activity (limited to loining of tuna, filleting, smoking, steaking, or pickling food fish or shellfish), and sells only to the ultimate consumer.

(21) “Retain” means to keep in possession or use.

(22) “Shellfish canner” means a wholesale fish dealer who cans only shellfish in hermetically sealed containers whereby no further preservation, artificial or otherwise, is required.

(23) “Transport” means, for purposes of OAR 635-006-0165, to move the food fish after landing.

(24) “Ultimate consumer” means the party that utilizes the product as food, including restaurants.

(25) “Value” means the monetary value of the food fish, or parts thereof, including eggs and other by-products, at the point of landing

as usually determined by the first exchange between the harvester and the first purchaser. In addition:

(a) Value is typically the amount of money which the first purchaser pays at the time and place that the fish are off-loaded from a vessel, or brought to shore if there is no vessel involved in harvesting, before any reductions or deductions in the amount of money as a result of the dealer furnishing ice, fuel, food or other commodities; and

(b) Value includes bonuses and other payments based directly on the quantity or quality of food fish exchanged, regardless of the time of payment of such bonuses or other payments; and

(c) Value includes any payments based on the proportion or percentage of processed products recovered from the food fish landed in the round or other form; and

(d) Value for food fish not sold by the harvester is the value received for comparable fish sold to a wholesale fish dealer at the same time and place that the fish are landed; and

(e) Value for food fish purchased from a harvester, by the harvester when acting as a wholesale fish dealer, is the price that is or would be paid to any other harvester for the same fish; and

(f) Value for food fish sold by a limited fish seller is the retail price received by the harvester from the first purchaser; and

(g) Value for food fish imported from out of state but not previously taxed out of state is the price paid for the fish by the first Oregon purchaser.

(26) "Wholesale fish bait dealer" means a person who buys food fish or shellfish, or parts thereof, from a licensed commercial fisherman, licensed commercial bait fisherman, or licensed angler, and sells or uses such food fish or shellfish for bait, scientific or educational purposes, or live public display.

(27) "Wholesale fish dealer" means a person who:

(a) Buys food fish or shellfish from a commercial fisherman; or

(b) Processes food fish or shellfish or any part thereof; or

(c) Sells food fish or shellfish to retail dealers or other wholesale fish dealers.

Stat. Auth.: ORS 506.119 & 513.020

Stats. Implemented: ORS 506.129, 508.025, 508.040 & 508.550

Hist.: FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; DFW 38-1999, f. & cert. ef. 5-24-99; DFW 63-2003, f. & cert. ef. 7-17-03

Fishing Gear Specifications and Operation

635-006-0005

Applicability of Regulation

It is *unlawful* for any individual to take or land food fish from the waters of this state or the Pacific Ocean with fishing gear which does not meet the specifications, or is not operated as provided or authorized by statute or Department of Fish and Wildlife regulations.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 136, f. 12-20-65, ef. 1-1-66, Renumbered from 625-020-0000; Renumbered from 635-036-0350, 1979

635-006-0010

Possession of Unlawful Fishing Gear Prohibited

It is *unlawful* to have on board any commercial fishing boat while fishing or landing food fish, taken for commercial purposes, any fishing gear which is not authorized by statute or Department of Fish and Wildlife regulation for use in commercial fishing or which does not conform to the specifications established for such fishing gear.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FC 136, f. 12-20-65, ef. 1-1-66, Renumbered from 625-020-0005; Renumbered from 635-036-0355, 1979

635-006-0015

Personal Use Fishing with Commercial Fishing Gear Prohibited

In accordance with ORS 508.240, it is *unlawful* to retain any species of food fish for personal use taken while fishing under a commercial fishing license. In addition, except as the Commission by rule may provide otherwise, it is *unlawful* to use commercial fishing gear to take any species of food fish for personal use.

Stat. Auth.: ORS 506.109, 506.119, 506.129 & 508.240

Stats. Implemented: ORS 506.109, 506.119, 506.129 & 508.240

Hist.: FC 136, f. 12-20-65, ef. 1-1-66, Renumbered from 625-020-0010, Renumbered from 635-036-0360; FWC 113-1992, f. 10-26-92, cert. ef. 10-28-92

635-006-0020

Experimental Fishing Gear Permit

(1) The Director is authorized to issue experimental fishing gear permits for the taking of food fish under the authority of ORS 508.106 provided the use of such fishing gear is not otherwise prohibited by the commercial fishing laws.

(2) Application for a permit shall be in writing accompanied by a fee of \$3 and shall include the species of fish to be taken, the method to be used, and the name and location of the body of water from which the food fish are to be taken.

(3) It is *unlawful* to use the experimental fishing gear in the waters of this state or the Pacific Ocean except under the terms and conditions specified in the permit.

Stat. Auth.: ORS 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.109, 506.119 & 506.129

Hist.: FC 203, f. 1-6-70, ef. 2-11-70, Renumbered from 625-020-0040; FWC 64-1978, f. & ef. 12-20-78, Renumbered from 635-036-0365; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92

Dealer Licenses

635-006-0100

Retail Fish Dealer

(1) No license is required of a retail fish dealer.

(2) It is *unlawful* for a retail fish dealer to have in possession any fresh food fish or shellfish received from other than a wholesale fish dealer.

Stat. Auth.: ORS 506.109, 506.119, 506.129 & 508

Stats. Implemented: ORS 506.109, 506.119, 506.129 & 508

Hist.: FC 246, f. 5-5-72, ef. 5-15-72, Renumbered from 625-040-0005, Renumbered from 635-036-0500; FWC 104-1988, f. 12-29-88, cert. ef. 1-1-89; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92

635-006-0105

Wholesale Fish Dealer

A wholesale fish dealer license is required to perform any of the activities defined as a "wholesale fish dealer" under OAR 635-006-0001.

Stat. Auth.: ORS 506.109, 506.119, 506.129 & 508

Stats. Implemented: ORS 506.109, 506.119, 506.129 & 508

Hist.: FC 246, f. 5-5-72, ef. 5-15-72, Renumbered from 625-040-0010, Renumbered from 635-036-0505; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92

635-006-0110

Food Fish Canner

A food fish canner license is required to perform any of the activities defined as a "food fish canner" under OAR 635-006-0001. This license is in lieu of, and not in addition to, a wholesale fish dealer license.

Stat. Auth.: ORS 506.109, 506.119, 506.129 & 508

Stats. Implemented: ORS 506.109, 506.119, 506.129 & 508

Hist.: FC 246, f. 5-5-72, ef. 5-15-72, Renumbered from 625-040-0015, Renumbered from 635-036-0510; FWC 104-1988, f. 12-29-88, cert. ef. 1-1-89; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92

635-006-0115

Shellfish Canner

A shellfish canner license is required to perform the activities defined as a "shellfish canner" under OAR 635-006-0001. This license is in lieu of, and not in addition to, a wholesale fish dealer's license.

Stat. Auth.: ORS 506.109, 506.119, 506.129 & 508

Stats. Implemented: ORS 506.109, 506.119, 506.129 & 508

Hist.: FC 246, f. 5-5-72, ef. 5-15-72, Renumbered from 625-040-0020, Renumbered from 635-036-0515; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92

635-006-0120

Fish Buyer

A fish buyer license is required to perform the activities defined as a "fish buyer" under OAR 635-006-0001. This license is in addition to the wholesale fish dealer, fish canner, or shellfish canner's license.

Stat. Auth.: ORS 506.109, 506.119, 506.129 & 508

Stats. Implemented: ORS 506.109, 506.119, 506.129 & 508

Hist.: FC 246, f. 5-5-72, ef. 5-15-72, Renumbered from 625-040-0025, Renumbered from 635-036-0520; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92

635-006-0125

Fish-Buying Station

A fish buying license is required at the location where the activities defined as a "fishbuying station" under OAR 635-006-0001 occurs. This license is in addition to the wholesale fish dealer, fish canner, or shellfish canner's license.

Stat. Auth.: ORS 506.109, 506.119, 506.129 & 508
 Stats. Implemented: ORS 506.109, 506.119, 506.129 & 508
 Hist.: FC 246, f. 5-5-72, ef. 5-15-72, Renumbered from 625-040-0030, Renumbered from 635-036-0525; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92

635-006-0130

Wholesale Fish Bait Dealer

The sale of food fish or shellfish under a wholesale fish bait dealer's license for any other purpose than use as bait, for scientific or educational purposes, or for live public display is prohibited.

Stat. Auth.: ORS 506.109, 506.119, 506.129 & 508
 Stats. Implemented: ORS 506.109, 506.119, 506.129 & 508
 Hist.: FC 246, f. 5-5-72, ef. 5-15-72, Renumbered from 625-040-0035, Renumbered from 635-036-0530; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92

635-006-0131

Retail Fish Bait Dealer

No license is required of a retail fish bait dealer.

Stat. Auth.: ORS 506.109, 506.119 & 506.129
 Stats. Implemented: ORS 506.109, 506.119 & 506.129
 Hist.: FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92

635-006-0132

Limited Fish Sellers Permit

(1) The permit referred to in ORS 508.550 shall be available to commercial fishermen who hold a valid commercial fishing license, including albacore tuna landing license, and who sell the catch off his/her own vessel, or a vessel operated by him/her.

(2) It is *unlawful* under this permit to sell any food fish or shellfish from a vessel which were not taken by that vessel.

(3) Prior to selling food fish from their vessel, the holder of a Limited Fish Seller Permit must notify the Oregon Department of Fish and Wildlife of the estimated number of food fish on board the vessel and the location where sales are to take place. Completion of a fish ticket prior to selling with the estimated number of fish on board and completion of the Limited Fish Seller Permit application which identifies location from which the sales occur constitutes the required notice. Change in location of sales from that reported in the Limited Fish Seller Permit application must be reported to Oregon Department of Fish and Wildlife.

(4) Dressed fish must have an established dressed to round weight conversion factor.

(5) After the sale of and reporting of whole or dressed food fish, a limited fish seller may conduct or allow limited processing on his/her boat (limited to loining or filleting) of food fish or any part thereof for the ultimate consumer. Dressed fish must have an established dressed to round weight conversion factor.

Stat. Auth.: ORS 506.119 & 513.020
 Stats. Implemented: ORS 506.129, 508.025, 508.040 & 508.550
 Hist.: FWC 1-1986, f. & ef. 1-10-86; FWC 99-1987, f. & ef. 11-17-87; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; DFW 38-1999, f. & cert. ef. 5-24-99; DFW 84-1999, f. & cert. ef. 11-1-99; DFW 63-2003, f. & cert. ef. 7-17-03; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-006-0133

Limited Fish Seller Permit-Non-Treaty Columbia River Gillnet Salmon Vessel Permit Fishery Pilot Program

(1) The permit referred to in ORS 508.550 and as authorized by HB 3094 (2003) shall be available to commercial fishermen who hold a valid commercial fishing license and a Columbia River Gillnet Salmon Vessel Permit (Columbia River Gillnet Permit) and who sell the catch off his/her own vessel, or a vessel operated by him/her or at locations away from the vessel.

(2) It is *unlawful* under this permit to sell any food fish or shellfish from a vessel or at locations away from the vessel which were not taken by the licensed vessel.

(3) Prior to selling food fish away from their vessel, the holder of a Limited Fish Seller Permit and a Columbia River Gillnet Permit must complete and forward a fish receiving ticket at the time of landing in accordance with OAR 635-006-0210 and 635-006-0212 and must notify the Oregon Department of Fish and Wildlife of the location where sales are to take place. Compliance with these rules prior to selling and completion of the Limited Fish Seller Permit application which identifies location from which the sales occur and port of landing constitutes the required notice. Change in location of sales from that reported on the Limited Fish Seller Permit application must be reported to Oregon Department of Fish and Wildlife.

(4) The permittee may designate other persons to sell fish at locations away from the vessel that were taken by the licensed vessel. The designees must carry a copy of the permit during sales. A copy of the fish receiving ticket or a signed statement pursuant to ORS 509.110 must accompany the permittee and designees while transporting and selling fish. The permittee will also designate on the fish ticket or sworn statement the location the fish are to be sold.

(5) After the sale of and reporting of whole or dressed food fish, a limited fish seller may conduct or allow limited processing (limited to loining or filleting) of food fish or any part thereof for the ultimate consumer.

(6) Activities conducted pursuant to this permit must be in accordance with the state Department of Agriculture licensing and food safety regulations.

(7) This authority expires January 2, 2008.

Stat. Auth.: ORS 506.119 & 513.020
 Stats. Implemented: ORS 506.129, 508.025, 508.040, 508.550 & HB 3094 (2003)
 Hist.: DFW 63-2003, f. & cert. ef. 7-17-03; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-006-0134

Bonding Requirements

In accordance with ORS 508.415 and 508.550, the minimum bond amount is \$25 for wholesale bait dealers; \$1,000 for wholesale fish dealers, fish cannerys, and shellfish cannerys; and \$200 for limited fish sellers. Bond amounts are determined by a total of the landing fees due for the three highest sales months of the previous year, and may be changed at the discretion of the Department. No bond is required of nonreporting fish dealers.

Stat. Auth.: ORS 506.109, 506.119, 506.129 & 802
 Stats. Implemented: ORS 506.109, 506.119, 506.129 & 802
 Hist.: FWC 1-1986, f. & ef. 1-10-86; FWC 99-1987, f. & ef. 11-17-87; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92

Fishing Licenses

635-006-0135

Alteration, Borrow, or Loan License Unlawfully

It is *unlawful* for any person to alter, borrow, or loan any license issued by the Director.

Stat. Auth.: ORS 506.109, 506.119 & 506.129
 Stats. Implemented: ORS 506.109, 506.119 & 506.129
 Hist.: FC 246, f. 5-5-72, ef. 5-15-72, Renumbered from 625-040-0055, Renumbered from 635-036-0535; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92

635-006-0140

Boat License

(1) A boat license is issued in accordance with ORS 508.035 and 508.260 of the commercial fishing laws and is required for the owner or operator of any boat used in taking food fish or shellfish for commercial purposes, except for the taking of clams or crayfish.

(2) A pair of decals bearing the last two numbers of the year for which the license is issued is included with the license for placement on the licensed boat. The license year decals shall be affixed to the licensed boat in a conspicuous place on each side of the boat on the superstructure as near midship as practicable.

(3) In accordance with subsection (3) of ORS 508.260, the assigned identification number of each licensed commercial fishing boat shall be as follows:

(a) The federal document number (all vessels five registered net tons and over);

(b) The state vessel registration number (all vessels not having a federal document number).

(4) Licensed commercial fishing boats which are federally documented shall have the document identification number displayed on each side of the boat adjacent to the current year license decal in not less than 3-inch high block numbers either placed on the boat or on an identification plate attached to the boat.

(5) Licensed commercial fishing boats which are state registered shall have their identification number displayed on each side of the bow as required by the appropriate laws or rules for displaying such number.

(6) Except as authorized by OAR 635-006-0132 or for fishers having a current Oregon Wholesale Fish Dealer license and Fish Buyer license, it is *unlawful* to transfer or sell commercially caught food fish, shellfish, or parts thereof, from a commercial fishing vessel to other than an Oregon Wholesale Fish Dealer or Fish Bait Dealer.

(7) As a license condition, owners or operators of commercial fishing vessels must cooperate with Department or Federal fishery observers, or observers collecting data for the Department or Federal agency, when asked, by the Department, to carry and accommodate an observer on fishing trips at no charge to the sponsoring agency.

(a) If observer coverage of a trip is denied by the owner or operator of a vessel, the Department shall require an explanation in writing from the owner or operator. This explanation shall be received by the Department within 15 days of written request by the Department for an explanation.

(b) The Department may request that the Commission revoke fishing permits or licenses for failure to cooperate in the observer program, after first allowing the owner or operator to meet with the Manager of Marine Program, or his representative, to provide an explanation for the denial.

(c) The Department shall not require the vessel operator or owner to provide an observer with meals or a subsistence allowance on observed fishing trips, but the vessel operator shall accommodate the observer with regard to reasonable eating and working conditions and access to pertinent fishing information and fishery data while aboard the vessel.

(d) Failure to provide reasonable eating and working conditions or access to pertinent fishing information or fishery data to observers, or actions taken by a vessel owner or operator against an observer that is prohibited pursuant to subsection (f), on observed fishing trips may lead to revocation of the vessel's fishing permits or licenses following the procedure outlined in subsection (b) above.

(e) To ensure that observer objectives may be reasonably and safely achieved, consistent with federal groundfish observer rules, it is unlawful for any person to:

(A) forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with an observer;

(B) interfere with or bias the sampling procedure employed by an observer, including physical, mechanical, or other sorting or discarding of any catch before sampling;

(C) tamper with, destroy or discard an observer's collected samples, equipment, or personal gear, without the express consent of the observer;

(D) prohibit or bar by command, impediment, threat, coercion, or refusal of reasonable assistance, an observer collecting samples, making observations, or otherwise performing the observers duties;

(E) harass an observer by conduct that has sexual connotations, has the purpose or effect of interfering with the observer's work performance, or otherwise creates an intimidating, hostile or offensive environment; or

(F) require, pressure, coerce, or threaten an observer to perform duties normally performed by crew members.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 508.025, 508.035 & 508.260

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FWC 26, f. 11-28-75, ef. 1-1-76, Renumbered from 625-040-0060, Renumbered from 635-036-0540; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; DFW 38-1999, f. & cert. ef. 5-24-99; DFW 97-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04

635-006-0145

Commercial Fishing License

(1) A commercial fishing license is issued in accordance with ORS 508.035 and 508.235 of the commercial fishing laws and is required for each individual who for commercial purposes:

(a) Takes or assists in the taking of any food fish or shellfish from the waters or land of this state;

(b) Operates or assists in the operation of any boat or fishing gear for the taking of food fish in the waters of this state; or

(c) Lands food fish from the waters of the Pacific Ocean at any point in this state.

(2) A commercial fishing license shall be in the possession of the licensee when engaged in the taking or landing of food fish or shellfish when taken for commercial purposes.

(3) It is *unlawful* for a licensed commercial fisherman to keep any food fish or shellfish taken under such license for personal use.

Stat. Auth.: ORS 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.109, 506.119 & 506.129

Hist.: FC 246, f. 5-5-72, ef. 5-15-72, Renumbered from 625-040-0065, Renumbered from 635-036-0545; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92

635-006-0150

Single Delivery License

(1) The single delivery license is issued in accordance with ORS 508.035 for a one-time landing of food fish and is in lieu of the commercial fishing and boat license described in OAR 635-006-0140 and 635-006-0145. Where "commercial fishing license" is used in ORS 508.235 and "boat license" is used in ORS 508.260, this license may be substituted.

(2) In the absence of a commercial fishing and boat license, it is *unlawful* to engage in the taking or landing of food fish in waters of this state without a single delivery license.

(3) No food fish shall be removed from a boat requiring a single delivery license until the fee for such license is received and such license has been issued by an authorized agent of the Department of Fish and Wildlife. The license shall be on board the boat and available for inspection by the State Police or a representative of the Department of Fish and Wildlife whenever food fish are being unloaded.

(4) Single delivery licenses shall be forfeited upon landing to the wholesale fish dealer, who shall attach the license document to the appropriate fish ticket. Vessels taking fish outside of state waters may substitute the license fee at the time of landing for the license document.

(5) Vessels operating under a single delivery license must comply with OAR 635-006-0140(7), when requested by the Department.

Stat. Auth.: ORS 506.119, 506.129, 508.235 & 508.260

Stats. Implemented: ORS 508

Hist.: FC 246, f. 5-5-72, ef. 5-15-72, Renumbered from 625-040-0085, Renumbered from 635-036-0550; FWC 81-1985, f. 12-16-85, ef. 1-1-86; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04

635-006-0155

Juvenile Jig Line License

This license is issued in accordance with ORS 508.121 of the commercial fishing laws.

Stat. Auth.: ORS 508

Stats. Implemented: ORS 508

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; Renumbered from 625-040-0090, 1975; Renumbered from 635-036-0555, 1979

635-006-0160

Bait Fishing License

A bait fishing license is issued in accordance with ORS 508.312 of the commercial fishing laws and is required for any individual taking or assisting in the taking of food fish or shellfish for sale to a fish bait dealer. It is *unlawful* to take any food fish or shellfish under this license for human consumption purposes.

Stat. Auth.: ORS 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.109, 506.119 & 506.129

Hist.: FC 246, f. 5-5-72, ef. 5-15-72, Renumbered from 625-040-0095, Renumbered from 635-036-0560; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92

635-006-0165

Commercial Fisherman Transportation Report

(1) It is *unlawful* for any commercial fisherman or any other person to transport food fish or shellfish in this state without first preparing and having in possession a written transportation report, invoice, or memorandum. The transportation report, invoice, or memorandum shall include the following:

(a) Date;

(b) Name and address of person from whom food fish or shellfish were received. If being transported by a commercial fisherman or received from a commercial fisherman, include his/her commercial fishing license number;

(c) Name and address of Oregon-licensed Wholesale Fish Dealer or Oregon-licensed Fish Bait Dealer where the food fish or shellfish are being delivered;

(d) The number of each species of food fish or shellfish, their weight or estimated weight in pounds.

(2) The food fish or shellfish shall be transported within 48 hours to an Oregon licensed Wholesale Fish Dealer or Oregon licensed Fish Bait Dealer and reported on a Fish Ticket within 48 hours of arriving in port.

(3) The transportation report, invoice, or memorandum shall be prepared prior to any food fish or shellfish being removed from the boat of original taking or prior to transporting away from the point of initial landing. For clams, the report shall be prepared prior to leaving the beach or clam digging area. For food fish or shellfish transported

into Oregon from another state, the report shall be prepared prior to entering the State of Oregon. A bill of lading or freight bill required for common carriers is acceptable in lieu of a transportation report.

(4) The transportation report, invoice, or memorandum shall be retained by the commercial fisherman or person transporting the food fish including shellfish for a period of six months and is subject to inspection by the Director, his/her authorized agent, or by the State Police at any time during that period.

(5) This section does not apply to retail fish dealers, retail bait fish dealers, wholesale fish dealers, food fish canners, shellfish canners, and wholesale fish bait dealers when required to keep records in accordance with OAR 635-006-0205 and ORS 508.535.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129

Hist.: FC 246, f. 5-5-72, ef. 5-15-72, Renumbered from 625-040-0100, Renumbered from 635-036-0565; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; DFW 38-1999, f. & cert. ef. 5-24-99

Fish Dealer Records and Reports

635-006-0200

Required Records

(1) All retail fish dealers, retail and wholesale fish bait dealers, wholesale fish dealers, buyers, food fish canners and shellfish canners shall keep a record of all food fish and shellfish received whether from a fisherman or from other fish dealers. This record shall include the quantity in pounds of each species of food fish or shellfish received, the date received, price paid per pound, and the name and address of the person from whom such food fish or shellfish were received. If received from a fisherman, his/her commercial fishing license number shall be used in lieu of an address and the fishing gear used in taking shall also be required. If received from a treaty Indian, his/her tribal affiliation and enrollment number as shown on official identification card issued by the U.S. Department of Interior, Bureau of Indian Affairs, or tribal government shall be used in lieu of an address or commercial fishing license.

(2) This record is:

(a) Subject to inspection by the Director, the Director's authorized agent, or the State Police;

(b) To be prepared and available at the time food fish or shellfish are received at the premises of the fish dealer regardless of whether purchased or not;

(c) To be retained for a period not less than three years, at a location within Oregon where the record is to be available for inspection as designated in section (2)(a) of this rule. Notice of the physical location is to be provided to Oregon Department of Fish and Wildlife.

Stat. Auth.: ORS 506.109, 506.119, 506.129, 508.406, 508.530 & 508.535

Stats. Implemented:

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FWC 28, f. 11-28-75, ef. 1-1-76, Renumbered from 625-040-0125, Renumbered from 635-036-0570; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 68-1994, f. 9-28-94, cert. ef. 10-1-94; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-006-0205

Required Reports

(1) Every licensed wholesale fish dealer, wholesale fish bait dealer, food fish canner, and shellfish canner shall report all food fish or shellfish received from commercial fishermen or commercial bait fishermen authorized to land his/her catch in Oregon or received from a fish dealer from another state in which no tax or fee is levied and collected on the food fish or shellfish.

(2) As used in these regulations, any licensed wholesale fish dealer, fish buying station, fish buyer, bait dealer or canner whose licensed premises includes a receiving or docking facility for unloading the catch from a commercial fishing vessel shall be considered as the receiver and purchaser and shall have the responsibility for weighing the catch, reporting, and paying landing fees on such catch. The aforementioned premises shall only be licensed by one wholesale dealer, fish buying station, fish buyer, bait dealer or canner at one given time, except as provided in (3), below.

(3) Notwithstanding section (2) of this rule, upon receipt and approval by the Department of a Memorandum of Understanding in a form provided by the Department and signed by both parties, a licensed wholesale fish dealer or canner (identified as primary dealer) whose licensed premises includes a receiving or docking facility for unloading the catch from a commercial fishing vessel may act as an

agent for another licensed wholesale fish dealer or canner (identified as secondary dealer).

(a) Through the Memorandum of Understanding the primary dealer agrees:

(A) To unload fish or shellfish products at their licensed receiving or buying dock from fishing vessels who are providing catch to the secondary dealer as per prior agreement and arrangement with the secondary dealer;

(B) To confirm that the landing is legal and the species are legal;

(C) To accurately report on fish tickets, assigned to the secondary dealer by the Department, all landing information in accordance with OAR 635-006-0210, with the exception of price;

(D) To obtain fisherman signature on the fish ticket reporting such catch or if necessary, a dock ticket for net-caught groundfish in accordance with OAR 635-006-0211;

(E) To, upon transfer of the landed product from the primary dealer to the secondary dealer, provide the fish ticket record of the landing to the secondary dealer; and

(F) To retain a record of the required landing information of such catches.

(b) In addition through the Memorandum of Understanding, the secondary dealer agrees:

(A) To obtain the appropriate buyer's license;

(B) To complete the fish ticket that reports the transferred product landed at the receiving or buying dock of the primary dealer, by adding the species ex-vessel price;

(C) To submit copies to the Department in accordance with OAR 635-006-0210(2); and

(D) To submit to the Department a monthly remittance report and accompanying landing fees in accordance with OAR 635-006-0215.

(c) The Department may withdraw its approval of any Memorandum of Understanding effective seven calendar days from postmark of written notice, based on the failure to abide by any of the terms of the Memorandum of Understanding or violation of any provision of this rule. If the Department withdraws its approval, then section (2) of this rule shall be applicable.

(4) Two basic reports required for reporting the commercial catch of food fish and shellfish and the payment of landing fees due on such catch are:

(a) The State of Oregon Fish Receiving Ticket; and

(b) The Fish Dealer Monthly Remittance Report. These reports shall be submitted on forms supplied or approved by the Department and completed in accordance with OAR 635-006-0210 and 635-006-0215.

(5)(a) All pink shrimp unloaded at a receiving or docking facility of a wholesale fish dealer or shellfish canner shall be weighed and the net weight (pounds of raw shrimp landed) recorded on a fish receiving ticket before being removed from the receiving facility and prior to processing;

(b) Notwithstanding subsection (5)(a) of this rule, a minimum sampling method or equivalent method may be used to estimate the net weight provided such method is approved and authorized in writing by the Department;

(c) Those wholesale fish dealers or canners authorized to use the sampling procedure in subsection (5)(b) of this rule are subject to inspection for accuracy by the Department or by the Oregon State Police, at any time. Authorization for use of a sampling procedure may be withdrawn if, in the judgment of the Department, the procedure employed is likely to be inaccurate.

Stat. Auth.: ORS 506.119 & 508.530

Stats. Implemented: ORS 506.129 & 508.535

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FC 274(74-6), f. 3-20-74, ef. 4-11-74; FWC 28, f. 11-28-75, ef. 1-1-76, Renumbered from 625-040-0130, Renumbered from 635-036-0575; FWC 15-1981, f. 4-24-81, ef. 5-1-81; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 78-1993, f. & cert. ef. 12-6-93; FWC 23-1996, f. & cert. ef. 5-10-96; DFW 38-1999, f. & cert. ef. 5-24-99

635-006-0207

Limited Fish Seller Required Reports

(1) Every licensed Limited Fish Seller shall report all food fish or shellfish sold directly to consumers. Prior to making any sales of food fish or shellfish, Limited Fish Sellers shall notify the Department, by such means as the Department prescribes, the estimated number of food fish on board the boat and the location where the sale is to take place.

(2) Two reports required for reporting the commercial sale and the payment of landing fees due on such catch are:

(a) The State of Oregon Fish Receiving Ticket; and

(b) The Fish Dealer Monthly Remittance Report. These reports shall be submitted on forms supplied or approved by the Department and completed in accordance with OAR 635-006-0210 and 635-006-0215. In addition, a sequentially numbered receipt for each individual sale shall be issued to the purchaser at time of purchase, and to the fisherman if fish are to be kept for personal use. This receipt shall include the date, species, weight in pounds, price, number of fish or shellfish, and vessel name. A copy shall be retained on the vessel for a period of six months and available for three years and is subject to inspection by the Oregon State Police or authorized Department employee.

Stat. Auth.: ORS 506.109, 506.119, 506.129 & 802

Stats. Implemented: ORS 506.109, 506.119, 506.129 & 802

Hist.: FWC 1-1986, f. & cf. 1-10-86; FWC 99-1987, f. & cf. 11-17-87; FWC 142-1991, f. 12-31-92, cert. ef. 1-1-92

635-006-0210

Fish Receiving Ticket — All Fish

(1) Except as provided in OAR 635-006-0211, for each purchase of food fish or shellfish by a licensed wholesale fish dealer, wholesale fish bait dealer, food fish canner, or shellfish canner from a commercial fisherman or commercial bait fisherman, the dealer or canner shall prepare a Fish Receiving Ticket at time of landing. Fish receiving tickets are prenumbered in books of 50 tickets. Fish dealers shall be required to account for all fish receiving tickets received from the Department. Fish receiving tickets shall be issued in numerical sequence. The fish receiving ticket shall include the following:

(a) Fish dealer's name and license number, including the buying station and location if the food fish or shellfish were received at any location other than the licensed premises of the fish dealer;

(b) Date of landing;

(c) Fisherman's name from whom purchase is made. If not landed from a vessel, then fisherman's commercial license number shall be added. If received from a Columbia River treaty Indian, his/her tribal affiliation and enrollment number as shown on the official identification card issued by the U.S. Department of Interior, Bureau of Indian Affairs, or tribal government, shall be used in lieu of an address or commercial fishing license;

(d) Boat name, boat license number, and federal document or State Marine Board number from which catch made;

(e) Fishing gear used by the fisherman;

(f) For salmon and Dungeness crab, zone or area of primary catch;

(g) Species of food fish or shellfish received;

(h) Pounds of each species received;

(A) Pounds may be determined using any one of the following methods:

(i) Actual round weights based on certified scale measurements;

(ii) Actual round weights measured using a hopper scale;

(iii) Weights converted to round weight by multiplying the appropriate conversion weight listed in OAR 635-006-0215.

(B) Pounds shall include "weighbacks" by species. "Weighbacks" are those fish or shellfish with no commercial value.

(i) For Columbia River sturgeon the exact number of fish received and the actual round weight of that number of fish;

(j) Price paid per pound for each species received;

(k) Signature of the individual preparing the fish receiving ticket;

(l) Signature of the fisherman making the landing;

(m) Species name, pounds and value of fish retained by fisherman for personal use.

(2) Except as provided in OAR 635-006-0212 and 0213, the original of each fish receiving ticket covering food fish and shellfish received shall be forwarded within five working days of the date of landing to the Oregon Department of Fish and Wildlife, 3406 Cherry Avenue, NE, Salem, OR 97303.

(3) Wholesale fish bait dealers landing small quantities of food fish or shellfish may request authorization to combine multiple landings on one fish ticket and to deviate from the time in which tickets are due to the Department. Such request shall be in writing, and written authorization from the Department shall be received by the wholesale fish bait dealer before any such deviations may occur.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.119, 506.129, 508.530 & 508.535

Stats. Implemented: ORS 506.129, 508.025, 508.040 & 508.550

Hist.: FC 246, f. 5-5-72, cf. 5-15-72; FC 274(74-6), f. 3-20-74, cf. 4-11-74; FWC 28, f. 11-28-75, cf. 1-1-76, Renumbered from 625-040-0135, Renumbered from 635-036-0580; FWC 1-1986, f. & cf. 1-10-86; FWC 99-1987, f. & cf. 11-17-87; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 22-1992(Temp), f. 4-10-92, cert. ef. 4-13-91; FWC 53-1992, f. 7-17-92, cert. ef. 7-20-92; FWC 16-1995(Temp), f. & cert. ef. 2-16-95; FWC 23-1995, f. 3-29-95, cert. ef. 4-1-95; DFW 63-2003, f. & cert. ef. 7-17-03; DFW 117-2003(Temp), f. 11-25-03, cert. ef. 12-1-03 thru 2-29-04; DFW 10-2004, f. & cert. ef. 2-13-04

635-006-0211

Fish Receiving Ticket — Net Caught Groundfish

For net-caught groundfish, at time of landing the following information may be recorded on a separate document in lieu of a Fish Receiving Ticket provided this original document (dock ticket) is attached to the completed dealer copy of the fish ticket subsequently submitted to ODFW:

(1) Date of landing.

(2) Boat name and federal document or State Marine Board number from which catch was made.

(3) Pounds of fish by species:

(a) Pounds may be determined using any one of the following methods:

(A) Actual round weights based on certified scale measurements;

(B) Actual round weights measured using a hopper scale;

(C) Weights converted to round weight by multiplying the appropriate conversion weight listed in OAR 635-006-0215.

(b) Pounds shall include "weighbacks" by species. "Weighbacks" are those fish or shellfish with no commercial value.

(4) Signature of fisherman delivering the catch.

Stat. Auth.: ORS 506.119, 506.129, 508.530 & 508.535

Stats. Implemented: ORS 506.129, 508.025, 508.040 & 508.550

Hist.: FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 22-1992(Temp), f. 4-10-92, cert. ef. 4-13-92; FWC 53-1992, f. 7-17-92, cert. ef. 7-20-92; DFW 63-2003, f. & cert. ef. 7-17-03

635-006-0212

Fish Receiving Ticket — Salmon

For all salmon, the following requirements apply in addition to those listed in OAR 635-006-0210:

(1) Fish receiving tickets shall be completed at time of landing and the original copy forwarded within four consecutive days following the landing to the Oregon Department of Fish and Wildlife.

(2) For troll-caught salmon, fish receiving tickets shall show the number of days fished during the trip in which the salmon were caught and the number of salmon landed.

Stat. Auth.: ORS 506.119, 506.129, 508.530 & 508.535

Stats. Implemented: ORS 506.129, 508.025, 508.040 & 508.550

Hist.: FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; DFW 63-2003, f. & cert. ef. 7-17-03; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 44-2006(Temp), f. & cert. ef. 6-19-06 thru 12-15-06

635-006-0213

Fish Receiving Ticket — Limited Fish Seller Permit

(1) For food fish or shellfish sold under a Limited Fish Seller Permit, the Limited Fish Seller shall complete daily entries of fish sold on a fish receiving ticket. Fish receiving tickets are prenumbered in books of 50 tickets. Limited Fish Sellers shall account for all fish receiving tickets received from the Department. Fish receiving tickets shall be issued in numerical sequence. The fish receiving ticket shall include, for each day's sales:

(a) Limited Fish Seller's name and license number;

(b) Date of sales;

(c) Boat name and federal document or State Marine Board number from which catch made;

(d) Fishing gear used;

(e) Species of fish or shellfish sold;

(f) Quantity in pounds;

(g) Price received per pound;

(h) Signature of the individual preparing the fish ticket;

(i) Name of wholesale fish dealer to whom other food fish or shellfish were sold from the same fishing trip.

(j) For troll-caught salmon, fish receiving tickets shall show the number of days fished during the trip in which the salmon were caught.

(2) The original of each fish receiving ticket covering fish and shellfish sold per trip shall be forwarded within ten working days following the landing to the Oregon Department of Fish and Wildlife.

Stat. Auth.: ORS 506.119, 506.129, 508.530, 508.535 & 508.550

Stats. Implemented: ORS 506.129, 508.025, 508.040 & 508.550

Hist.: FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; DFW 63-2003, f. & cert. ef. 7-17-03; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-006-0215**Monthly Remittance Report**

(1) A monthly report is required of all licensed:

(a) Wholesale fish dealers, wholesale fish bait dealers, food fish canners, or shellfish canners receiving food fish or shellfish from licensed commercial fishermen or bait fishermen;

(b) Limited fish sellers selling food fish or shellfish.

(2) Except as provided in OAR 635-006-0220, the report is required even though no food fish or shellfish are received or sold during the calendar month covered by the report.

(3) The following information shall be included on the report:

(a) Fish dealer's name, license number, and address;

(b) Calendar month of the report;

(c) Serial numbers of all fish receiving tickets issued during the month;

(d) Total pounds of all salmon and steelhead received or sold during the calendar month on which poundage fees are due. Salmon and steelhead may be reported as round weight, dressed head on or dressed head off;

(e) Total value of salmon and steelhead received or sold during the calendar month including fish eggs and parts;

(f) Total value of all other food fish and shellfish including eggs and parts;

(g) Total pounds in the round of all other species of food fish or shellfish received or sold during the calendar month on which taxes are due. The following listed species may be converted to round weight for the purposes of completing monthly reports, by multiplying the below-listed factor by the dressed weight of that species:

(A) Troll salmon:

(i) Gilled and gutted — 1.15;

(ii) Gilled, gutted, and headed — 1.30.

(B) Halibut:

(i) Gilled and gutted — 1.15;

(ii) Gilled, gutted, and headed — 1.35.

(C) Sablefish, gutted and headed — 1.60;

(D) Pacific whiting:

(i) Fillet — 2.86;

(ii) Headed and gutted — 1.56;

(iii) Surimi — 6.25.

(E) Razor Clams, shelled and cleaned. — 2.0;

(F) Scallops, shelled and cleaned — 12.2;

(G) Thresher shark — 2.0;

(H) Skates — 2.6;

(I) Lingcod:

(i) Gilled and gutted — 1.1;

(ii) Gilled, gutted and headed — 1.5.

(J) Spot prawn, tails — 2.24.

(h) Total value of food fish landed in another state but not taxed by that state;

(i) Total pounds in the round of all food fish landed in another state but not taxed by that state;

(j) Total fees due — in accordance with ORS 508.505 the fees are the value of the food fish at the point of landing multiplied by the following rates:

(A) All salmon and steelhead, 3.15 percent;

(B) Effective January 1, 2005, all black rockfish, blue rockfish and nearshore fish (as defined by ORS 506.111), 5 percent.

(C) All other food fish and shellfish, 1.09 percent until the first Emergency Board hearing of 1993 and 1.25 percent, thereafter.

(k) Signature of the individual completing the report.

(4) The monthly report and all landing fees due shall be sent to the Oregon Department of Fish and Wildlife on or before the 20th of each month for the preceding calendar month. Landing fees are delinquent if not received or postmarked within 20 days after the end of the calendar month. A penalty charge of \$5 or five percent of the landing fees due, whichever is larger, shall be assessed along with a one percent per month interest charge on any delinquent landing fee payments.

Stat. Auth.: ORS 506.119 & 508.530

Stats. Implemented: ORS 506.129, 508.535 & 508.550

Hist.: FC 246, f. 5-5-72, ef. 5-15-72; FC 274(74-6), f. 3-20-74, ef. 4-11-74; FWC 28, f. 11-28-75, ef. 1-1-76, Renumbered from 625-040-0140; FWC 48-1978, f. & ef. 9-27-78, Renumbered from 635-036-0585; FWC 17-1981(Temp), f. & ef. 5-22-81; FWC 25-1981(Temp), f. 7-8-81, ef. 7-15-81; FWC 27-1981, f. & ef. 8-14-81; FWC 1-1986, f.

& ef. 1-10-86; FWC 4-1987, f. & ef. 2-6-87; FWC 99-1987, f. & ef. 11-17-87; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 22-1992(Temp), f. 4-10-92, cert. ef. 4-13-92; FWC 53-1992, f. 7-17-92, cert. ef. 7-20-92; FWC 5-1993, f. 1-22-93, cert. ef. 1-25-93; DFW 38-1999, f. & cert. ef. 5-24-99; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 118-2005(Temp), f. & cert. ef. 10-10-05 thru 12-31-05; DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06

635-006-0220**Waiver of Monthly Report**

(1) Any licensed wholesale fish dealer, wholesale fish bait dealer, food fish canner, or shellfish canner may request waiver of the filing of monthly reports when either no food fish or shellfish will be received for more than two months in a calendar year or all food fish or shellfish purchased during the year will be received from other wholesale fish dealers. The waiver request shall be in writing and shall include the reason for the request and, if applicable, the names of the wholesale fish dealers from whom food fish will be received.

(2) Any licensed limited fish seller may request waiver of the filing of monthly reports when no food fish or shellfish will be sold for more than two months in a calendar year. The waiver request must be in writing and include the reason for the request.

Stat. Auth.: ORS 506.109, 506.119, 506.129 & 802

Stats. Implemented: ORS 506.109, 506.119, 506.129 & 802

Hist.: FC 246, f. 5-5-72, ef. 5-15-72, Renumbered from 625-040-0145, Renumbered from 635-036-0590; FWC 1-1986, f. & ef. 1-10-86; FWC 99-1987, f. & ef. 11-17-87; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92

635-006-0225**Purchase, Record, Report, and Sale of Steelhead Trout, Walleye**

(1) Steelhead trout and walleye lawfully taken by treaty Indians during commercial fishing seasons may be purchased by licensed wholesale fish dealers, canners, or buyers pursuant to restrictions set forth in sections (2) through (5) of this rule. In addition, steelhead trout and walleye taken lawfully by treaty Indians during commercial fishing seasons may be purchased and/or possessed by any individual pursuant to restrictions set forth in section (6) of this rule.

(2) The wholesale fish dealer, canner, or buyer, shall at the time of purchase, enter the purchase of steelhead and walleye on a Department of Fish and Wildlife Columbia River Fish Receiving Ticket. Information required to be entered on the fish receiving ticket shall be the same as required by OAR 635-006-0210 and 635-006-0212 for each purchase of food fish.

(3) The record keeping and reporting requirements for food fish as set forth in OAR 635-006-0200 through 635-006-0215 shall apply to all steelhead trout and walleye purchases.

(4) In addition to the records required in connection with the purchase of steelhead trout, and walleye, a record of all sales of steelhead and walleye shall be maintained by licensed wholesale fish dealers, canners, or buyers for a period of three years and shall be subject to inspection by the Department or the State Police. Such record of sales shall include as a minimum:

(a) Name and address of each person to whom either steelhead or walleye are sold;

(b) Quantity in pounds of each sale identified as whole or round weight or dressed weight;

(c) Date of each delivery.

(5) It is *unlawful* for any wholesale fish dealer, canner, or buyer in possession of legally purchased steelhead or walleye to sell or distribute such fish in Oregon except to another wholesale fish dealer, canner, or buyer.

(6) Steelhead trout and walleye taken lawfully by treaty Indians during commercial fishing seasons may be purchased from a treaty Indian and/or possessed by any individual so long as said fish are accompanied by a written document listing treaty Indian taker's name, tribal enrollment number, number of fish, approximate weight of each fish, date and location where taken, date of sale, and purchaser's name. It is *unlawful* for any individual other than a treaty Indian to sell steelhead trout or walleye. The provisions in this section (6) apply to individuals other than licensed wholesale fish dealers, canners and buyers.

Stat. Auth.: ORS 506.119, 508.530 & 509.031

Stats. Implemented: ORS 498.022, 506.129, 508.535 & 508.550

Hist.: FWC 39, f. & ef. 1-23-76, Renumbered from 625-040-0150, Renumbered from 635-036-0595; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 41-1995, f. 5-23-95, cert. ef. 5-24-95; FWC 51-1997(Temp), f. & cert. ef. 8-27-97; DFW 73-1998, f. & cert. ef. 8-28-98

635-006-0230**When Possession of Steelhead or Walleye Unlawful**

Except as otherwise provided by law or rule, it is *unlawful* for any person to have in possession either steelhead trout or walleye taken by any means other than by angling.

Stat. Auth.: ORS 496.138 & 509.031

Stats. Implemented: ORS 496.138 & 509.031

Hist.: FWC 41, f. & ef. 1-23-76, Renumbered from 625-040-0155, Renumbered from 635-036-0600; FWC 142-1991, f. 12-31-91, cert. ef. 1-1-92; FWC 41-1995, f. 5-23-95, cert. ef. 5-24-95

635-006-0231**When Possession of Salmon Unlawful**

Except as otherwise provided by law or rule, it is *unlawful* to possess or distribute commercially caught salmon that has been taken by gear other than "troll," unless authorized by the Oregon Department of Fish and Wildlife.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 38-1999, f. & cert. ef. 5-24-99

635-006-0232**Damages for Commercial Fishing Violations**

(1) For purposes of ORS 506.720 the following shall be the 2006 average market value of food fish species. For species not listed, the average market value shall be the price per pound paid to law enforcement officials for any fish or shellfish confiscated from the person being assessed damages, or the average price per pound paid for that species during the month in which the violation occurred, whichever is greater. Unless otherwise noted, the amount given is the price per pound and is based on round weight.

(a) FISH:

- (A) Anchovy, Northern \$0.01;
- (B) Cabezon, \$3.54;
- (C) Carp \$0.10 (1995 price);
- (D) Cod, Pacific \$0.46;
- (E) Flounder, arrowtooth \$0.10;
- (F) Flounder, starry \$0.38;
- (G) Greenling, \$4.57;
- (H) Grenadier \$0.10;
- (I) Hagfish \$0.44;
- (J) Hake, Pacific (Whiting) \$0.05;
- (K) Halibut, Pacific, dressed weight with head on \$2.87;
- (L) Herring, Pacific \$0.08;
- (M) Lingcod, \$1.71;
- (N) Mackerel, jack \$0.03, Pacific \$0.03;
- (O) Opah \$1.00;
- (P) Pacific ocean perch, \$0.47;
- (Q) Pollock, Walleye \$0.67 (2001 price);
- (R) Rockfish:
 - (i) Black, \$1.57;
 - (ii) Blue, \$1.53;
 - (iii) Canary, using trawl gear \$0.50, using line and pot gear, \$0.074;
 - (iv) Darkblotched, \$0.43;
 - (v) Nearshore, \$6.24;
 - (vi) Shelf, \$0.46;
 - (vii) Shortbelly, using trawl gear \$0.29 (2003 price);
 - (viii) Slope, using trawl gear, \$0.48 using line and pot gear \$0.54;
 - (ix) Widow \$0.43;
 - (x) Yelloweye, using trawl gear \$0.51, using line and pot gear \$0.90;
 - (xi) Yellowtail, using trawl gear \$0.48, using line and pot gear \$0.83 and live \$1.56 (2004 price).

- (S) Sablefish:
 - (i) Dressed weight, ungraded \$3.06, extra small \$1.99, small \$2.99, medium \$3.67 and large \$3.91;
 - (ii) Round weight, ungraded \$1.65, extra small \$0.73, small \$0.98, medium \$1.29 and large \$1.73.
- (T) Salmon, Chinook, Ocean dressed weight: large \$3.08, medium \$3.16, small \$3.79 and mixed size \$3.30;
- (U) Salmon, coho, Ocean dressed weight: mixed size \$1.87;
- (V) Salmon, pink, ocean dressed weight, ungraded, \$1.25;
- (W) Sanddab, Pacific \$0.36;
- (X) Sardine, Pacific \$0.06;
- (Y) Shad, American:

(i) Coast, ungraded, gill net and set net, \$0.30 (2003 price);

(ii) Columbia, ungraded \$0.21;

(iii) Midwater trawl \$0.01.

(Z) Shark, blue \$0.82, Pacific sleeper \$0.62 (2000 price), shortfin mako \$1.10, sixgill, \$0.50 (2001 price), soupfin \$0.53, spiny dogfish \$0.15, scalloped hammerhead \$0.12 (2001 price), silky \$0.18 (2001 price), thresher dressed weight \$1.50 (1995 price) and round weight \$0.70 and other species \$0.10 (2004 price);

(AA) Skates and Rays \$0.16;

(BB) Smelt, Eulachon (Columbia River), \$1.77 and other species \$2.00 (2004 price);

(CC) Sole, butter \$0.32, curlfin (turbot) \$0.33, Dover \$0.37, English \$0.32, flathead \$0.31, petrale \$0.91, rex \$0.40, rock \$0.34 and sand \$0.64;

(DD) Steelhead \$0.29;

(EE) Sturgeon, green \$0.83 and white \$1.76;

(FF) Surfperch \$0.93;

(GG) Swordfish \$3.25 (2003 price);

(HH) Thornyhead (Sebastolobus), longspine \$0.57 and short-spine \$0.70;

(II) Tuna, albacore \$1.09, bluefin \$2.50 (2004 price) and yellowfin \$0.73 (2001 price);

(JJ) Walleye \$3.24 (2004 price);

(KK) Wolf-eel \$0.44;

(LL) Wrymouth \$0.18.

(b) CRUSTACEANS:

(A) Crab: box \$1.11 (2002 price), Dungeness bay \$2.70 and ocean \$1.50, rock \$1.49 and Tanner \$0.69 (2003 price);

(B) Crayfish \$1.65;

(C) Shrimp: brine \$1.00, coonstripe \$3.60 (2004 price), ghost (sand) \$1.99, mud \$1.24, pink \$0.44 (applied to the gross round weight of the confiscated pink shrimp reported on the fish receiving ticket) and spot \$9.03;

(D) Water flea (Daphnia) \$0.65 (2002 price).

(c) MOLLUSKS:

(A) Abalone, flat \$16.21;

(B) Clams: butter \$0.30, cockle \$0.45, gaper \$0.41, littleneck \$2.00, razor \$2.29 and softshell \$2.40;

(C) Mussels, ocean \$0.65;

(D) Octopus \$0.77;

(E) Scallop, rock \$0.70;

(F) Scallop, weathervane dressed weight (shucked) \$5.73 (2002 price) and round weight \$0.55 (2002 price);

(G) Squid \$0.22.

(d) OTHER INVERTEBRATES:

(A) Jellyfish \$10.00 (2004 price);

(B) Sea cucumber \$0.30;

(C) Sea urchin, red \$0.31 and purple \$0.30 (2004 price);

(D) Sea stars \$1.00.

(2) The Department may initiate civil proceedings to recover damages as authorized by ORS 506.720 where the value of any food fish unlawfully taken exceeds \$300, except for food fish taken by trawl in the groundfish fishery where the trip limit has not been exceeded by more than 15%.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 & 506.720

Hist.: FWC 160, f. & ef. 11-25-77; FWC 18-1978, f. & ef. 4-7-78, Renumbered from 635-036-0605; FWC 33-1982, f. & ef. 6-2-82; FWC 9-1988, f. & cert. ef. 3-3-88; DFW 6-2003, f. 1-21-03, cert. ef. 2-1-03; DFW 3-2004, f. 1-14-04, cert. ef. 2-1-04; DFW 1-2005, f. & cert. ef. 1-7-05; DFW 1-2005, f. & cert. ef. 1-7-05; DFW 1-2006, f. & cert. ef. 1-9-06

Columbia River Gillnet Salmon Vessel Fleet Reduction Program

635-006-0400**Purpose**

The purpose of the Columbia River gillnet salmon vessel fleet reduction program is to obtain an effective and expeditious reduction of the number of vessels in the non-Indian Columbia River commercial gillnet salmon fishing fleet to reduce their overall fishing capacity.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FWC 7-1982, f. & ef. 1-29-82; FWC 77-1982, f. & ef. 10-29-82; FWC 25-1985(Temp), f. & ef. 5-30-85

635-006-0405**Definitions**

For the purpose of OAR 635-006-0400 through 635-006-0425:

(1) "Permit" shall mean a current Columbia River gillnet salmon vessel permit, issued pursuant to Chapter 679, Oregon Laws 1979.

(2) "License" shall mean a boat license issued in accordance with ORS 508.035 and 508.260.

(3) "Permit Holder" shall mean an individual who has been issued and possesses a current permit.

(4) "Vessel" shall mean a commercial fishing vessel.

(5) "Program" shall mean the Oregon Columbia River gillnet salmon fleet reduction program.

(6) "Buy-Back" shall mean the purchase by the Department of a current permit during the program.

(7) When used to describe the status of a permit, "current" shall mean either a 1984 permit for which the permitted vessel qualifies for renewal in 1985 or a 1985 permit.

(8) "Offer Price" shall mean the dollar amount at which a permit holder offers to sell the permit to the Department.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FWC 7-1982, f. & ef. 1-29-82; FWC 77-1982, f. & ef. 10-29-82; FWC 68-1983, f. & ef. 12-16-83; FWC 63-1984, f. & ef. 9-21-84; FWC 56-1986(Temp), f. & ef. 9-11-86

635-006-0410**Eligibility Requirements**

In order to be eligible to participate in the program, a permit holder must have held a license for a vessel which was used lawfully to land in Oregon salmon taken in the Columbia River gillnet salmon fishery prior to December 22, 1984.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FWC 7-1982, f. & ef. 1-29-82; FWC 77-1982, f. & ef. 10-29-82; FWC 63-1984, f. & ef. 9-21-84; FWC 56-1986(Temp), f. & ef. 9-11-86

635-006-0412**Death of Eligible Permit Holder**

(1) In the event that an eligible permit holder dies subsequent to January 29, 1982, his/her permit may then be purchased from the personal representative or executor administering the estate of the permit holder.

(2) In the event that the permit holder's estate referred to in section (1) of this rule is closed:

(a) The permit may be purchased from the permit holder's spouse;

(b) In the event that the permit holder is not survived by a spouse, the permit may be purchased from the permit holder's children.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FWC 22-1983(Temp), f. & ef. 6-13-83; FWC 68-1983, f. & ef. 12-16-83

635-006-0415**Notification**

All permit holders shall be notified of the program by 1st class mail to the last known address of which the Department has notice in writing from the permit holder; and shall be provided with information explaining the program's purpose, eligibility requirements, application procedures, buy-back procedures, and forms required to be completed and returned to the Department.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FWC 7-1982, f. & ef. 1-29-82; FWC 77-1982, f. & ef. 10-29-82

635-006-0420**Participation Requirements**

In order to participate in the program a permit holder shall provide to the Department:

(1) A completed application form including the written consent of each person holding a security interest in the vessel to which the permit is assigned.

(2) Information on activities in the Columbia River gillnet salmon fishery including years in which salmon were lawfully landed in Oregon from the fishery, and pounds of salmon lawfully landed in Oregon in those years.

(3) A completed and signed offer to sell the permit to the Department at an offer price specified by the permit holder.

(4) A completed and signed transfer authorization of the offered permit if the offer is accepted.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FWC 7-1982, f. & ef. 1-29-82; FWC 77-1982, f. & ef. 10-29-82

635-006-0423**Ranking of Applications**

The Department shall separate eligible applicants into one of the following categories:

(1) Category A shall contain permit holders who held licenses prior to February 28, 1977.

(2) Category B shall contain permit holders not contained in Category A who held licenses subsequent to February 28, 1977, but prior to December 22, 1980.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FWC 63-1984, f. & ef. 9-21-84

635-006-0425**Purchase of Permits**

Permits shall first be purchased from Category A. Permits shall be purchased from Category B only after purchases approved by the Commission from Category A are selected:

(1) Permits shall be purchased beginning with the lowest offer price.

(2) Each subsequent permit purchase shall be made at the lowest remaining offer price.

(3) In case of ties in otherwise qualified permit holders' offer prices, the Department will first purchase the permit of the permit holder with the greatest total pounds of salmon lawfully landed in Oregon from the Columbia River gillnet salmon fishery for the period 1978 through 1984.

(4) Any offer over \$1,000 shall be referred to the Commission for approval.

(5)(a) Permits which are purchased shall be retired by the Department;

(b) The transfer of the offered permit is effective upon written acceptance by the Department.

(6) The Department shall purchase no more than one permit from each applicant.

(7) The Department shall indicate on all application forms a deadline date after which no more program applications and offers to sell permits shall be accepted.

(8) Any offer to sell a permit at the offer price selected by the applicant shall constitute a formal offer to sell the permit to the Department and may not be withdrawn until 120 days after the deadline date specified on the application form provided by the Department.

(9) In determining the total salmon landings of an applicant, the Department may consider as evidence:

(a) Department records;

(b) Such information as the Department considers reliable evidence of the landings;

(c) An affidavit submitted by the permit holder concerning the quantity of salmon lawfully landed.

(10) In determining program eligibility the Department may consider as evidence:

(a) Department records;

(b) Such information as the Department considers reliable evidence of eligibility;

(c) An affidavit submitted by the permit holder concerning his/her eligibility.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FWC 7-1982, f. & ef. 1-29-82; FWC 77-1982, f. & ef. 10-29-82; FWC 1-1984, f. & ef. 1-10-84; FWC 68-1983, f. & ef. 12-16-83; FWC 63-1984, f. & ef. 9-21-84; FWC 56-1986(Temp), f. & ef. 9-11-86

Developmental Fisheries Program**635-006-0800****Purpose**

These rules guide the operation of the Developmental Fisheries Program pursuant to ORS 506.450 through 506.465.

Stat. Auth.: ORS 506.109, 506.119 & 506.450 - 506.465

Stats. Implemented: ORS 506.109, 506.119 & 506.450 - 506.465

Hist.: FWC 85-1994, f. 10-31-94, cert. ef. 11-1-94

635-006-0810**Definitions**

(1) For the purposes of OAR 635-006-0820 through 635-006-1210 the following definitions shall apply:

(2) “Actively managed” means a fishery under a limited entry system according to the provision of a federal fishery management plan.

(3) “Bay clams” means cockle clams (*Clinocardium nuttallii*), butter clams (*Saxidomus giganteus*), gaper clams (*Tresus capax, nuttallii*), native littleneck clams (*Protothaca staminea*), and softshell clams (*Mya arenaria*).

(4) “Board” means the Developmental Fisheries Board appointed by the Commission.

(5) “Commission” means the Oregon Fish and Wildlife Commission.

(6) “Department” means the Oregon Department of Fish and Wildlife.

(7) “Developed fishery” means a fishery where the level of participation, catch, and effort indicate the fishery has approached optimum sustained yield and/or there is sufficient biological information, information on harvest methods, gear types, and markets to develop a long-term management plan for the species.

(8) “Developmental fisheries species” means food fish species adopted by the Commission to be managed under the Developmental Fisheries Program.

(9) “Director” means the Director of the Oregon Department of Fish and Wildlife.

(10) “Domestic partner” means an individual who, together with a permit holder has formed a partnership in which both:

(a) Are at least 18 years of age;

(b) Share a close personal relationship and are responsible for each other’s welfare;

(c) Are each other’s sole domestic partner;

(d) Are not married to anyone and neither has had another domestic partner or a spouse within the previous six months;

(e) Are not related by blood closer than would bar marriage under ORS 106.020;

(f) Have shared a household for at least six months; and

(g) Are jointly financially responsible for basic living expenses, including expenses for food, shelter, and maintaining a household.

(11) “Immediate family” means a permit holder’s spouse, domestic partner, children, father, mother, brother, sister, stepchildren, and grandchildren.

(12) “Maximum sustainable yield” (MSY) means an estimate of the largest average annual catch or yield that can be taken over a significant period of time from each stock under prevailing ecological and environmental conditions.

(13) “Underutilized species” means a food fish species or group of species that is not presently harvested in significant quantities due to poor markets or inadequate gear development or may be caught but not utilized due to poor markets.

(14) “Optimum sustained yield” (OSY) means the desired catch level of a fishery that will provide the greatest overall benefit to the state taking into account economic, social, and ecological considerations that will maintain a level of population that insures the long-term productivity of the stock and does not impair its ability to sustain itself into the future.

(15) “Overfishing” means a level or rate of fishing mortality that jeopardizes the long-term capacity of a stock or stock complex to produce MSY.

Stat. Auth.: ORS 506.109, 506.119, 506.450, 506.455 & 506.465

Stats. Implemented: ORS 596.129

Hist.: FWC 85-1994, f. 10-31-94, cert. ef. 11-1-94; DFW 85-1999, f. & cert. ef. 11-1-99; DFW 119-2001, f. & cert. ef. 12-24-01; DFW 117-2002, f. & cert. ef. 10-21-02; DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06

635-006-0820**Annual List of Developmental Fisheries Species**

(1) In consultation with the Board, the Commission shall by rule adopt an annual list, effective the first of January of each year, of food fish species that are considered to be developmental fisheries species.

(2) Any person may submit a written request to the Board to list or remove species on the Developmental Fisheries Species list by October 31. The Board shall make a recommendation to the Commission on each request at the annual review.

(3) Prior to the annual review by the Commission, the Board shall review the Developmental Fishery Program including numbers of permits, conditions of use, and research programs including financing.

Stat. Auth.: ORS 506.109, 506.119 & 506.450 - 506.465

Stats. Implemented: ORS 506.109, 506.119 & 506.450 - 506.465

Hist.: FWC 85-1994, f. 10-31-94, cert. ef. 11-1-94

635-006-0830**Listing as a Developmental Fisheries Species**

To list a food fish species as a Developmental Fisheries Species, the Commission shall determine the species is underutilized. If the Commission determines the species is underutilized it shall:

(1) Consider existing catch history, biological data, market information.

(2) Consider any known or potential conflicts including competing uses or gears, existing rules, state or federal management plans or policies, or impacts on other species.

(3) Place each species into one of three categories of the list according to the following criteria:

(a) Species in category “A” are underutilized, are not currently actively managed off Oregon under another state or federal management plan, and have the potential to be economically viable. Species in category “A” shall have permit and gear limitations established by the Commission annually;

(b) Species in category “B” are underutilized, are not currently under another state or federal management plan, and have not shown the potential to be a viable fishery. A species so designated may be upgraded to the “A” category, upon application to the Board and approval by the Commission during the annual review;

(c) Species in category “C” are underutilized and are currently under another state or federal management plan already establishing permit and/or gear limitations.

Stat. Auth.: ORS 506.109, 506.119 & 506.450 - 506.465

Stats. Implemented: ORS 506.129 & 506.450 - 506.465

Hist.: FWC 85-1994, f. 10-31-94, cert. ef. 11-1-94; DFW 85-1999, f. & cert. ef. 11-1-99

635-006-0840**Removing a Developmental Fisheries Species From the List**

(1) To remove a food fish species as a Developmental Fisheries Species, the Commission shall determine:

(a) The fishery meets the definition of a developed fishery; or

(b) The species is being harvested in excess of optimum sustained yield; or

(c) The species is listed by the State or Federal government as threatened or endangered; or is critical to the health of a species, pursuant to OAR 635-100-0130 to **Section 6** of the Federal **Endangered Species Act**; or

(d) Continuation of commercial harvest as a developmental fisheries species may lead to excessive gear conflicts, habitat damage, or excessive discard of incidentally caught food fish; or

(e) Excessive user group conflicts.

(2) When a Developmental Fisheries Species is removed from the list, the Commission shall establish an alternative management plan for the species which may include continuation of the limited entry system or termination as a commercial species.

Stat. Auth.: ORS 506.109, 506.119 & 506.450 - 506.465

Stats. Implemented: ORS 506.109, 506.119 & 506.450 - 506.465

Hist.: FWC 85-1994, f. 10-31-94, cert. ef. 11-1-94

635-006-0850**Developmental Fisheries Species List**

(1) The Developmental Fisheries species, permit and gear restrictions, and landing requirements for renewal of Category A permits are as follows:

(a) FISH:

(A) Pacific hagfish (*Eptatretus stouti*) fishery has a qualifying requirement of five landings. Annual renewal requirements are five landings of at least 1,000 pounds each or a total of 25,000 pounds. In addition, landings must be made in at least three different months. Hagfish permits are valid for 90 days from date of issue, unless five landings of at least 1,000 pounds each or a total of 25,000 pounds are made within 90 days from date of issue, in which case the permit is valid for the remainder of the year. There are 25 permits for harvest of which there are no trawl permits;

(B) Blue shark (*Prionace glauca*) fishery has a qualifying and annual renewal requirement of either five landings consisting of at least 500 pounds each landing or one landing consisting of at least 5000 pounds. There are 10 permits for harvest of which there are no high seas drift net permits and no large mesh gill net permits. No permit is needed for hand lines or hand harvest. Experimental gear permits may be required;

(C) Swordfish (*Xiphias gladius*) fishery has a qualifying and annual renewal requirement of either five landings consisting of at least 500 pounds each landing or one landing consisting of at least 5000 pounds. Permits are valid for and renewal requirements are calculated from February 1 through January 31 of the following year. There are 20 permits for harvest by floating longline and 10 permits for harvest by other gear. Specially adapted drift/gill net may be permitted. Experimental gear permits may be required. Five single-delivery permits will be issued to those who applied by annual filing date, but did not receive a Developmental Fishery Permit. Gill net gear must conform to California gear restrictions;

(D) Northern anchovy (*Engraulis mordax*) and Pacific herring (*Clupea pallasii*) fishery has a qualifying and annual renewal requirement of either five landings consisting of at least 500 pounds each landing or one landing consisting of at least 5000 pounds. There are 15 permits for ocean harvest. Specially adapted small mesh drift/gill net may be permitted. No permit is needed for hand lines or hand harvest. Experimental gear permits may be required.

(b) INVERTEBRATES:

(A) Box crab (*Lopholithodes foraminatus*) fishery has a qualifying and annual renewal requirement of five landings consisting of at least 100 pounds each landing. There are 25 permits for harvest with pots only;

(B) Grooved tanner crab (*Chionoecetes tanneri*), Oregon hair crab (*Paralomis multispina*) and scarlet king crab (*Lithodes couesi*) fishery has a qualifying and annual renewal requirement of five landings consisting of at least 100 pounds each landing. There are 10 permits for harvest with pots only;

(C) Spot prawn (*Pandalus platyceros*) fishery has a qualifying and annual renewal requirement of five landings consisting of at least 100 pounds (round weight) each landing or one landing consisting of at least 1000 pounds. After 2002, new permits for trawl gear will not be issued and trawl permits may be renewed as pot permits. After 2003, permits will be issued for pot gear only; no new permits will be issued until the number of permits issued is below 10, after which there may continue to be 10 permits. Permits are area specific. Experimental gear permits may be required. Permits are issued geographically, split at Heceta Head with 50 percent issued north and 50 percent issued south of Heceta Head, until after the date of the lottery;

(D) Coonstripe shrimp (*Pandalus danae*) and sidestripe shrimp (*Pandalopsis dispar*) fishery has a qualifying and annual renewal requirement of five landings consisting of at least 100 pounds (round weight) each landing. There are 10 permits for harvest by pot gear;

(E) Giant octopus (*Octopus dofleini*) fishery has a qualifying and annual renewal requirement of five landings consisting of at least 100 pounds each landing. There are 10 permits for harvest using octopus pots only;

(F) Marine snails (various species) fishery has a qualifying and annual renewal requirement of five landings consisting of at least 100 pounds each landing. There are 10 permits for subtidal harvest only;

(G) Flat abalone (*Haliotis walallensis*) fishery has a single permit authorized, a 3,000 pound annual quota limit, an annual renewal requirement of 10 landings of at least 20 pounds each landing, a 4-1/2 inch minimum size, year-round season, taken from nonintertidal areas with an abalone iron, and such additional permit conditions as the Director deems appropriate as required by OAR 635-006-0870 and 635-006-0880.

(2) The Developmental Fisheries Species List, Category "B," is as follows:

(a) FISH:

- (A) Salmon shark (*Lamna ditropis*);
- (B) Carp (*Cyprinus carpio*);
- (C) Black hagfish (*Eptatretus deani*);
- (D) Yellow perch (*Perca flavescens*);
- (E) Eelpouts (family Zoarcidae);
- (F) Brown bullhead (*Ameiurus nebulosus*);
- (G) Skiffish (*Erilepis zonifer*);

(H) Northern squawfish (*Ptychocheilus oregonensis*);

(I) Pacific saury (*Cololabis saira*);

(J) Pacific sandfish (*Trichodon trichodon*);

(K) Eulachon (*Thaleichthys pacificus*), whitebait smelt (*Allosmerus elongatus*), night smelt (*Spirinchus starksi*), longfin smelt (*Spirinchus thaleichthys*) and surf smelt (*Hypomesus pretiosus*);

(L) Pacific pomfret (*Brama japonica*);

(M) Slender sole (*Eopsetta exilis*).

(b) INVERTEBRATES:

(A) Pacific sand crab (*Emerita analoga*);

(B) Freshwater mussels (families Margaritifera, Anodonta, Gonidea, and Corbicula);

(C) Ocean cockle clams (*Clinocardium nuttallii*);

(D) California market squid (*Loligo opalescens*) and other squid (several species);

(E) Fragile urchin (*Alloccentrotus fragilis*);

(F) Sea cucumber (*Parastichopus* spp.).

(3) The Developmental Fisheries Species List, Category "C," is as follows:

(a) FISH:

(A) Spiny dogfish (*Squalus acanthias*);

(B) Soupfin shark (*Galeorhinus zyopterus*);

(C) Skate (family Rajidae);

(D) American shad (*Alosa sapidissima*);

(E) Pacific cod (*Gadus macrocephalus*);

(F) Pacific flatnose (*Antimora microlepis*);

(G) Pacific grenadier (*Coryphaenoides acrolepis*);

(H) Jack mackerel (*Trachurus symmetricus*);

(I) Chub (Pacific) mackerel (*Scomber japonicus*);

(J) Greenstriped rockfish (*Sebastes elongatus*);

(K) Redstripe rockfish (*Sebastes proriger*);

(L) Shortbelly rockfish (*Sebastes jordani*);

(M) Sharpchin rockfish (*Sebastes zacentrus*);

(N) Splitnose rockfish (*Sebastes diploproa*);

(O) Pacific sanddab (*Citharichthys sordidus*);

(P) Butter sole (*Pleuronectes isolepis*);

(Q) English sole (*Pleuronectes vetulus*);

(R) Rex sole (*Errex zechirus*);

(S) Rock sole (*Pleuronectes bilineatus*);

(T) Sand sole (*Psettichthys melanostictus*);

(U) Curlfin (lemon) sole (*Pleuronichthys decurrens*);

(V) Spotted ratfish (*Hydrolagus collii*);

(W) Wolf-eel (*Anarrhichthys ocellatus*);

(X) Walleye pollock (*Theragra chalcogramma*).

(b) INVERTEBRATES:

(A) Red rock crab (*Cancer productus*);

(B) Purple sea urchins (*Strongylocentrotus purpuratus*);

(C) Crayfish (*Pacifastacus leniusculus*).

Stat. Auth.: ORS 506.109 & 506.119

Stats. Implemented: ORS 506.129, 506.450, 506.455, 506.460 & 506.465

Hist.: FWC 85-1994, f. 10-31-94, cert. ef. 11-1-94; FWC 87-1995, f. 11-17-95, cert. ef. 11-20-95; FWC 1-1997, f. & cert. ef. 1-16-97; FWC 18-1997(Temp), f. & cert. ef. 1-18-97; FWC 34-1997, f. 6-11-97, cert. ef. 6-15-97; DFW 3-1998, f. & cert. ef. 1-12-98; DFW 17-1998(Temp), f. & cert. ef. 3-6-98 thru 7-31-98; DFW 93-1998, f. & cert. ef. 11-25-98; DFW 85-1999, f. & cert. ef. 11-1-99; DFW 89-1999, f. & cert. ef. 11-15-99; DFW 76-2000, f. 11-21-00, cert. ef. 1-1-01; DFW 30-2001, f. & cert. ef. 5-4-01; DFW 119-2001, f. & cert. ef. 12-24-01; DFW 116-2002, f. & cert. ef. 10-21-02; DFW 117-2002, f. & cert. ef. 10-21-02; DFW 135-2002, f. 12-23-02, cert. ef. 1-1-03; DFW 25-2003, f. & cert. ef. 3-26-03; DFW 41-2003(Temp), f. & cert. ef. 5-12-03 thru 6-21-03; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04; DFW 24-2004, f. & cert. ef. 3-23-04; DFW 121-2004, f. 12-13-04, cert. ef. 12-15-04; DFW 67-2005(Temp), f. 7-5-05, cert. ef. 7-6-05 thru 12-31-05; DFW 122-2005(Temp), f. & cert. ef. 10-18-05 thru 11-30-05; DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06

635-006-0870

Methods to Obtain Information

For each species in category "A," the Department shall establish a program to collect needed biological and fishery information.

(1) For species with a lack of sufficient biological and other information to meet the requirement of Statewide Planning Goal 19 and other applicable laws or rules, the program shall focus on obtaining information in order to evaluate the short- and long-term impacts of harvesting the species on ocean resources, including habitats, and determine long-term sustainability of the resource.

(2) As the level of biological information increases, the program will include obtaining biological and fishery information in order to

determine optimum yield and effort levels, and developing a long-term management plan.

(3) Program designs and information collected will vary from fishery to fishery and may include, but is not limited to:

- (a) A list of needed information;
- (b) specific study objectives;
- (c) Description of study methods;
- (d) Methods of reporting and analyzing data;
- (e) Literature search for existing information;
- (f) Samples of landed commercial harvest;
- (g) Observations of fishing methods and results;
- (h) Direct research projects; and
- (i) Examination of logbook information.

Stat. Auth.: ORS 506.109, 506.119 & 506.450 - 506.465

Stats. Implemented: ORS 506.109, 506.119 & 506.450 - 506.465

Hist.: FWC 85-1994, f. 10-31-94, cert. ef. 11-1-94

635-006-0880

Establish Commercial Harvest Program and Limited Entry System

In consultation with the Board, the Commission shall specify the number, qualifications, and conditions of use and renewal of developmental fisheries permits for species in category "A."

(1) In determining the number, qualifications, conditions of use and renewal of developmental fisheries permits, the Commission shall consider:

(a) The level of available biological information to scale the numbers of permits and conditions of use to minimize risk of overfishing and habitat disruption while a fishery is developing. When there is a lack of sufficient biological and other information for a fishery to meet the standards of Statewide Planning Goal 19 and other applicable laws or rules, the numbers of permits and conditions of use will be conservative in order to minimize the disturbance or disruption to other marine resources, including habitats, while obtaining needed information to determine long-term sustainability of the resource. As the level of biological information increases, the number of permits and conditions of use may become more liberal in order to determine optimum levels of yield and effort and to develop a long-term management plan;

(b) The availability of Department staff and/or other recognized resources to conduct necessary research and monitoring of landings;

(c) Diversity of small and large boat interests and fishing methods;

(d) The need to prevent excessive gear conflicts, and waste or damage to the environment; and

(e) The number of permits needed for market development.

(2) The Commission shall establish a minimum level of effort needed for renewal of Developmental Fisheries Species Permits.

(3) The Director may establish other permit stipulations as needed for each fishery which may include, but is not limited to, gear and area restrictions, limits of incidental catch, and sampling and observation requirements.

Stat. Auth.: ORS 506.109, 506.119 & 506.450 - 506.465

Stats. Implemented: ORS 506.109, 506.119 & 506.450 - 506.465

Hist.: FWC 85-1994, f. 10-31-94, cert. ef. 11-1-94

635-006-0890

Logbooks

The Department shall provide a logbook to each individual or vessel permitted to harvest developmental fishery species. Each individual or vessel skipper is responsible for maintaining the logbook in accordance with the instructions contained therein and shall, upon request of an authorized representative of the Department, permit examination and transcription of information from such logbook. Information so received by the Department shall be treated as confidential to the extent allowable under Oregon Law.

Stat. Auth.: ORS 506.109, 506.119 & 506.450 - 506.465

Stats. Implemented: ORS 506.109, 506.119 & 506.450 - 506.465

Hist.: FWC 85-1994, f. 10-31-94, cert. ef. 11-1-94

635-006-0900

Requirement for Developmental Fisheries Species Permit

(1) Effective January 1, 1995, except as provided in section (2) of this rule:

(a) It is *unlawful* to take or attempt to take food fish defined as a Developmental Fisheries Species for commercial purposes without first obtaining a permit issued pursuant to OAR 635-006-0910;

(b) It is *unlawful* for a wholesaler, canner, or buyer to buy or receive food fish defined as developmental fisheries species from a person or vessel for which the permit required in section (1)(a) of this rule has not been issued.

(2) The permit required by section (1) of this rule is not needed for developmental fisheries species taken as incidental catch allowed under State or Federal Regulations or taken for documented live display purposes by licensed wholesale fish dealers or fish bait dealers.

(3) The permit required by section (1) of this rule is not needed for nearshore fishery species provided nearshore species comprise less than 25 percent of the total landed catch or 15 pounds whichever is less.

(4) The permit required by section (1) of this rule is in addition to and not in lieu of the commercial fishing and boat license required by ORS 508.235 and 508.260.

Stat. Auth.: ORS 506.109, 506.119, 506.450, 506.455 & 506.465

Stats. Implemented: ORS 506.129

Hist.: FWC 85-1994, f. 10-31-94, cert. ef. 11-1-94; DFW 117-2002, f. & cert. ef. 10-21-02

635-006-0910

Procedures for Issuance, Transfer and Renewal of Developmental Fisheries Species Permits

(1) Applications:

(a) An applicant for a permit must submit a complete application in writing accompanied by an annual fee of \$75. The application shall include the species of fish to be taken, the method and gear proposed to be used, and the area from which the Developmental Fisheries Species are to be taken, the vessel operator, and other information as the Department may require;

(b) Except as listed below, complete applications must be received postmarked or date-stamped by January 1 of the year of issue for new species added to the developmental fishery list in OAR 635-006-0850, and thereafter by the annual filing date of February 1 of the year of issue.

(A) Applications for box crab permits must be postmarked or date-stamped by January 1 of the year of issue; and

(B) Applications for new hagfish permits will be accepted on a first-come, first-serve basis.

(c) An application shall be considered complete if it is legible, has all information requested on the form, and is accompanied by the required fee in full. Any application which is not complete shall be returned and, unless it is thereafter resubmitted and deemed complete by the filing date, the individual shall not be considered to have applied in a timely manner;

(d) Before applying for a permit, an applicant must first have obtained the appropriate vessel license (or individual license if permit is issued to individual) for the year the permit will be issued.

(e) Applications for new hagfish permits must include a business plan. The plan format is provided by ODFW. The business plan may include, but is not limited to, a description of vessels and gear currently owned or expected to purchase, identification of the market, and a letter of intent to buy from a processor.

(f) The vessel operator designated in subsection (a) above may change up to twice a year, with at least three work days' notice by the permit holder to ODFW, Newport office.

(2) Number of permits allowed:

(a) An individual shall not submit more than one application, per vessel (or per person for individual permits), for each developmental fishery species gear category;

(b) A permit holder who holds a valid developmental fisheries permit may not apply for any additional permits for the same vessel (or person for an individual permit) and species gear category unless the Department proposes to deny that permit;

(c) If a permit holder who holds a permit at issue either before the Commission or a court of law, is awarded another permit for the same species gear category through the lottery and thereafter prevails before the Commission or in court, the permit holder shall immediately surrender one of the permits to any Department office, so that only one valid permit per species gear category is held.

(3) Issuance of permits:

(a) Except for new hagfish permits, if the number of applications received by the filing date is less than the number of permits available, all applicants who have submitted complete applications shall be issued a permit within 14 days of the filing date.

(A) Any remaining permits shall be issued on a first-come, first-served basis, within 14 days of receipt of each completed application, until the maximum number of permits is issued. Priority shall be based on postmark or date-stamped date;

(B) The names of applicants who did not receive a permit shall be placed on an alternates list, in the order they are received, until the next annual filing date. Applicants whose names are placed on the alternates list shall be refunded their permit fee minus a \$10 application fee. Permits which become available before the end of the year shall be made available to the alternates list, in the order listed. The applicant shall be notified of an available permit and shall resubmit a complete application and permit fee within 30 days of the date the notification is mailed. The permit shall be issued within 14 days of receipt of the resubmitted application and fee. If an alternate fails to apply, he shall forfeit the permit and the permit shall then be made available to the next name on the alternates list.

(b) Except for new hagfish permits, if the number of applications received by the filing date is greater than the number of permits available, the Department shall determine first how many applications there are with preference points as accrued under OAR 635-006-0915, except for new species that have qualification restrictions set forth in OAR 635-006-0850. Evidence of landings must be supplied by the applicant and submitted with the application.

(A) If the number of these applicants does not exceed the number of permits, they shall be given all available permits and any remaining applicants shall be placed in a lottery;

(B) If the number of applicants who have preference points exceeds the number of permits, then these applicants only shall be placed in a lottery, and grouped by the number of preference points they have accrued for each species gear category. Applicants with the highest number of preference points for each species gear category will be drawn first. Applicants having the highest number of preference points per species gear category will be drawn next. This permit issuance process will continue through descending numbers of preference points until all the available permits have been issued, unless all qualified applicants with preference points have been issued permits prior to that point. Permits shall be issued within 14 days of the lottery;

(C) In addition, remaining applicants (who do not have preference points) shall be placed in a lottery and their names shall be drawn;

(D) The Department then shall prepare an alternates list, in which applicants who have preference points are listed first (in the order drawn), and thereafter remaining applicants are listed, in the order in which they were drawn. All applicants whose names are placed on the alternates list shall be refunded their permit fee minus a \$10 application fee. Any permits available before the end of the year shall be made available to the first name on the alternates list. The applicant shall be notified of an available permit and shall resubmit a complete application and permit fee within 30 days of the date the notification is mailed. The permit shall be issued within 14 days of receipt of the resubmitted application and fee. If an alternate fails to apply for the lottery permit within 30 days, he shall forfeit such permit and the permit shall then be made available to the next name on the alternates list.

(c) Permits may be made available before the end of the year by a permit holder voluntarily turning in a permit.

(d) A subcommittee of the Developmental Fishery Board shall evaluate the business plans submitted by hagfish fishery applicants to determine if the applicant is likely to actively prosecute the fishery. If more applicants submit acceptable business plans than there are available new permits, then the available permits will be distributed as otherwise specified in subsections (3)(a) and (b) of this rule.

(4) Persons to whom permits are issued: Permits shall be issued to an individual person or entity and assigned to a vessel, except when hand harvest methods are used. The permit holder is the owner or controller of the vessel or the individual person when hand harvest methods are used.

(5) Transfer of permits: Permits for Developmental Fisheries Species are not transferable to another person or entity; provided however that permits may be reassigned to another vessel owned or leased and controlled by the permit holder up to two times annually.

(a) In the event of the death of a permit holder, the permit of the deceased may be issued to an immediate family member as defined by OAR 635-006-0810. Permit transfer shall require a copy of the death certificate and the original permit, and must be requested by the

family member to the deceased which shall be presumed by possession of the permit and death certificate.

(b) To reassign the vessel on a permit, a permit holder shall first apply on a form provided by the Department and shall include a \$25 fee;

(c) If the permit holder is not the registered owner of the vessel to which a permit is being reassigned, a copy of a signed lease agreement with the owner of the vessel must accompany the application. The lease agreement must show the permit holder will be in control of the daily activities of the vessel during the time of the lease.

(d) No reassignment shall be effective until the permit holder has received approval from the Department and an updated permit.

(e) If a permit is reassigned to a vessel under the ownership of other than the permit holder, the permit holder or designated vessel operator must be aboard the vessel during harvest activities under the permit.

(6) Renewal of permits:

(a) Permits may be renewed by submission, to the Department, of the appropriate fee and a complete application date-stamped or postmarked before January 1 of the year for which renewal is sought, except renewal applications for box crab permits must be postmarked or date-stamped before December 1 of the year prior to which renewal is sought;

(b) An application for renewal shall be considered complete if it is legible and has all information requested on the form and is accompanied by the required fee in full. Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete before the deadline listed in (6)(a) above, the individual shall not be considered to have applied for renewal in a timely manner;

(c) It is the responsibility of the permit holder to ensure an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application shall not be grounds for treating the application as having been filed in a timely and complete manner;

(d) In addition to timely and complete filing to renew a permit, a permit holder must annually lawfully land the required pounds and/or landings listed in OAR 635-006-0850. However, if a permit holder obtained a permit later than July 1 of the prior year, the permit holder shall not be required to make the annual landing requirement by the following January. Instead, at the next renewal thereafter, the permit holder shall be required to demonstrate the annual landing requirement was fulfilled during the first full year in which the permit was held.

(e) Landings made by one vessel can not be used for qualification to renew more than one permit per permit category in any given year.

(f) In addition to the above landing requirements, logbooks required under OAR 635-006-0890 must be turned into an ODFW office by the application deadline for renewal of a permit.

(7) Authority of Director: Consistent with OAR 635-006-0810 through 635-006-0950, the Director is authorized to issue Developmental Fisheries Permits under the authority of ORS 506.460.

Stat. Auth.: ORS 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 506.450

Hist.: FWC 85-1994, f. 10-31-94, cert. ef. 11-1-94; FWC 2-1996, f. & cert. ef. 1-23-96; FWC 1-1997, f. & cert. ef. 1-16-97; DFW 3-1998, f. & cert. ef. 1-12-98; DFW 93-1998, f. & cert. ef. 11-25-98; DFW 30-2001, f. & cert. ef. 5-4-01; DFW 102-2001, f. & cert. ef. 10-23-01; DFW 119-2001, f. & cert. ef. 12-24-01; DFW 48-2002(Temp), f. & cert. ef. 5-13-02 thru 11-8-02; DFW 116-2002, f. & cert. ef. 10-21-02; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 6-2004(Temp), f. 1-28-04, cert. ef. 1-31-04 thru 3-31-04; DFW 24-2004, f. & cert. ef. 3-23-04; DFW 121-2004, f. 12-13-04, cert. ef. 12-15-04; DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06

635-006-0915

Preference Point System

(1) Valid applicants who did not receive a permit during the lottery shall receive one preference point applicable to subsequent permit lotteries for the species gear category (listed in OAR 635-006-0850) for which points were accrued, except as excluded in section (5) of this rule.

(2) Persons who submit the initial proposal to add a species to the Developmental Fisheries Species list (OAR 635-006-0850) shall be granted one preference point applicable to the first permit lottery for the new permit category.

(3) Applicants shall accrue no more than one preference point per species gear category per year.

(4) Applicants successful in obtaining a permit shall have zero preference points when they next apply for a new permit in that species gear category.

(5) Applicants will forfeit preference points accumulated for a species gear category when they do not apply for that species gear category for two consecutive years.

(6) Department records are final to determine accrued preference points for permit applicants.

(7) Each applicant's preference point accrual record will be jointly linked to his or her social security number or tax ID number and vessel document number. Preference point applicants shall use the same social security number or tax ID number and vessel document number each time they apply for a permit.

(8) Applicants will receive no preference points when their application is not received by the appropriate application date.

Stat. Auth.: ORS 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 506.450 - 506.465

Hist.: DFW 3-1998, f. & cert. ef. 1-12-98; DFW 85-1999, f. & cert. ef. 11-1-99

635-006-0930

Review of Denials

(1) An individual whose application for issuance, renewal or transfer of the permit required by OAR 635-006-0900 is denied by the Department may, within 60 days of receipt of denial, make written request, to the Commission for a hearing for review of the denial. The request shall identify why the permit should be granted.

(2) In accordance with any applicable provisions of ORS 183.310 to 183.550 for conduct of contested cases, a hearings officer shall review the proposed denial by the Department of an application for issuance, renewal or transfer of a permit. The Developmental Fisheries Board is designated as a party to the contested case.

(3) A party must petition for Commission review of the hearing officer's proposed order within 30 days of service of the proposed order if the party wants the proposed order changed. A party must identify what parts of the proposed order it objects to, and refer to parts of the administrative record and legal authority supporting its position.

(4) The Commission may waive landing requirements for renewal of a permit if it finds that failure to meet those requirements was due to illness, injury, or circumstances beyond the control of the permit holder. Final Orders shall be issued by the Commission and may be appealed as provided in ORS 183.480 to 183.550.

Stat. Auth.: ORS 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 506.450

Hist.: FWC 85-1994, f. 10-31-94, cert. ef. 11-1-94; DFW 48-2002(Temp), f. & cert. ef. 5-13-02 thru 11-8-02; DFW 116-2002, f. & cert. ef. 10-21-02; DFW 121-2004, f. 12-13-04, cert. ef. 12-15-04

635-006-0940

Emergency Suspension of Permits

In the event of a resource emergency, the Director may, after consultation with the Board, suspend temporarily all or any permits in a developmental fishery. Such suspension shall be in effect only until such time as the Commission considers whether to terminate or make permanent the suspension.

Stat. Auth.: ORS 506.109, 506.119 & 506.450 - 506.465

Stats. Implemented: ORS 506.109, 506.119 & 506.450 - 506.465

Hist.: FWC 85-1994, f. 10-31-94, cert. ef. 11-1-94

635-006-0950

Reduction of Permit Numbers

If habitat impacts, incidental catch and/or reduced catch-per-unit effort raise concerns, the Commission, in consultation with the Board, may establish a system to reduce the number of permits issued. The Commission may choose a system which includes, but is not limited to:

(1) Reduction through attrition of permits not meeting the minimum level of effort for renewal.

(2) Recall of all existing permits and reissuance through a lottery system up to the new level of permits allowed.

(3) Revocation of permits by date-of-issue: last permit issued is first removed.

Stat. Auth.: ORS 506.109, 506.119 & 506.450 - 506.465

Stats. Implemented: ORS 506.109, 506.119 & 506.450 - 506.465

Hist.: FWC 85-1994, f. 10-31-94, cert. ef. 11-1-94

Restricted Participation Systems

635-006-1005

Introduction to Organization

(1) Over the years, a variety of laws have been passed concerning limited entry commercial fisheries. Some statutes are very detailed and little rulemaking is needed to implement these statutes. Other statutes rely on the rulemaking authority of the Fish and Wildlife Commission to create a limited entry system. Previously, administrative rules were organized by fisheries, resulting in inconsistent provisions as well as duplication. This new rule approach is based on topics, rather than specific fisheries. For each topic, the applicable law for each fishery is either set forth or, where the statute provides detail, the statute is cited.

(2) The topics covered by these rules are:

(a) Definitions — OAR 635-006-1010;

(b) Requirement for permit — OAR 635-006-1015;

(c) Permit Fee — OAR 635-006-1025;

(d) Eligibility Requirements for a Permit — OAR 635-006-1035;

(e) Evidence of Eligibility — OAR 635-006-1050;

(f) Revocation and Refusal to Issue Permits — OAR 635-006-1060;

(g) Review of Denials — OAR 635-006-1065;

(h) Renewal of Permit — OAR 635-006-1075;

(i) Lottery for Certain Limited Entry Fisheries — OAR 635-006-1085;

(j) Transferability of Permits — OAR 635-006-1095;

(k) Logbook Required in Sea Urchin Fishery — OAR 635-006-1110;

(l) Vessel Length Modification in Ocean Dungeness Crab Fishery — OAR 635-006-1120;

(m) Commercial Fisheries Boards — OAR 635-006-1200;

(n) Agency Representation by Employee — OAR 635-006-1210.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96

635-006-1010

Definitions

(1) For the purpose of OAR 635-006-1015 through 635-006-1210:

(2) "Bay clam dive fishery" shall mean the commercial fishery for bay clams (including: cockle clams, *Clinocardium nuttallii*; butter clams, *Saxidomus giganteus*; gaper clams, *Tresus capax*, *nuttallii*; native littleneck clams, *Protothaca staminea*; and softshell clams, *Mya arenaria*) from subtidal areas in Oregon estuaries using dive gear.

(3) "Black rockfish/blue rockfish/nearshore fishery" shall mean the commercial fishery for black rockfish, blue rockfish and nearshore fish.

(4) "Brine shrimp fishery" shall mean the commercial fishery for adult *Artemia* spp. from Lake Abert (Lake County).

(5) "Completion" of a vessel for the purposes of initial eligibility for an Oregon ocean Dungeness crab permit pursuant to ORS 508.931 is defined as:

(a) A date identified in a contract document as the proposed or actual date of completion; or

(b) The date an insurance policy was in effect covering the vessel for loss or liability; or

(c) The date of inspection for certification by the U.S. Coast Guard; or

(d) Other written document acceptable to the Department that establishes the actual date the vessel was completed for the purposes of entering the Oregon ocean Dungeness crab fishery.

(6) "Crab fishing season" is the period from December 1 of one year through August 14 of the next year.

(7) "Length" or "Overall Length" of a vessel means the manufacturer's specification of overall length, United States Coast Guard or Marine Board registered length documentation stating overall length or overall length as surveyed by a certified marine surveyor. In determining overall length, marine surveyors shall measure in a straight line parallel to the keel from the foremost part of the vessel to the aftermost part, excluding sheer and excluding bow sprits, boomkins, rudders aft of the transom, outboard motor brackets, or transom extensions as in a dive step or platform. For the purpose of initial ocean Dungeness crab permit issuance, length of the vessel is overall length of the vessel on September 9, 1995.

(8) "Ocean Dungeness crab fishery" for the purposes of ORS 508.926, means all fishing for Dungeness crab in Oregon waters of the Columbia River and all other ocean water seaward of Oregon's coastline and river mouths.

(9) "Owner" is any ownership interest in a vessel, including interests arising from partnerships, corporations, limited liability corporations, or limited liability partnerships. Owner does not include a leasehold interest.

(10) "Replacement vessel" is a vessel purchased to replace a permitted vessel which has been lost due to fire, capsizing, sinking or other event. For the ocean Dungeness crab fishery, a replacement vessel shall be no more than 10 feet greater than the vessel which it replaces.

(11) "Sardine fishery" shall mean the commercial fishery for Pacific sardines (*Sardinops sagax*) in all ocean waters seaward of Oregon's coastline and river mouths.

(12) "Sea urchin fishery" shall mean the commercial fishing for *Strongylocentrotus franciscanus*, *S. purpuratus*, and *S. droebachiensis*.

(13) "Under construction" for the purposes of initial eligibility for an Oregon ocean Dungeness crab permit pursuant to ORS 508.931, means that between December 1, 1988, and August 14, 1991, a contract was signed and earnest money paid equaling at least 10% of the value of the contract, or invoices have been paid for 10% or more of the total construction cost, to produce a newly constructed vessel, including, but not limited to, the laying of the new vessel's keel.

(14) "Yaquina Bay Roe-herring fishery" shall mean the commercial net fishery for Pacific herring (*Clupea harengus pallasii*) which occurs annually between January 1 and April 15 in Yaquina Bay pursuant to OAR 635-004-0027.

(15) "Initial eligibility for vessels to participate" for the purposes of application for an Ocean Dungeness crab permit pursuant to ORS 508.931 means eligibility of a vessel on which to make permit application is confined to vessels which have never obtained an initial permit.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109, 506.129 & 508.921 - 508.941

Hist.: FWC 76-1995, f. 9-13-95, cert. ef. 9-19-95; FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; FWC 64-1996, f. 11-13-96, cert. ef. 11-15-96; DFW 92-1998, f. & cert. ef. 11-25-98; DFW 11-2003(Temp), f. & cert. ef. 2-10-03 thru 6-30-03; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06

635-006-1015

Requirement for Permit

(1) The following provide general requirements for permits:

- (a) Gillnet salmon — see ORS 508.775;
- (b) Troll salmon — see ORS 508.801 and 508.828;
- (c) Shrimp — see ORS 508.880 and 508.883;
- (d) Scallop — see ORS 508.840 and 508.843;
- (e) Roe-herring:

(A) It is *unlawful* for an individual to operate a vessel in the Yaquina Bay roe-herring fishery without first obtaining a vessel permit issued pursuant to OAR 635-006-1035 through 635-006-1095;

(B) It is *unlawful* for a wholesaler, canner or buyer to buy or receive roe-herring taken in the Yaquina Bay roe-herring fishery from a vessel for which the permit required by section (1)(e) of this rule has not been issued.

(f) Sea Urchin:

(A) It is *unlawful* for an individual to take or attempt to take sea urchins for commercial purposes without first obtaining a permit issued pursuant to OAR 635-006-1035 through 635-006-1095;

(B) It is *unlawful* for a wholesaler, canner, or buyer to buy or receive sea urchins taken in the sea urchin fishery from a person for which the permit required by section (1)(f) of this rule has not been issued.

(g) Ocean Dungeness crab:

(A) Except as provided under the reciprocity provisions of ORS 508.941(3) or section (F) below, it is *unlawful* for an individual to operate a vessel in the ocean Dungeness crab fishery without first obtaining a vessel permit issued pursuant to ORS 508.931 or 508.941. A Dungeness crab vessel permit is not required for vessels that are engaged solely in setting gear for a permitted vessel and which do not retrieve, retain or possess Dungeness crab.

(B) If the Commission establishes a vessel crab pot limitation or allocation system beyond the 2002-03 ocean crab season, August 14,

2001 is the control date for eligibility criteria related to past participation in the ocean fishery.

(C) In addition to certifying that the vessel is free of crab on November 30 each year, as required by OAR 635-005-0045(1), each vessel operator must declare and certify on the Oregon hold inspection certification form the maximum number of pots that will be used in that season's fishery before fishing.

(D) A single delivery license may not be substituted for an ocean Dungeness crab permit. Once a vessel has obtained an ocean Dungeness crab permit, Dungeness crab may be landed by the vessel using a combination of an ocean Dungeness crab permit and a single delivery permit in lieu of a commercial fishing and boat license. However, crab may not be landed more than twice in any one crab season using single delivery permits.

(E) Effective December 1, 2006, the number of crab pots allocated to a permit required under section (A) above will be determined as follows:

(i) The allocation will be based on documented landings of Ocean Dungeness crab into Oregon, Washington (excluding landings from the Puget Sound Fishery), or California, using valid Oregon fish receiving tickets, or equivalent valid documents from the states of Washington or California, from December 1, 1995 through August 14, 2001;

(ii) The crab pot allocation will be the highest number of pots the vessel qualifies for during the six qualifying seasons, December 1 of one year through September 15 of the next year (except through August 14, in 2001);

(iii) A crab pot allocation of 200 shall be assigned to a permit with landings less than 15,020 pounds in the 1995 to 1996 season, and 4,010 pounds in the 1996 to 1997 season, and 5,170 pounds in the 1997 to 1998 season, and 7,083 pounds in the 1998 to 1999 season, and 13,160 pounds in the 1999 to 2000 season, and 8,940 pounds in the 2000 to 2001 season;

(iv) A crab pot allocation of 300 shall be assigned to a permit with minimum landings of 15,020 pounds in the 1995 to 1996 season, or 4,010 pounds in the 1996 to 1997 season, or 5,170 pounds in the 1997 to 1998 season, or 7,083 pounds in the 1998 to 1999 season, or 13,160 pounds in the 1999 to 2000 season, or 8,940 pounds in the 2000 to 2001 season; and

(v) A crab pot allocation of 500 shall be assigned to a permit with minimum landings of 89,020 pounds in the 1995 to 1996 season, or 35,180 pounds in the 1996 to 1997 season, or 39,350 pounds in the 1997 to 1998 season, or 49,450 pounds in the 1998 to 1999 season, or 78,400 pounds in the 1999 to 2000 season, or 37,030 pounds in the 2000 to 2001 season.

(F) If a vessel does not have an Oregon crab permit required under section (A) above, but does have a California Dungeness Crab permit valid to fish off Oregon, the vessel may fish for Dungeness crab outside of three nautical miles off Oregon provided:

(i) A request for an allocation is submitted as specified by Oregon Department of Fish and Wildlife License Services, Salem;

(ii) A crab pot allocation shall be assigned to their vessel as described in (E) above; and

(iii) All crab pots and buoys must be marked as specified by OAR 635-005-0055(6).

(h) Developmental Fisheries: See ORS 506.450 through 506.465 and OAR 635-006-0800 through 635-006-0950.

(i) July 1, 2001 is the control date to establish eligibility criteria for the purpose of future limited entry programs for the commercial groundfish fishery.

(j) Black rockfish / blue rockfish / nearshore fishery — see ORS 508.945.

(k) Brine Shrimp:

(A) It is *unlawful* to take or attempt to take brine shrimp for commercial purposes without first obtaining a brine shrimp fishery permit issued pursuant to OAR 635-006-1035 through 635-006-1095;

(B) It is *unlawful* for a wholesaler, canner, or buyer to buy or receive brine shrimp taken in the brine shrimp fishery from a person for which the permit required by this rule has not been issued.

(C) The Department may issue no more than three permits required by section (1)(k) of this rule.

(l) Bay clam dive fishery:

(A) It is *unlawful*:

(i) To take or attempt to take bay clams, using dive gear, for commercial purposes from subtidal areas in any Oregon estuary without first obtaining a coast-wide bay clam dive fishery permit issued pursuant to OAR 635-006-1025 through 635-006-1095;

(ii) To take or attempt to take bay clams, using dive gear, for commercial purposes from subtidal areas in Oregon estuaries south of Heceta Head without first obtaining a south-coast bay clam dive fishery permit issued pursuant to OAR 635-006-1025 through 635-006-1095;

(iii) For a wholesaler, canner, or buyer to buy or receive bay clams taken in the bay clam dive fishery from a vessel or person not issued the permit required by this rule.

(iv) To take or attempt to take bay clams where more than two divers operating from any one boat were in the water at the same time or where more than two persons without permits, excluding persons authorized by the Department for the performance of official duties, were on board any boat while harvesting, possessing, or transporting bay clams.

(B) The Department may not issue more than ten coast-wide permits required by section (1)(l)(A)(i) of this rule and five south-coast permits required by (1)(l)(A)(ii) of this rule.

(C) Permits may be issued to individuals or to vessels, designated at the beginning of the year. Designation may not change during the year.

(m) Sardine fishery:

(A) It is *unlawful* for an individual to operate a vessel in the Sardine fishery without first obtaining a vessel permit issued pursuant to OAR 635-006-1035 through 635-006-1095. The sardine fishery permit is not required for vessels to retain sardines as incidental catch in other fisheries.

(B) It is *unlawful* for a wholesaler, canner or buyer to buy or receive sardines taken in the Sardine fishery from a vessel for which the permit required by section (1)(m)(A) of this rule has not been issued.

(C) The Department may not issue more than 20 permits required by section (1)(m)(A) of this rule.

(D) The Sardine Advisory Group as defined under OAR 635-006-1065 may advise the Commission on increasing the number of permits, developing criteria for issuing the new permits, and other regulations concerning the sardine fishery.

(E) By January 1, 2008, vessels permitted under section (1)(m)(A) of this rule shall be operated or owned by the permit holder.

(2) The permits required by section (1) of this rule are in addition to and not in lieu of the commercial fishing and boat license required by ORS 508.235 and 508.260.

(3) No vessel may hold more than one vessel permit for a given fishery at any one time.

(4) If permits are issued on an individual basis, no individual may hold more than one permit for a given fishery at any one time.

(5) Unless otherwise provided, permits must be purchased by December 31 of the license year.

(6) No vessel permit may be transferred away from a vessel without the lien holder's written permission.

(7) Applications for permits shall be in such form and contain such information as the Department may prescribe. Proof of length of a vessel may be required at the time of application.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109, 506.129 & 508.921-508.941

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; FWC 64-1996, f. 11-13-96, cert. ef. 11-15-96; DFW 92-1998, f. & cert. ef. 11-25-98; DFW 103-2001, f. & cert. ef. 10-23-01; DFW 95-2002, f. & cert. ef. 8-27-02; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 45-2006, f. 6-20-06, cert. ef. 12-1-06; DFW 74-2006, f. & cert. ef. 8-7-06; DFW 96-2006(Temp), f. & cert. ef. 9-8-06 thru 3-6-07; DFW 97-2006(Temp), f. 9-8-06, cert. ef. 9-9-06 thru 3-7-07

635-006-1025

Permit Fee

The annual fee to participate in limited entry fisheries is as follows:

(1) Gillnet salmon — \$75. See ORS 508.790 and Section 6, Chapter 512, Oregon Laws 1989.

(2) Troll salmon — \$75. See ORS 508.816 and Section 6, Chapter 512, Oregon Laws 1989.

(3) Shrimp — \$75. See ORS 508.901.

(4) Scallop — \$75. See ORS 508.858.

(5) Roe-herring — \$75. See ORS 508.765.

(6) Sea Urchin — \$75. See ORS 508.760.

(7) Ocean Dungeness crab — \$75. See ORS 508.941(4).

(8) Black rockfish/blue rockfish/nearshore fishery — \$75. See ORS 508.949.

(9) Brine Shrimp — \$75.

(10) Bay clam dive fishery — \$0.

(11) Sardine fishery — \$0.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; FWC 64-1996, f. 11-13-96, cert. ef. 11-15-96; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06

635-006-1035

Eligibility Requirements for a Permit

Eligibility for a limited entry permit is as follows:

(1) Gillnet salmon — see ORS 508.784.

(2) Troll salmon — see ORS 508.810.

(3) Shrimp — see ORS 508.886 and 508.895.

(4) Scallop — see ORS 508.852.

(5) Roe-herring — The ODFW shall issue a permit as per ORS 508.765:

(a) By renewal of previous year's permit;

(b) Through the lottery if a lottery is held in accordance with OAR 635-006-1085.

(6) Sea Urchin — An individual licensed as a commercial fisherman under ORS 508.235 is eligible to obtain the permit required by OAR 635-006-1015:

(a) By renewal of previous year's permit; or

(b) Through the lottery if a lottery is held in accordance with OAR 635-006-1085; or

(c) Through a duly authorized medical transfer of an existing permit in accordance with OAR 635-006-1095;

(d) By combining three currently renewed permits into one new permit as provided in OAR 635-006-1095.

(7) Ocean Dungeness crab:

(a) See ORS 508.931;

(b) For the purposes of eligibility for the ocean Dungeness crab fishery permit, a boat which received a license waiver issued pursuant to ORS 508.808 shall be considered as having possessed a boat license for that year;

(c) ORS 508.931 and 508.941 require that the vessel be previously licensed in accordance with ORS 508.260 for the purposes of initial eligibility for an ocean Dungeness crab fishery permit. A single delivery license may not be substituted for a boat license for this purpose.

(8) Black rockfish/blue rockfish/nearshore fishery — see ORS 508.947.

(9) Brine Shrimp — A commercial fisherman licensed under ORS 508.235 is eligible to obtain the permit required by OAR 635-006-1015:

(a) By renewal of previous year's permit; or

(b) If issued a brine shrimp permit under the Developmental Fisheries Program prior to 2004.

(10) Bay clam dive fishery — An individual licensed as a commercial harvester under ORS 508.235 or a vessel is eligible to obtain the permit required by OAR 635-006-1015:

(a) For a south coast bay clam dive permit for the year 2006, if a bay clam south-coast dive permit was issued to the individual or vessel under the Developmental Fisheries program (OAR 635-006-0900) in 2005 and lawfully made five landings consisting of at least 100 pounds each landing or an annual total of 2,500 pounds of bay clams, using dive gear in Oregon in 2005; or

(b) For a coast wide bay clam dive permit for the year 2006, if a bay clam coast-wide dive permit was issued to the individual or vessel under the Developmental Fisheries program (OAR 635-006-0900) in 2005 and lawfully made five landings consisting of at least 100 pounds each landing or an annual total of 2,500 pounds of bay clams, using dive gear in Oregon in 2005.

(c) After 2006, by renewal of the previous years' permit and satisfaction of the requirements in OAR 635-006-1075(1)(j).

(11) Sardine fishery:

(a) An individual or entity is eligible to obtain the vessel permit required by OAR 635-006-1015:

(A) If issued a sardine permit under the Developmental Fisheries Program (OAR 635-006-0900) in 2005; and

(B) Lawfully made landings of sardines into Oregon in 2003 and 2004; and

(C) Lawfully landed:

(i) At least 1,500 mt or 35 deliveries in any one year from 2000 through 2004; or

(ii) A total of 100 deliveries of sardines into Oregon in 2000 through 2004.

(b) If the number of permits issued under section (11)(a) of this rule is less than 20, enough permits to reach a total of 20 may be issued under section (11)(c) of this rule to vessels in order of highest total number of deliveries during 2000–2004.

(c) An individual or entity is eligible to obtain the vessel permit under (11)(b) of this rule if the vessel for which applications is made:

(A) Was not issued a permit under section (11)(a) of this rule; and

(B) Lawfully made landings of sardines into Oregon in 2003 and 2004; and

(C) Lawfully landed:

(i) At least 1,500 mt or 35 deliveries in any one year from 2000 through 2004; or

(ii) A total of 100 deliveries of sardines into Oregon in 2000 through 2004

(d) In addition to those Sardine Fishery Permits previously issued by the Department in calendar year 2006, the Oregon Department of Fish and Wildlife shall issue a Sardine Fishery Permit to any individual or entity, if that individual or entity held a legally qualified Oregon Developmental Fisheries Permit for Sardines on August 1, 2005, provided that neither the individual or entity has been previously issued an Oregon Sardine Fishery Permit in 2006.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; FWC 64-1996, f. 11-13-96, cert. ef. 11-15-96; DFW 11-2003(Temp), f. & cert. ef. 2-10-03 thru 6-30-03; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 74-2006, f. & cert. ef. 8-7-06

635-006-1050

Evidence of Eligibility

In making determinations regarding issuance or renewal of any limited entry permit, the Department and the Commercial Fishery Permit Board may consider as evidence of permit qualifications or requirements Department records and such receipts, accounts, contracts and other business records of private parties as the Department or the Board considers reliable evidence of the qualifications or requirements in question.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109

Hist.: FWC 76-1995, f. 9-13-95, cert. ef. 9-19-95; FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96

635-006-1060

Revocation and Refusal to Issue Permits

The Commercial Fishery Permit Board may revoke and refuse subsequent issuance of limited entry fisheries permits as follows:

(1) Gillnet salmon permit — see ORS 508.787.

(2) Troll salmon permit — see ORS 508.813.

(3) Shrimp permit — see ORS 508.898.

(4) Scallop permit — see ORS 508.855.

(5) Roe-herring permit — see ORS 508.485 and 508.490.

(6) Sea Urchin permit — see ORS 508.485 and 508.490.

(7) Ocean Dungeness crab permit — see ORS 508.485 and 508.490.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109

Hist.: FWC 76-1995, f. 9-13-95, cert. ef. 9-19-95; FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; FWC 64-1996, f. 11-13-96, cert. ef. 11-15-96

635-006-1065

Review of Denials

(1) Except for bay clam dive fishery and sardine fishery permits, an individual whose application for issuance or renewal of a limited entry permit is denied by the Department may request review of the Department's decision by doing so in writing to the Commercial Fishery Permit Board. The procedure for requesting review and the applicable standard of review shall be as follows:

(a) Gillnet salmon — see ORS 508.796;

(b) Troll salmon — see ORS 508.825;

(c) Shrimp — see ORS 508.910;

(d) Scallop — see ORS 508.867;

(e) Roe-herring — see ORS 508.765. For the roe-herring fishery, the Board may waive requirements for permits if the Board finds that:

(A) The individual for personal or economic reasons chose to actively commercially fish the permit vessel in some other ocean fishery during the roe-herring season; or

(B) The Board finds that the individual failed to meet the requirements as the result of illness, accident or other circumstances beyond the individual's control.

(f) Sea Urchin — see ORS 508.760. For the sea urchin fishery, the Board may waive requirements for permits if the Board finds that failure to meet the requirements was due to illness, injury or circumstances beyond the control of the permittee;

(g) Ocean Dungeness crab — see ORS 508.941. For the Ocean Dungeness crab fishery, a permit holder may request review of the Department's initial crab pot allocation or the Department's denial of replacement of lost buoy tags by doing so in writing to the Commercial Fishery Permit Board. The Board may adjust the number of crab pots allocated to a permit or approve replacement of lost buoy tags as follows:

(A) The Board may adjust the number of crab pots allocated to a permit:

(i) Based on additional landings documentation supplied by permit holder according to criteria under OAR 635-006-1015(1)(g)(E); or

(ii) The crab pot allocation may be increased by one tier as described under OAR 635-006-1015(1)(g)(E) based on circumstances during the qualifying seasons described in OAR 635-006-1015(1)(g)(E) beyond the control of the permit holder which created undue hardship as defined by OAR 635-006-1095(7)(d).

(B) The Board may approve replacement of lost buoy tags due to a catastrophic loss as defined under OAR 635-005-0055(1)(6)(g)(B).

(h) Black rockfish/blue rockfish/nearshore fishery — see ORS 508.960.

(2) The Board may delegate to the Department its authority to waive requirements for renewal of permits in all fisheries in such specific instances as the Board sets forth in a letter of delegation to the Department.

(3) For those fisheries requiring a \$75 application fee for Board review, the fee is nonrefundable. However, if the Board grants the applicant's request, the nonrefundable fee shall apply toward the permit fee.

(4) Orders issued by the Board are not subject to review by the Commission, but may be appealed as provided in ORS 183.480 to 183.550.

(5) Bay clam dive fishery permit:

(a) An individual whose application for issuance, renewal or transfer of a bay clam fishery permit is denied by the Department may, within 60 days of receipt of denial, make written request, to the Commission, for a hearing for review of the denial. The request shall identify why the permit should be granted.

(b) In accordance with any applicable provisions of ORS 183.310 to 183.550 for conduct of contested cases, a hearings officer shall review the proposed denial by the Department of an application for issuance, renewal or transfer of a permit.

(c) A party must petition for Commission review of the hearing officer's proposed order within 30 days of service of the proposed order if the party wants the proposed order changed. A party must identify what parts of the proposed order it objects to, and refer to parts of the administrative record and legal authority supporting its position.

(d) Final Orders shall be issued by the Commission and may be appealed as provided in ORS 183.480 to 183.550.

(6) Sardine fishery permit:

(a) An individual whose application for issuance, renewal or transfer of a sardine fishery permit is denied by the Department may, within 60 days of receipt of denial, make written request, to the Commission, for a hearing for review of the denial. The request shall identify why the permit should be granted.

(b) In accordance with any applicable provisions of ORS 183.310 to 183.550 for conduct of contested cases, a hearings officer shall review the proposed denial by the Department of an application for issuance, renewal or transfer of a permit. The Sardine Advisory Board is designated as a party to the contested case.

(c) A party, including the Department, must petition for Commission review of the hearing officer's proposed order within 30 days of service of the proposed order if the party wants to file an exception to the proposed order. A party must identify what parts of the proposed order it objects to, and refer to parts of the administrative record and legal authority supporting its position.

(d) The Sardine Advisory Group:

(A) Shall consist of members appointed by the Commission as follows:

(i) Three members shall be chosen to represent the sardine industry.

(ii) Two members shall be chosen to represent the public.

(B) Is subject to requirements of OAR 635-006-1200 sections (1) and (2).

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; FWC 64-1996, f. 11-13-96, cert. ef. 1-15-96; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 45-2006, f. 6-20-06, cert. ef. 12-1-06; DFW 96-2006(Temp), f. & cert. ef. 9-8-06 thru 3-6-07; DFW 97-2006(Temp), f. 9-8-06, cert. ef. 9-9-06 thru 3-7-07

635-006-1075

Renewal of Permit

(1) An individual who obtained a limited entry permit may renew the permit as follows:

(a) Gillnet salmon — see ORS 508.781;

(b) Troll salmon — see ORS 508.807;

(c) Shrimp — see ORS 508.892;

(d) Scallop — see ORS 508.849;

(e) Roe-herring permit — Permits may be renewed by submission to the Department of a \$75 fee and a complete application;

(f) Sea Urchin permit:

(A) Permits may be renewed by submission to the Department of a \$75 fee and a complete application date-stamped or postmarked by January 31 of the year for which renewal is sought; and

(B) The permittee shall have annually lawfully landed 5,000 pounds of sea urchins in Oregon. If a permittee obtained a permit later than January of the prior year (because the permit was obtained through the lottery, or as a result of Permit Board actions or surrender of a permit by a permit holder), the permittee shall not be required to make the 5,000 pound landing by the following January. Instead, at the next renewal thereafter, the permittee shall be required to demonstrate that the 5,000 pound landing requirement was fulfilled during the first full year (twelve-month period) in which the permit was held.

(g) Ocean Dungeness crab permit — see ORS 508.941. A permit which is not renewed by December 31 lapses, and may not be renewed for subsequent years.

(h) Black rockfish/blue rockfish/nearshore fishery — see ORS 508.947.

(i) Brine Shrimp permit:

(A) Permits may be renewed by submission to the Department of a \$75 fee and a complete application date-stamped or postmarked by January 31 of the year for which renewal is sought; and

(B) The permittee shall have lawfully landed 5,000 pounds of brine shrimp in Oregon in the prior year.

(j) Bay clam dive fishery:

(A) Permits may be renewed by submitting to the Department a \$75 fee and a complete application date-stamped or postmarked by January 31 of the year for which renewal is sought; and

(B) The permittee shall have lawfully made five landings consisting of at least 100 pounds each landing or an annual total of 2,500 pounds of bay clams, using dive gear in Oregon in the prior calendar year;

(C) Logbooks required under OAR 635-006-1110 must be turned into an ODFW office by the application deadline for renewal of a permit.

(D) If a permit is transferred under OAR 635-006-1095(10)(d), annual renewal requirements are waived in the year the transfer occurred.

(k) Sardine fishery.

(l) To renew a sardine permit:

(A) A complete application date-stamped or postmarked by December 31 of the year preceding the year for which the new permit is sought must be submitted to the Department;

(B) Logbooks required under OAR 635-006-1110 must be turned into an ODFW office by the application deadline for renewal of a permit; and

(C) The permittee shall have lawfully landed at least 10 landings of at least 5 mt each or landings totaling at least \$40,000, based on ex-vessel price of sardines into Oregon.

(D) The Commission may waive the landing requirements of section (C) of this rule if it finds that failure to meet those requirements was due to illness, injury, or circumstances beyond the control of the permit holder. Final Orders shall be issued by the Commission and may be appealed as provided in ORS 183.480 to 183.550.

(E) The Commission may waive the landing requirements of section (C) of this rule due to unusual market conditions.

(2) An application for renewal in any limited entry fishery shall be considered complete if it is legible, has all information requested in the form, and is accompanied by the required fee in full. Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete by January 31, the individual shall not be considered to have applied for renewal in a timely manner.

(3) It is the responsibility of the permittee to ensure that an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application shall not be grounds for treating the application as having been filed in a timely and complete manner.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109, 506.129 & 508.921 - 508.941

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; FWC 64-1996, f. 11-13-96, cert. ef. 1-15-96; DFW 92-1998, f. & cert. ef. 11-25-98; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 23-2006, f. & cert. ef. 4-21-06

635-006-1085

Lottery for Certain Limited Entry Fisheries

(1) A lottery process is provided in all limited entry fisheries except ocean Dungeness crab and sardines.

(2) A lottery for issuance of permits shall be conducted as follows:

(a) Gillnet salmon — see ORS 508.792;

(b) Troll salmon — see ORS 508.819;

(c) Shrimp — see ORS 508.904;

(d) Scallop — see ORS 508.861. If the number of permits issued in accordance with ORS 508.849 falls below 25, the Department in the next succeeding calendar year may issue permits by a lottery system. However, the total number of permits issued shall not exceed 25;

(e) Roe-herring — If the number of permits issued in accordance with OAR 635-006-1035 falls below six, the Department in the next succeeding calendar year may issue permits by a lottery system. However, as a result of any such lottery, the total number of permits issued shall not exceed six;

(f) Sea Urchin:

(A) If the total number of permits which have been renewed, and/or for which an appeal is pending, with the Commercial Fishery Permit Board and/or awarded through a prior lottery, is less than 30, a lottery shall be held on the 4th Friday in April;

(B) An individual must be 18 years of age or older and furnish proof of age to be eligible for the lottery;

(C) An individual may not already hold a valid urchin permit, however, an individual whose permit is at issue in a pending Sea Urchin Permit Board proceeding or before a court of law may participate in the lottery;

(D) If a permittee whose permit is at issue either before the Sea Urchin Permit Board or a court of law is awarded another permit through the lottery and thereafter prevails before the Board or in court, the permittee shall immediately surrender one of the permits to any Department office, so that only one valid permit is held;

(E) An individual who qualifies to participate in the lottery shall send a complete lottery application to the Department, date-stamped or postmarked no later than April 15 of the year for which the permit is to be issued. An individual shall not submit more than one application to participate in the lottery. For successful applicants, the application fee shall apply toward the permit fee of \$75;

(F) The names of lottery applicants shall be drawn to obtain the available permits. All other names of lottery applicants shall be drawn and placed on an alternate list in the order in which they were drawn,

and shall be issued permits during the next 24 months as they may become available through Permit Board actions or surrender of permits by a permit holder;

(G) An individual whose name is drawn in the lottery shall thereafter apply on the prescribed form, to the Department to obtain a permit. Such application must be received by the Department within 30 days of the date the notification was mailed to the successful applicant following the lottery;

(H) Any individual who fails to apply for the lottery permit within 30 days shall forfeit such permit. The permit shall then be made available to the first name on the alternate list, and shall be applied for in accordance with section (G) of this rule;

(I) If all permits are not issued by renewal or through the lottery, permits thereafter may be issued on a first come first served basis up to the total number of permits allowed. All applications shall be mailed to the Department and priority shall be based on postmark or date-stamped date;

(J) The Commission may suspend the lottery for up to two years based upon its assessment of the condition of the resource and recommendations of the Sea Urchin Permit Review Board.

(g) Black rockfish/blue rockfish/nearshore fishery — see ORS 508.955. If the number of permits issued in accordance with ORS 508.947 falls below 80 for black rockfish and blue rockfish permits or 50 for black rockfish and blue rockfish permits with a nearshore endorsement, the Department in the next succeeding calendar year may issue permits by a lottery system. However, the total number of permits issued shall not exceed 80 for black rockfish and blue rockfish permits or 50 for black rockfish and blue rockfish permits with a nearshore endorsement.

(h) Bay clam dive fishery — If the number of permits issued in accordance with OAR 635-006-1035 falls below ten for coast-wide permits or five for south-coast permits, the Department may issue permits by a lottery system. However, as a result of any such lottery, the total number of permits issued shall not exceed ten for coast-wide permits or five for south-coast permits;

(3) Each applicant for a permit lottery shall complete the application form prescribed by the Department.

(4) Application for vessel permits shall only be accepted for vessels, which in the judgment of the Department, are capable of operating the gear necessary to legally participate in the fishery. Vessels of a size or design incapable of harvesting the permitted species are not eligible for the lottery.

(5) Only one application per vessel may be submitted for each permit fishery lottery.

(6) Any application which is not legible, has incomplete information, or is postmarked after the deadline will not be entered in the lottery. Applications for all permits will be accepted at the Headquarters Office of the Department of Fish and Wildlife, and shall be postmarked or date stamped no later than June 30 of the year for which the permit is issued.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; DFW 11-2003(Temp), f. & cert. ef. 2-10-03 thru 6-30-03; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 70-2004(Temp), f. & cert. ef. 7-12-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06

635-006-1095

Transferability of Permits

Any transfer of a permit away from a vessel without the written consent of each person holding a security interest in such vessel is void. The following rules apply to transfer of limited entry fishery permits:

(1) Gillnet salmon — see ORS 508.793.

(2) Troll salmon — see ORS 508.822.

(3) Shrimp — see ORS 508.907.

(4) Scallop — see ORS 508.864.

(5) Roe-herring:

(a) A permit is transferable to:

(A) A replacement vessel of the permit holder; or, upon request of a permit holder, the Department may authorize transfer of a permit to a replacement vessel owned by an individual other than the permit holder. However, any transfer of a permit away from a vessel without the written consent of each person holding a security interest in such vessel is void;

(B) The purchaser of the vessel when the vessel is sold.

(6) Sea Urchin:

(a) Medical Transfers: If the number of permits is at 31 or more, the Department may authorize a permit to be transferred to a specified individual for up to 90 days upon petition by a permittee on the form provided by the Department. The Department's decision to allow a transfer shall be based on a finding that the current permit holder is unable to participate in the fishery due to injury or illness which prevents diving, based on medical evidence submitted by the permit holder and such other evidence the Department considers reliable. At the end of the transfer period, the transfer may be renewed by the Department to the original transferee or to a new transferee, provided that the permittee again submits medical evidence documenting that the injury or illness continues to prevent the permittee's return to diving. There is a two-year limit on the eligibility of each individual permit for medical transfer status, beginning with the start date of the first medical transfer of that permit on or after January 1, 1996, and ending two years from that date. When the total number of permits reaches 30 or less the Department shall not allow any permit transfers for any medical reason;

(b) If the Department, or the Board, after review of a denial by the Department, allows a transfer, the original permit holder shall give written notice to the Department of the name, address and telephone number of the transferee. The original permit holder may, at any time during the transfer period specified in subsection (6)(a), request the Department to transfer the permit back to the original permit holder. Such transfer requires 30 days' written notice to the Department. In any event, upon expiration of the transfer period specified in (6)(a), or upon cancellation of a transfer due to lack of medical evidence of continuing inability to dive, the permit shall revert automatically to the original permit holder, unless the transfer is renewed, as provided in subsection (6)(a) of this rule;

(c) The total landings of sea urchins by all transferees of a permit shall not exceed the greater of either of the following amounts:

(A) Up to 5,000 pounds per 90-day period, not to exceed 5,000 pounds annually; or

(B) Twenty-five percent of the amount landed by the original permit holder in the previous season's catch, for each 90-day period.

(d) Combination Permit Transfers: If the number of permits is at 31 or more, the Department may transfer permits from one person to another as follows:

(A) The individual receiving the transferred permit (the purchaser) obtains no more than three total permits, each of which is valid for the current year in which the permit is purchased, from existing permit holders;

(B) The Department combines the three permits into a single new permit issued to the purchaser; and

(C) No transferred permit is valid for harvesting sea urchins until conditions (6)(d)(A) and (6)(d)(B) are met. Individual permits which are transferred may not be used individually and are not renewable. Once a permit has been transferred in accordance with (6)(d)(A) the individual to whom the permit has been transferred has up to 24 months from the date of transfer to combine it with two others to create a valid new permit.

(e) When the total number of permits reaches 30 or less, the Department shall approve the transfer of any permit to any purchaser of the permit, provided that not more than one sale or transfer of the permit occurs within that calendar year;

(f) Lottery-issued permit transfers: No permit issued to an individual through the lottery after 1998 may be transferred to another individual until a cumulative total of 20,000 pounds of sea urchins have been landed on commercial fish receiving tickets by the individual issued the permit through the lottery.

(7) Ocean Dungeness crab — see ORS 508.936: and

(a) The vessel permit is transferable one time between September 8, 2006 and November 24, 2006 provided the vessel holding the permit has landed at least 500 pounds of ocean Dungeness crab in each of two crab fishing seasons in the last five crab seasons which includes landings made during any season open at the time of application. Crab fishing season means ocean Dungeness crab season. However, the Board may waive the landing requirement for transfers, if the Board finds that strict adherence to this requirement would create undue hardship to the individual seeking to transfer a permit. The board also may delegate to the Department its authority to waive this requirement in such

specific instances as the Board sets forth in a letter of delegation to the Department;

- (b) The vessel permit is transferable:
 - (A) To another vessel; or
 - (B) To the purchaser of the vessel when the vessel is sold.
- (c) The vessel to which a permit is transferred, with the exception of vessels covered by (7)(e):

(A) Shall not be more than 10 feet longer than the vessel which held the permit on January 1, 2006, and

(B) Shall not be more than 99 feet in length.

(d) For the purpose of (7)(c)(A), the Commercial Fishery Permit Review Board may waive the boat length restriction if it finds that strict adherence would create undue hardship. For this purpose, undue hardship means significant adverse consequences caused by death, permanent disability injury or serious illness requiring extended care by a physician.

(e) Permits obtained as a result of qualifying under section (1)(e) of ORS 508.931 may only be transferred to vessels of a length of 26 feet or less;

(f) In the event a vessel is destroyed due to fire, capsizing, sinking or other event, the vessel owner has up to two years to transfer the ocean Dungeness crab fishery permit to a replacement vessel.

(8) Black rockfish/blue rockfish/nearshore fishery — see ORS 508.957.

(9) Brine shrimp fishery: Permits are transferable.

(10) Bay clam dive fishery:

(a) The permittee may request the Department to transfer, to a replacement vessel that is owned by the same person that owns the vessel to which the permit was originally issued, a bay clam dive permit up to two times per calendar year.

(b) In the event of the death of a permit holder, the permit of the deceased may be issued to an immediate family member upon request, validated by the Department's receipt of a copy of the death certificate and the original permit.

(c) The Department may authorize a permit issued to an individual to be transferred to a specified individual for up to 90 days upon petition by the permittee on the form provided by the Department due to a medical condition.

(A) The Department's decision to allow a transfer shall be based on a finding that the current permit holder is unable to participate in the fishery due to injury or illness which prevents diving, based on medical evidence submitted by the permit holder, and such other evidence the Department considers reliable.

(B) At the end of the transfer period, the Department may reinstate the permit to the original permit holder or to a new transferee, provided that the original permit holder again submits medical evidence documenting that the injury or illness continues to prevent their return to diving.

(C) There is a two-year limit on the eligibility of each individual permit for medical transfer status, beginning with the start date of the first medical transfer of that permit on or after January 1, 2006, and ending two years from that date.

(D) If the Department, after review of a denial by the Commission, allows a transfer, the original permit holder shall give written notice to the Department of the name, address and telephone number of the transferee. The original permit holder may, at any time during the transfer period specified in subsection (10)(c), request the Department reinstate the permit back to their possession. Such transfer requires 30 days' written notice to the Department. In any event, upon expiration of the transfer period specified in (10)(c), or upon cancellation of a transfer due to lack of medical evidence of continuing inability to dive, the permit shall revert automatically to the original permit holder, unless the transfer is renewed, as provided in subsection (10)(c) of this rule.

(11) Sardine Fishery:

(a) Permits are transferable up to two times in one calendar year

(b) Applications to transfer a sardine fishery permit shall only be accepted to vessels, which in the judgment of the Department, are capable of operating the gear necessary to legally participate in the fishery. Vessels of a size or design incapable of harvesting sardines are not eligible for transfer.

Stat. Auth.: ORS 506.109, 506.129, 508.921, 508.936, 506.755

Stats. Implemented: ORS 506.109, 506.129, 508.921-508.941, 506.755

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; FWC 64-1996, f. 11-13-96, cert. ef. 11-15-96; DFW 94-1998, f. & cert. ef. 11-25-98; DFW 112-2003, f. & cert. ef. 11-14-03;

DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 95-2006(Temp), f. & cert. ef. 9-8-06 thru 11-24-06

635-006-1110

Logbook Required

(1) Sea urchin fishery: The Department shall provide a logbook to each individual permitted to harvest sea urchins. Each individual is responsible for maintaining the logbook in accordance with the instructions contained therein and shall, upon request of an authorized representative of the Department, permit examination and transcription of information from such logbook. Information so received by the Department shall be considered as confidential.

(2) Black rockfish/blue rockfish/nearshore fishery — see ORS 508.953.

(3) Bay clam dive fishery: The Department shall provide a logbook to each permit holder permitted to harvest bay clams. Each permit holder is responsible for maintaining the logbook in accordance with the instructions contained therein and shall, upon request of an authorized representative of the Department, permit examination and transcription of information from such logbook. Information so received by the Department shall be considered as confidential.

(4) Sardine Fishery: The Department shall provide a logbook to each permit holder. Each permit holder is responsible for maintaining the logbook in accordance with the instructions contained therein and shall, upon request of an authorized representative of the Department, permit examination and transcription of information from such logbook. Catch records and trade secrets documented in the log book are confidential.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; DFW 112-2003, f. & cert. ef. 11-14-03; DFW 137-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 139-2005, f. 12-7-05, cert. ef. 1-1-06

635-006-1200

Vessel Length Modification in Ocean Dungeness Crab Fishery

(1) No vessel holding a ocean Dungeness crab permit shall be modified to increase its length by more than 10 feet during any 60-month period. If a permitted vessel is modified, the owner shall promptly notify the Department and the 60-month period shall begin on the date the Department receives notification.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96

635-006-1200

Commercial Fisheries Boards

See ORS 508.920. In addition:

(1) The members of the Boards established by ORS 508.920 shall:

(a) Be members in good standing within their community;

(b) Serve staggered three-year terms. The term of a board member shall end three years from the date the Commission confirms an individual as a board member. An individual shall not serve more than two consecutive terms as a board member;

(c) Serve at the pleasure of the Commission and may be removed if in the judgment of the Commission, the Board member is no longer qualified to serve including, but not limited to, a conviction for violation of fish and wildlife laws, or inappropriate conduct during the course of Permit Board proceedings.

(2) Members representing the commercial fisheries described in ORS 508.920 shall maintain a valid permit or license for the fishery they represent. If such permit or license becomes invalid for any reason, the term of the individual on the permit board terminates on the date the permit or license expires.

(3) When issues are pending before the Commercial Fisheries Permit Boards, the Boards shall meet not less frequently than once every calendar quarter to make disposition of such issues.

(4) The Department shall provide an Administrative Hearings Officer to assist the Commercial Fisheries Permit Board in developing the record and preparing the Boards' Opinion and Order. The Administrative Hearings Officer shall exhibit through references and experience a thorough understanding of the Administrative Procedures Act.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129 & 508.920

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96

635-006-1210**Agency Representation by Employee**

(1) An officer or employee of the agency, designated by the Director, with the written consent of the Attorney General pursuant to ORS 183.452 is authorized to represent the department in contested case hearings.

(2) An agency representative acting under the provisions of this section may not give legal advice to an agency, and may not present legal argument in contested case hearings, except to the extent authorized in subsection (3) of this section.

(3) The officer presiding at a contested case hearing in which an agency representative appears under the provision of this section may allow the agency representative to present evidence, examine and cross-examine witnesses, and make arguments relating to the:

(a) Application of statutes and rules to the facts in the contested case;

(b) Actions taken by the agency in the past in similar situations;

(c) Literal meaning of the statutes or rules at issue in the contested case;

(d) Admissibility of evidence; and

(e) Proper procedures to be used in the contested case hearing.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 183.450

Hist.: FWC 3-1996, f. 1-31-96, cert. ef. 2-1-96; DFW 2-2002, f. & cert. ef. 1-3-02

DIVISION 7**FISH MANAGEMENT AND HATCHERY OPERATION****635-007-0501****Definitions**

As used in this division and division 40:

(1) "Anadromous" means fish which migrate from saltwater to freshwater for spawning.

(2) "Aquaria species" means those fish commonly sold in the pet store trade for use in home aquaria. "Aquaria" are any tanks, pools, ponds, bowls or other containers intended for and capable of holding or maintaining live fish and from which there is no outfall to any waters of this state.

(3) "Aquatic habitat" means the waters which support fish or other organisms which live in water and which includes the adjacent land area and vegetation (riparian habitat) that provides shade, food, and/or protection for those organisms.

(4) "Area" means a stream, a lake, a group of streams or lakes, or a portion of the ocean managed for or with a common stock of fish, or for protection of a stock or stocks of fish.

(5) "Biological requirements" refers to those environmental conditions such as water quality, water quantity, and available food that are necessary for fish to grow and/or reproduce.

(6) "Brood stock" means a group of fish, generally from the same population, that are held and eventually artificially spawned to provide a source of fertilized eggs for hatchery programs.

(7) "Brood year" means the year in which more than fifty percent of the adults in a population of fish spawn.

(8) "Commission" means the Oregon Fish and Wildlife Commission.

(9) "Compensation" means activities that replace fish, or their habitat lost through development or other activities.

(10) "Conservation" means managing for sustainability of native fish so that present and future generations may enjoy their ecological, economic, recreational, and aesthetic benefits.

(11) "Cooperative Salmon Hatchery Project" means a fish propagation enhancement project authorized under OAR 635-009-0400 through 635-009-0455.

(12) "Department" means the Oregon Department of Fish and Wildlife.

(13) "Depressed" means below established goal such as a fish production or escapement goal shown in a management plan or below the level of production or escapement that the Commission determines to be an optimal level.

(14) "Disease" means problems caused by infectious agents, such as parasites or pests, and by other conditions that impair the performance of the body or one of its parts.

(15) "Disease agent" means an organism that is detrimental to fish.

(16) "Endemic disease" means a disease commonly detected in a population of naturally produced native fish.

(17) "Enhancement" means management activities including rehabilitation and supplementation that increase fish production beyond the existing levels.

(18) "Export" means to transport any fish or eggs out of state.

(19) "Facility Manager" means hatchery manager, owner or person responsible for compliance with these rules.

(20) "Fish" means all game fish as defined by ORS 496.009 and food fish as defined by ORS 506.036, which live or could live in the waters of this state.

(21) "Fish Hatchery" means a facility at which adult broodstock are held, or where eggs are collected and incubated, or where eggs are hatched, or where fish are reared.

(22) "Fry" means fish which have recently hatched and have not fed.

(23) "Foreign" means fish which originate through human intervention from a different population.

(24) "Genetic engineering" means the introduction of genetic material into an organism's genotype through molecular genetics techniques.

(25) "Genetic Resources" means the kind and frequency of genes found within a population or collection of populations.

(26) "Genotype" means the kinds of and the combination of genes possessed by an individual.

(27) "Goal" means a statement of intent which leads to policy, rules, and operation plans for implementation of a Department Program.

(28) "Hatchery produced fish" means a fish incubated or reared under artificial conditions for at least a portion of its life.

(29) "Hatchery production system" means the fish, facilities and operations associated with collecting, spawning, incubating, rearing, distributing and releasing hatchery produced fish.

(30) "Hatchery Program" means a program in which a specified hatchery population is planted in a specified geographical location.

(31) "Hold fish" means to capture and/or remove live fish in or from the waters of this state and/or maintain live fish in captivity but does not include fish held live for less than one day for examination and release without transfer from the waters where caught or collected.

(32) "Import" means to transport fish or eggs into the state.

(33) "Indigenous" means descended from a population that is believed to have been present in the same geographical area prior to the year 1800 or that resulted from a natural colonization from another indigenous population.

(34) "Marine species" means those fish found in the ocean or the saline or brackish water of estuaries or bays along the coast, but not generally found in freshwater streams.

(35) "Mitigation" means to lessen the impact of activities or events that cause fish or habitat loss.

(36) "Native fish" means indigenous to Oregon, not introduced. This includes both naturally produced and hatchery produced fish.

(37) "Naturally produced" means fish that reproduce and complete their full life cycle in natural habitats.

(38) "Naturally Spawned" means fish produced in the natural environment as the result of natural reproduction.

(39) "Natural production system" means the fish and environment associated with completing the life-cycles of naturally produced fish populations.

(40) "Nongame Fish" means any fish other than those specifically defined as game fish in ORS 496.009.

(41) "Operation plan" means an action plan developed by the Department that generally addresses how the objectives in a management plan for harvest or production of a species shall be attained.

(42) "Optimum" means the desired fish production level as stated in management plans or set by specific Commission action.

(43) "Phenotype" means any characteristic of an organism that is determined by the organism's genes, genotype and the environment.

(44) "Policy" means mandatory direction or constraints that provide the framework for Department programs.

(45) "Population" means a group of fish originating and reproducing in a particular area at a particular time which do not interbreed

to any substantial degree with any other group reproducing in a different area or in the same area at a different time.

(46) "Presmolt" means a juvenile anadromous fish which has fed and reared but is not yet a smolt.

(47) "Production" means the number or pounds of fish raised in a hatchery or resulting from natural spawning and rearing in freshwater, estuarine, or ocean habitats; also used in reference to harvest.

(48) "Propagation of fish" means the spawning, incubating, and/or rearing of fish by a human for sale, release or other uses.

(49) "Random mortality" means fish mortality that generally does not affect the genotypic or phenotypic traits of fish populations.

(50) "Rehabilitation" means short-term management actions which may include fish stocking, habitat improvement, harvest management, or other work, that restore fish populations depressed by natural or man-made events.

(51) "Release" means liberating fish or allowing fish to move into waters of the state.

(52) "Risk" means the extent to which, a management practice may reduce population productivity or cause an undesirable change in genetic characteristics of a population.

(53) "Sensitive" means those fishes that have been designated for special consideration pursuant to OAR 635-100-0040.

(54) "Selective mortality" means fish mortality that generally affects the genotypic and phenotypic traits of fish populations.

(55) "Serious depletion" means a significant likelihood that the species management unit will become threatened or endangered under either the state or federal Endangered Species Act.

(56) "Significant or substantial" means a condition of sufficient magnitude such that it is likely to influence continued natural production at optimum levels.

(57) "Smolt" means a juvenile salmon or trout that is capable of initiating a seaward migration and is capable of living in the sea.

(58) "Species" means any group or population that interbreeds and is substantially reproductively isolated.

(59) "Species hybridization" means the crossing of two different taxonomic species.

(60) "Species management unit" means a collection of populations from a common geographic region that share similar genetic and ecological characteristics.

(61) "STEP" means Salmon Trout Enhancement Program.

(62) "Stock" means an aggregation for management purposes of fish populations which typically share common characteristics such as life histories, migration patterns, or habitats.

(63) "Stray" means a hatchery fish that spawns naturally in a location different from the location intended when the fish was stocked.

(64) "Supplementation" means continued planting of fish to maintain or increase fish abundance in areas where natural production is insufficient to meet management objectives.

(65) "Sustainable" means persistence over time, that is to say the ability of a population or a species management unit to maintain temporal, spatial, genetic, and ecological coherence while withstanding demographic, environmental, and genetic variation and catastrophic events from natural and human induced causes.

(66) "Taxonomic species" means a group of fish that have been assigned a scientific name in the form of genus and species by the American Fisheries Society Committee on Common and Scientific Names of Fishes.

(67) "Transfer" means moving fish from one facility to another or to waters of the state.

(68) "Transgenic fish" means fish that have genes or groups of genes that have been transferred from another organism through the process of genetic engineering.

(69) "Wild fish" means any naturally spawned fish in the taxonomic classes, Agnatha, Chondrichthyes, and Osteichthyes, belonging to an indigenous population.

Stat. Auth.: ORS 496.012 & 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450 & 496.455

Hist.: FWC 25-1984, f. 6-21-84, ef. 7-1-84; FWC 6-1990, f. & cert. ef. 1-29-90; FWC 2-1992, f. 1-28-92, cert. ef. 2-1-92; FWC 37-1992, f. 5-29-92, cert. ef. 6-1-92; FWC 15-1997, f. & cert. ef. 3-10-97; DFW 131-2002, f. & cert. ef. 11-22-02; DFW 65-2003, f. & cert. ef. 7-17-03; DFW 96-2003, f. & cert. ef. 9-19-03

Native Fish Conservation Policy

635-007-0502

Purpose of the Native Fish Conservation Policy

(1) The purpose of this policy is to ensure the conservation and recovery of native fish in Oregon. The policy focuses on naturally produced native fish. This focus is because naturally produced native fish are the primary basis for Endangered Species Act (ESA) delisting decisions and the foundation for long-term sustainability of native species and hatchery programs. Conservation of hatchery produced native fish is also important to maintain opportunities for fisheries and aid conservation of naturally produced fish. The Hatchery Management Policy describes conservation of hatchery produced native fish.

(2) The intent of the Native Fish Conservation Policy is to provide a basis for managing hatcheries, fisheries, habitat, predators, competitors, and pathogens in balance with sustainable production of naturally produced native fish. The policy has three areas of emphasis. The first is defensive to ensure the avoidance of serious depletion of native fish. The second is more proactive to restore and maintain native fish at levels providing ecological and societal benefits. The third ensures that, consistent with native fish conservation, opportunities for fisheries and other societal resource uses are not unnecessarily constrained. This approach will allow Oregon to play a vital role in the recovery of ESA listed species and the prevention of future listings.

(3) The policy embraces the case-by-case application of a wide range of conservation and utilization strategies tailored to individual watersheds and situations. Policy implementation will likely illustrate a variety of management approaches across the landscape, such as areas focused on hatchery programs complemented with areas where hatchery influences are avoided.

(4) The policy shall be implemented through conservation plans. Plans shall be developed in collaboration with management partners and the public, and will identify the desired and existing status of native fish, key limiting factors, management options to address these factors, and monitoring required to evaluate success. The Oregon Plan for Salmon and Watersheds, as well as other local and regional forums, shall provide the context for development, implementation and coordination of these plans. Existing rules shall guide management until conservation plans are completed.

Stat. Auth.: ORS 496.012 & 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450 & 496.455

Hist.: DFW 131-2002, f. & cert. ef. 11-22-02

635-007-0503

Native Fish Conservation Policy Goals

(1) Prevent the serious depletion of any native fish species by protecting natural ecological communities, conserving genetic resources, managing consumptive and nonconsumptive fisheries, and using hatcheries responsibly so that naturally produced native fish are sustainable.

(2) Maintain and restore naturally produced native fish species, taking full advantage of the productive capacity of natural habitats, in order to provide substantial ecological, economic, and cultural benefits to the citizens of Oregon.

(3) Foster and sustain opportunities for sport, commercial, and tribal fishers consistent with the conservation of naturally produced native fish and responsible use of hatcheries.

Stat. Auth.: ORS 496.012 & 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450 & 496.455

Hist.: DFW 131-2002, f. & cert. ef. 11-22-02

635-007-0504

Key Elements of Native Fish Conservation Policy

(1) Naturally produced fish are foundational to the long-term sustainability of native fish species, hatchery programs, and fisheries in Oregon. Therefore, conservation of naturally produced native fish species in the geographic areas to which they are indigenous is the Department's principal obligation for fish management.

(2) The Native Fish Conservation Policy applies to all geographic areas within the State's jurisdiction.

(3) The Department shall manage native fish to meet the following objectives:

(a) To maintain and restore sustainable naturally produced native fish species living and reproducing successfully in their natural environments;

(b) To provide recreational, commercial, cultural, and aesthetic benefits of optimum native fish populations to present and future citizens; and

(c) To contribute benefits to their ecosystem such as carcass nutrients and food for other species.

(4) Hatcheries shall be used responsibly to help achieve the goals of this policy. The Hatchery Management Policy describes the hatchery tool and its range of applications, as well as additional guidance concerning the conservation and management of native hatchery produced fish. Other tools include but are not limited to the management of habitat, harvest, competitors, predators, and fish health.

(5) In restoring naturally produced native fish, and when weighing options for conservation action, the Department shall generally:

(a) Give priority to management actions that address and help remedy the primary factors of decline (i.e. limiting factors);

(b) Consider economic effects required by ORS 183.335(2)(b)(E); and

(c) Consider the potential for success.

(6) The Department shall manage for sustainability of naturally produced native fish at the level of the species management unit. In developing sustainability standards, the Department shall:

(a) Incorporate the importance of population structure within each species management unit, and

(b) Base the sustainability standards on biological attributes directly related to species performance, as described in OAR 635-007-0505(6).

(7) When faced with scientific uncertainty concerning fish management, including status assessments and the effectiveness of recovery strategies, the Department shall proceed with precautionary strategies scaled to the conservation risk. Less precautionary strategies may be allowed if:

(a) The Department determines that monitoring, evaluation and responsive management will keep biological risks within acceptable limits, or

(b) The Department implements specific research to address management uncertainties.

(8) The Department shall manage nonnative fish and hatchery based fisheries to optimize user benefits consistent with conservation of naturally produced native fish species.

Stat. Auth.: ORS 496.012 & 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450 & 496.455

Hist.: DFW 131-2002, f. & cert. ef. 11-22-02

635-007-0505

Implementing the Native Fish Conservation Policy

(1) Conservation Plans: The Native Fish Conservation Policy shall be implemented primarily through conservation plans developed for individual species management units and adopted by the Commission. Conservation plans shall illustrate a range of options for recovery strategies, fisheries and the responsible use of hatchery produced fish and may include subbasin plans, NOAA Fisheries recovery plans, and other plans that address the elements contained in subsections (5), (6), (7), and (8) of this rule.

(2) Conservation plans shall be based on the concept that locally adapted populations provide the best foundation for maintaining and restoring sustainable naturally produced native fish.

(3) Planning and implementation shall proceed incrementally, consistent with available funding, according to priorities established by the Department with collaboration and input from affected tribal governments, management partners, and the public. The Department shall place highest priority on developing conservation plans for species management units having one or more of the following characteristics:

(a) Contain fish that are listed under the federal or state Endangered Species Act or as a state sensitive species or contain naturally produced native fish populations that demonstrate continued decline or extirpation from a significant portion of their range;

(b) Contain new hatchery programs or existing hatchery programs that need substantial change;

(c) Have high public interest or economic or other impact on the local community; or

(d) Where the Departmental resources available for the planning and implementation efforts will likely lead to a significant increase in naturally produced native fish.

(4) The Department shall develop and maintain a statewide list of species management units and their constituent populations, including appropriate hatchery produced fish, for native fish belonging to the genus *Oncorhynchus*. Lists for other taxonomic groups will be developed as prioritized pursuant to subsection (3) of this rule.

Plan Contents.

(5) Native fish conservation plans will address the following elements:

(a) Identification of the species management unit and constituent populations pursuant to subsection (4) of this rule;

(b) Description of the desired biological status relative to biological attributes contained in subsection (6) of this rule;

(c) Description of current status relative to biological attributes contained in subsection (6) of this rule;

(d) An assessment of the primary factors causing the gap between current and desired status, if there is a gap, and identify factors that can be managed;

(e) A description of the short- and long-term management strategies most likely to address the primary limiting factors;

(f) A description of monitoring, evaluation, and research necessary to gauge the success of corrective strategies and resolve uncertainties;

(g) A process for modifying corrective strategies based upon the monitoring, evaluation and research results;

(h) Measurable criteria indicating significant deterioration in status, triggering plan modification to begin or expand recovery actions;

(i) Annual and long-term reporting requirements necessary to document data, departures from the plan, and evaluations necessary for adaptive management, in a format available to the public;

(j) A description of potential impacts to other native fish species.

(6) Measurable Criteria: Each native fish conservation plan shall include specific, measurable criteria of species performance. Depending upon available information, criteria will be developed for the following primary biological attributes:

(a) Distribution of populations within unit;

(b) Adult fish abundance for constituent populations;

(c) Within and among population diversity;

(d) Population connectivity;

(e) Survival rate to each critical life history stage;

(f) Standardized rate of population growth for constituent natural populations;

(g) Forecast likelihood of species management unit persistence in the near and long terms.

(7) Conservation plans shall also contain secondary criteria such as migration timing, spawn timing, age structure, sex ratios, stray rates, habitat complexity, artificial barriers, and harvest rates. These secondary criteria shall be used to help assess and link the effectiveness of management actions to address limiting factors as they affect the primary biological attributes described in subsection (6).

(8) Process for Developing Plans: When developing fish conservation plans, delineating naturally reproducing populations, and defining species management unit borders, the Department shall:

(a) Use the most up-to-date and reliable scientific information and, as appropriate, convene an ad hoc team of scientists for collaboration and assistance;

(b) Solicit the assistance and independent peer review by scientists including but not limited to the Independent Multidisciplinary Science Team and university fishery management programs; and

(c) Seek input and involvement from appropriate tribal, state, local, and federal management partners, university programs, and the public. Affected tribal governments shall be consulted in the development and implementation of conservation plans.

(9) Interim Measures: Until an individual conservation plan is completed for a species management unit, the Department shall continue to manage native fish in that unit according to existing statutes, administrative rules, Commission directives and binding agreements. In addition, the Department shall manage such populations in a manner that will avoid addition of new species to the State "Sensitive Species" list. Development of conservation plans shall be governed by this Native Fish Conservation Policy. Implementation of those plans shall be as specified in the plan.

(10) Status Reports: The Department shall prepare and present to the Commission an Oregon native fish species status report at timely intervals adequate to track progress, or at the request of the Commission or Director. This report shall include:

- (a) Identification of all existing native fish conservation plans;
- (b) Status assessments addressing biological attributes related to species performance as described in subsection (6) of this rule and the methods and assumptions used to make these assessments, including those used because of missing or insufficient data; and
- (c) Appropriate modifications to the list of populations and species management units, and additional research needs.

(11) Cooperative Recovery Planning: In implementing the Native Fish Conservation Policy and consistent with the Oregon Plan, the Department will encourage the development of complementary policies and plans by other state and federal regulatory agencies and tribes that supports a unified conservation effort.

(12) The Commission shall revise existing fish management basin plans as necessary to support the implementation of Native Fish Conservation Policy conservation plans. The Commission shall make appropriate revisions to affected fish management basin plans when the Commission approves the corresponding conservation plan. Pending approval of a specific conservation plan, the conservation of native fish populations shall be guided by fish management basin plans. However, if adherence to such basin plans will likely prevent the affected populations from meeting the Native Fish Conservation Policy interim criteria described in 635-007-0507, then the interim criteria will be used by the Department to guide the conservation of native fish populations. For those populations without basin plans, the Department shall use the Native Fish Conservation Policy interim criteria described in 635-007-0507 to guide the conservation of such populations.

Stat. Auth.: ORS 496.012 & 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450 & 496.455

Hist.: DFW 131-2002, f. & cert. ef. 11-22-02; DFW 96-2003, f. & cert. ef. 9-19-03

635-007-0506

Education and Training

(1) The Department shall develop a training curriculum for staff, Commissioners, management partners, and the public that focuses on the Native Fish Conservation Policy and its implementation.

(2) Training shall be provided as deemed appropriate by the Director.

Stat. Auth.: ORS 496.012 & 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450 & 496.455

Hist.: DFW 131-2002, f. & cert. ef. 11-22-02

635-007-0507

Interim Criteria

As temporary guidance to ensure the conservation of native fish prior to the completion of conservation plans, the Department shall use the interim criteria described in this rule. Once a conservation plan is approved, these interim criteria will no longer apply to the species management unit. In addition, for state endangered species covered by an associated endangered species management plan, as described in OAR 635-100-0140, these interim criteria do not apply.

(1) Existing Populations — No more than 20% of the historical populations within the species management unit have become extinct and no natural population within the species management unit in existence as of 2003 shall be lost in the future. Further, if the historical species management unit contained more than one race (e.g., summer and winter steelhead), then each race must be represented by at least 2 populations. For at least 80% of the existing populations within each species management unit or for selected index populations identified in the stock status report as described in 635-007-0505(10), interim criteria (2) through (6) must be exceeded in at least 3 years during the most recent 5-year time interval.

(2) Habitat Use Distribution — Naturally produced members of a population must occupy at least 50% of a population's historic habitat.

(3) Abundance — The number of naturally produced spawners must be greater than 25% of the average abundance of naturally produced spawners over the most recent 30 year time period.

(4) Productivity — In years when the total spawner abundance is less than the average abundance of naturally produced spawners

over the past 30 years, then the rate of population increase shall be at least 1.2 adult offspring per parent. Where offspring are defined as naturally produced adults that survive to spawn and parents are defined as those adults of both natural plus hatchery origin that spawned and collectively produced the observed offspring.

(5) Reproductive Independence — At least 90% of the spawners within a population must be naturally produced and not hatchery produced fish, unless the department determines the hatchery produced fish are being used in a short-term experimental program to help restore a population in its natural habitat or otherwise directed by a court order.

(6) Hybridization — The occurrence of individuals that are the product of deleterious hybridization with species that are non-native to the basin in which they are found must be rare or nonexistent.

Stat. Auth.: ORS 496.012 & 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435,

496.445, 496.450 & 496.455

Hist.: DFW 96-2003, f. & cert. ef. 9-19-03

635-007-0509

Implementation of Interim Criteria

(1) Species management units that do not meet, or that the department determines are unlikely to meet in the near future, at least four of the interim criteria specified in 635-007-0507 shall be classified as "at risk." Species management units that meet four but no more than five of the interim criteria specified in 635-007-0507 shall be classified as "potentially at risk." Species management units that meet all interim criteria specified in 635-007-0507 shall be classified as "not at risk."

(2) For those species management units classified as potentially at risk, the Department shall document this finding in the native fish species status report as described in 635-007-0505(10) and give an elevated priority to the species management unit with respect to development of statewide monitoring strategies and conservation plan development.

(3) For those species management units classified as at risk, the Department, in addition to actions described in 635-007-0509(2), shall implement, within the Department's statutory authority, fish management changes likely to improve the conservation status of the conservation management unit, based upon a documented evaluation of the primary factors impacting fish within the species management unit. The Department shall respond as soon as possible to an improvement in the conservation status of the species management unit with a reclassification of the unit consistent with the guidance provided in 635-007-0509(1).

(4) In applying interim criteria, the Department recognizes that data may not be available to assess all populations belonging to a species management unit. The Department also recognizes that even when data for a population are available they may not be of sufficient detail or collected over a sufficient time period. In these circumstances, to determine if a population meets the interim criteria, it will be necessary to make inferences from those populations within the species management unit for which sufficient information is available or by using alternative qualitative and quantitative information and analyses to approximate interim criteria metrics. In evaluation of such species management units for conformity to the interim criteria, the Department shall document the assumptions and inferences associated in making this evaluation.

Stat. Auth.: ORS 496.012 & 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450 & 496.455

Hist.: DFW 96-2003, f. & cert. ef. 9-19-03

Wild Fish Management Policy

635-007-0530

Sale of Salmon and Trout and Their Eggs

(1) The Department will sell salmon and trout or the eggs of salmon and trout after first assuring that within the capability of the Department to do so, the policy of the state as set forth in ORS 496.012 relating to trout and ORS 506.109 relating to salmon (food fish) has been met and that such fish and eggs are surplus to the fish production needs of the state as determined by the Department in accordance with the established general priority for use of salmon eggs and fingerlings and in accordance with statutes relative to handling of surplus property.

(2) Within established priorities, eggs will first be sold to those prospective purchasers who will directly or indirectly provide the greatest benefit to the public fisheries of Oregon.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 82, f. & ef. 12-13-76; FWC 25-1984, f. 6-21-84, ef. 7-1-84, Renumbered from 635-040-0017

635-007-0535

Releasing Resident Fish in Private Waters

It is the policy of the Department to refuse to release fish into private waters which are not open to the general public. However, the Department may release fish into:

(1) Public waters where reasonable access use fees are assessed to recover maintenance costs or from which fish will migrate to waters open to public access.

(2) Private ponds from which the Department may take fish for releasing in public waters.

(3) Ponds where there are Department supervised experimental programs to explore pond management procedures.

Stat. Auth.: ORS 496.138, 496.162, 497.252, 498.022 & 506.700 - 508.740

Stats. Implemented: ORS 496.138, 496.162, 497.252, 498.022 & 506.700 - .740

Hist.: FWC 2-1992, f. 1-28-92, cert. ef. 2-1-92

Fish Hatchery Management Policy

635-007-0542

Purpose of the Hatchery Management Policy

(1) The purpose of the Hatchery Management Policy is to describe the hatchery tool and its range of applications. The Hatchery Management Policy also provides general fish culture and facility guidelines and measures to maintain genetic resources of native fish populations spawned or reared in captivity. This policy applies to all Department hatchery operations and programs including Salmon and Trout Enhancement Program (STEP) fish propagation projects (OAR 635-009-0090 through 635-009-0240) and Cooperative Salmon Hatchery Programs (OAR 635-009-0400 through 635-009-0455).

(2) This policy describes best management practices that are intended to help ensure the conservation of both naturally produced native fish and hatchery produced fish in Oregon through the responsible use of hatcheries. The conservation of hatchery produced fish is important to maintain opportunities for fisheries and aid conservation of naturally produced native fish.

(3) The Hatchery Management Policy complements and supports the Native Fish Conservation Policy OAR 635-007-0502 through 635-007-0506 and will be implemented through conservation plans developed for individual species management units, hatchery program management plans, or other formal agreements with management partners. The Hatchery Management Policy provides a foundation for the management and reform of hatcheries in Oregon, whereas the Native Fish Conservation Policy establishes the process for defining the specific use of the hatchery tool in specific watersheds.

Stat. Auth.: ORS 496.012 & 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450 & 496.455

Hist.: DFW 65-2003, f. & cert. ef. 7-17-03

635-007-0543

Hatchery Management Policy Goals

(1) Foster and sustain opportunities for sport, commercial and tribal fishers consistent with the conservation of naturally produced native fish.

(2) Contribute toward the sustainability of naturally produced native fish populations through the responsible use of hatcheries and hatchery-produced fish.

(3) Maintain genetic resources of native fish populations spawned or reared in captivity.

(4) Minimize adverse ecological impacts to watersheds caused by hatchery facilities and operations.

Stat. Auth.: ORS 496.012 & 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450 & 496.455

Hist.: DFW 65-2003, f. & cert. ef. 7-17-03

635-007-0544

Operating Principles for Hatchery Management

(1) Hatchery management and reform will generally proceed from the following hatchery premise: The ideal hatchery removes as

many random mortality effects as possible without having any other influence on the natural life or experience of native fish and their habitats. The hatchery premise has five main components that managers shall strive to incorporate into hatchery programs:

(a) Removing random mortality occurring in the natural environment;

(b) Simulating selective mortality operating in the natural environment;

(c) Minimizing artificial selection;

(d) Providing fish rearing and training experiences to reduce unnatural behaviors; and

(e) Minimizing ecological impacts associated with hatchery operations (e.g., competition and predation associated with release location and number, pathogen transfer and amplification, pollutants, passage barriers, overharvest of weak stocks in mixed stock fisheries).

(2) Success moving toward the premise in subsection (1) will be largely dependent on funding, research, program type, and facility or operating flexibility.

(3) Hatchery program management plans shall be developed and implemented in consultation and cooperation with management partners and the public, and in coordination with native fish conservation policy plans at local and regional scales.

(4) Hatchery programs shall be managed to provide optimum fishery and conservation benefits, based on the best available scientific information. Most programs will contribute toward fish management objectives primarily by raising fish for harvest while minimizing the impact on, or benefiting, fish that spawn naturally.

(5) Hatchery facilities shall be operated to maximize fish quality and minimize adverse impacts to watersheds, consistent with fish management objectives, applicable permits and agreements.

(6) Monitoring and evaluation shall be adequate to measure progress toward fish management and hatchery program objectives, contain risks within acceptable limits, and provide feedback for adaptive management.

Stat. Auth.: ORS 496.012 & 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450 & 496.455

Hist.: DFW 65-2003, f. & cert. ef. 7-17-03

635-007-0545

Hatchery Program Management Plans

(1) The Department shall develop hatchery program management plans for all hatchery programs. Clear management objectives that describe the role and expectations for hatchery programs relative to species conservation, watershed health and fisheries shall be the foundation for all hatchery program management plans. A hatchery program management plan may be a Hatchery and Genetic Management Plan, a Lower Snake River Compensation Plan annual operating plan, an aspect of a conservation plan developed under the Native Fish Conservation Policy (OAR 635-007-0502 through 0506) or similar document which describes the program's objectives, fish culture operations, facilities operations, and monitoring and evaluation, as more fully detailed in subsections (2) through (24) of this rule.

Planning and Coordination of Hatchery Programs.

(2) When developing hatchery program management plans, the Department shall use the most up to date and reliable scientific information and seek the input and involvement of appropriate tribal, state and federal management partners, university programs and the public.

(3) The Native Fish Conservation Policy (OAR 635-007-0502 through 0506) provides the primary process for planning and coordinating hatchery programs, but these programs shall also be coordinated with obligations arising in other forums (e.g., U.S. v. Oregon, Lower Snake River Compensation Plan, Pacific Salmon Treaty) to avoid inconsistency and duplication.

(4) Coordination objectives include:

(a) Efficient use of resources (including sharing of facilities, staff, equipment and supplies);

(b) Improved communication among managing entities to share information and experience, jointly resolve issues, and promote common objectives pursued at local and regional scales.

(5) Hatchery program management plans shall be submitted to and approved (or modified) by the Fish Division. The Fish Division may waive the requirement to include specific elements of a hatchery program management plan upon a determination that the requirement

would provide no appreciable benefit to hatchery management or native fish conservation.

(6) The Department shall continue to operate a hatchery program according to existing statutes, administrative rules, Commission directives, and binding agreements until that program's plan is approved.

Hatchery Program Objectives and Types.

(7) Hatchery program objectives and types shall be based on fish management objectives established via conservation plans (OAR 635-007-0505) or other binding agreements. Until conservation plans or other agreements are in place, hatchery program objectives and types will be based on existing statutes, rules, Commission directives and current management direction.

(8) Hatchery program management plans shall include measurable criteria relating to the following general objectives:

(a) Conservation and/or fishery benefits;

(b) A net survival advantage (egg to adult) over naturally produced fish;

(c) Minimal adverse interactions (e.g., competition, predation, genetic introgression, and disease amplification) of hatchery programs with naturally produced native fish populations;

(d) Minimal adverse effects (e.g., water quality and quantity, solid and chemical wastes and fish passage) of hatchery facility operations on watershed health and native fish populations; and

(e) Sustainability of hatchery programs over time.

(9) Department hatchery programs will generally be distinguished as harvest or conservation hatchery programs. A single hatchery may have both harvest and conservation hatchery programs. If harvest and conservation programs are not distinguished, the Department shall clarify harvest and conservation objectives and their relative priorities.

(10) Harvest hatchery programs operate to enhance or maintain fisheries without impairing naturally reproducing populations. Operations shall integrate hatchery and natural production systems (e.g., locally-derived hatchery broodstocks, rearing containers simulating natural characteristics) if necessary for conservation, within funding and facility constraints and consistent with fishery management objectives. Harvest hatchery programs shall also separate (e.g., temporally, spatially, visually) hatchery produced and naturally produced native fish in fisheries and on spawning grounds as necessary for conservation. The hatchery program management plan may be designated as one of the following harvest hatchery program types:

(a) Harvest augmentation, which is used to increase fishing and harvest opportunities where there is no mitigation program in place;

(b) Mitigation, which is used pursuant to an agreement to provide fishing and harvest opportunities lost as a result of habitat deterioration, destruction or migration blockage.

(11) Conservation hatchery programs operate to maintain or increase the number of naturally produced native fish without reducing the productivity (e.g., survival) of naturally produced fish populations. Conservation hatchery programs shall integrate hatchery and natural production systems to provide a survival advantage with minimal impact on genetic, behavioral and ecological characteristics of targeted populations. Implementation shall proceed with caution and include monitoring and evaluation to gauge success in meeting goals and control risks. Long-term conservation success shall be tied to remediating causes of the decline that resulted in the need for hatchery intervention. Once goals are met then the hatchery program will be discontinued. The hatchery program management plan may be designated as one of the following conservation hatchery program types:

(a) Supplementation, which routes a portion of an imperiled wild population through a hatchery for part of its life cycle to gain a temporary survival boost, or brings in suitable hatchery produced fish or naturally produced native fish from outside the target river basin to supplement the imperiled local population;

(b) Restoration, which outplants suitable non-local hatchery produced or naturally produced native fish to establish a population in habitat currently vacant for that native species using the best available broodstock;

(c) Captive brood, which takes a portion or all of an imperiled wild population into a protective hatchery environment for the entire life cycle to maximize survival and the number of progeny produced;

(d) Captive rearing, which takes a portion of an imperiled wild population into a protective hatchery environment for only that part of its life cycle that cannot be sustained in the wild;

(e) Egg banking, which temporarily removes a naturally produced native fish population from habitats that cannot sustain it and relocates the population to another natural or artificial area that can support the population;

(f) Cryopreservation, which freezes sperm from naturally produced native fish for later use in conservation hatchery programs;

(g) Experimental, which investigates and resolves uncertainties relating to the responsible use of hatcheries as a management tool for fish conservation and use.

Fish Culture Operations.

(12) Fish culture operations shall comply with fish health requirements of OAR 635-007-0549.

(13) Broodstock selection and collection. Hatchery program management plans shall identify the broodstock best able to meet the objectives of the type of program in which the broodstock will be used.

(a) For harvest hatchery programs, broodstock shall be used that best meet fishery objectives, consistent with conservation objectives to ensure risk to naturally produced native fish and their watersheds is within acceptable and clearly defined limits.

(A) For some harvest hatchery programs, fishery and conservation objectives will be best met using existing hatchery broodstocks and managing for minimal spatial or temporal overlap of hatchery produced and naturally produced native fish in spawning areas.

(B) For other harvest hatchery programs, fishery and conservation objectives will be best met using broodstocks derived from, or transitioning to, naturally produced native fish from the local watershed. This approach shall not be used if available data indicates the donor wild population will be impaired, or if conservation objectives are better met with existing hatchery broodstocks, or if hatchery programs are located in areas with too few naturally produced native fish to supply the hatchery broodstock;

(b) For conservation hatchery programs, broodstock shall be derived from the wild population targeted for hatchery intervention, or from nearby wild or hatchery populations with desired characteristics if the targeted wild population is extirpated or too depressed to provide brood fish;

(c) Broodstock maintenance shall be consistent with the fishery and conservation objectives established for the hatchery program.

(A) Hatchery program management plans shall identify effective population size targets and other strategies to reduce risk of inbreeding depression, genetic drift and domestication for broodstocks developed under subsection (a)(A).

(B) Hatchery program management plans shall identify target and allowable proportions of hatchery produced and naturally produced native fish incorporated into broodstocks developed under subsections (a)(B) and (b), consistent with conservation plan objectives.

(d) Broodstock collected shall represent the genetic variability of the donor stock by taking an unbiased representative sample with respect to run timing, size, gender, age and other traits important for long-term fitness of the population. The Fish Division may approve a deviation from this subsection if necessary to shift run timing and other characteristics of long-term hatchery broodstocks to better coincide with characteristics of wild populations in the watershed or to meet fish management goals. Hatchery program management plans shall explain the reason for any deviations;

(e) Facilities and methods used to collect broodstock shall minimize stress and maximize survival of fish to spawning, consistent with management objectives.

(14) Disposition of adult hatchery produced fish returning to hatchery facilities. Adult hatchery produced fish returning to collection facilities shall be used to meet program objectives and, if available, provide other ecological, societal and program benefits, consistent with objectives for watershed health and native fish conservation.

(a) Hatchery programs will be managed to meet, but not exceed, program objectives for returning adult fish. Environmental variation and other factors outside of management control may result in significantly less or more fish than planned.

(b) Adult hatchery produced fish returning to hatchery facilities shall be allocated among the categories of uses described in order of preference in subsections (c) and (d). The Department need not satisfy all potential uses within a category before providing fish to uses in lower categories. The Fish Division may approve additional uses or deviations from the stated order of preference to satisfy agreements

with management partners, respond to unique situations or respond to unforeseen circumstances.

(c) Order of preference for disposition of adult hatchery produced fish returning to or collected at harvest hatchery program facilities:

(A) Meet broodstock needs for the program;

(B) Release live, spawned fish back into the wild if specified in management plans for species able to spawn more than once;

(C) Provide fish for tribal ceremonial and subsistence use;

(D) Provide additional fishing opportunities consistent with management plans (e.g., Fishery Management and Evaluation Plans);

(E) Allow hatchery produced fish to spawn naturally at locations and in numbers identified in existing fish management plans or conservation plans developed through the process outlined in the Native Fish Conservation Policy (OAR 635-007-0505);

(F) Place carcasses in natural spawning and rearing areas to enhance nutrient recycling, consistent with Department of Environmental Quality requirements, management plans and pathology constraints identified in OAR 635-007-0549;

(G) Provide for experimental, scientific or educational uses identified in conservation plans, management plans or other Department agreements;

(H) Sell eggs and carcasses from selected facilities to provide revenues to support hatchery programs and facilities;

(I) Provide fish to charitable food share programs benefiting needy Oregonians;

(J) Provide fish for animal feed to animal rehabilitation shelters, zoos, or other such operations;

(K) Dispose of fish in a landfill or at a rendering plant.

(d) Order of preference for disposition of adult hatchery produced fish returning to or collected at conservation hatchery program facilities:

(A) Meet natural spawning objectives of the specific hatchery program as identified in conservation plans;

(B) Meet hatchery broodstock needs for the specified conservation hatchery program management plan;

(C) Release live, spawned fish back into the wild if specified in conservation plans for species able to spawn more than once;

(D) Place carcasses in natural spawning and rearing areas to enhance nutrient recycling, consistent with Department of Environmental Quality requirements, management plans and pathology constraints identified in OAR 635-007-0549;

(E) Provide fish for tribal ceremonial and subsistence use;

(F) Provide additional fishing opportunities consistent with fishery management plans (e.g., Fishery Management and Evaluation Plans).

(G) Provide for experimental, scientific or educational uses identified in conservation plans, management plans or other Department agreements;

(H) Sell eggs and carcasses to provide revenues to support hatchery programs and facilities;

(I) Provide fish to charitable food share programs benefiting needy Oregonians;

(J) Provide fish for animal feed to animal rehabilitation shelters, zoos, or other such operations;

(K) Dispose of fish in a landfill or at a rendering plant.

(e) Department staff shall use standard, professionally accepted practices (such as sharp blow to head, electrical current or anesthetic overdose) to kill fish at hatchery facilities.

(15) Spawning protocols.

(a) Hatchery program management plans shall include a description of the abundance, size, age structure, gender ratios, fecundity, fertility, and spawning pairings of the broodstock.

(b) A 1:1 male-to-female spawning ratio (single pair mating, unpooled gametes) is preferred, although for harvest hatchery programs with large spawning populations (greater than 300 females) a 1:3 spawning ratio is acceptable.

(c) For critically small populations, a matrix spawning strategy shall be used to enhance effective population size and reduce variability of survival among family units.

(d) Conservation hatchery programs may use natural spawning within natural or engineered spawning channels in an attempt to mimic natural mate selection, gender ratio, age structure, spawn timing and preferred spawning area characteristics of wild populations.

(16) Incubation protocols.

(a) Incubation methods shall be selected to best meet program objectives, consistent with facility and funding constraints. These methods may include single bucket incubation (for isolation of a single female's eggs), multiple vertical incubators, in-stream hatchboxes, or other methods suited to the available facilities. The Integrated Hatcheries Operations Team Policies and Procedures (IHOT 1995) provide acceptable, but not exclusive, guidance on water flows and egg-to-fry capacities for incubation systems. The hatchery program management plan shall include a description of and explanation for the incubation system identified in the plan.

(b) The Department shall continue providing eggs for educational classroom incubators and in-stream incubators (e.g., hatch boxes) for selected stocks in selected watersheds associated with the Salmon and Trout Enhancement Program (STEP). All STEP incubator programs shall be consistent with existing management plans or new conservation plans and hatchery program management plans.

(17) Rearing protocols.

(a) Hatchery program management plans shall describe rearing facilities and methods selected for the program and specific rearing standards used to gauge success meeting program objectives.

(b) Rearing capacity of hatchery programs shall be based on the number of fish that can be produced without adversely affecting fish growth and survivability necessary to meet program objectives.

(c) Water replacement time and velocity shall be managed to provide adequate levels of dissolved oxygen and the reduction of metabolic waste products that are harmful to fish.

(d) Experimental rearing techniques may be investigated at some hatcheries, particularly for conservation hatchery programs, to simulate natural rearing characteristics and fish behavior traits while ensuring adequate fish health, survival and production numbers to meet program objectives.

(e) Fish food and feeding shall be managed to meet production objectives (e.g., fish number, size, growth rate, health and condition), minimize waste and maintain water quality.

(f) The Department shall purchase the best fish feed products available for the best price while considering service delivery, maintenance of competition and innovation among fish feed vendors, and state preferences for recycled products. Qualifying feed manufacturers must monitor the accumulation of toxins in the fish feed they provide, and comply with standards specified by the Department.

(g) The Department shall have standardized procedures for conducting feed trials comparing feed types and coordinate results among fish hatchery managers and STEP facility managers. The Department shall maintain a centralized database of fish feed purchases and fish feed trial results.

(h) Hatchery programs may include an experimental feeding regime designed to simulate natural diets and feeding behavior (such as sub-surface feeding techniques) to align growth, physiology and maturity with natural schedules.

(18) Fish marking.

(a) Hatchery produced fish shall be marked as required to facilitate mixed stock fisheries, research, distinction of hatchery produced and naturally produced native fish throughout their life cycle as necessary for conservation, and evaluation of program objectives.

(b) The Department shall use precise fish marking methods consistent with industry standards and management needs. Mark quality (e.g., fin excision, tag placement, tag retention) shall be monitored during the marking process and prior to fish releases.

(19) Fish transfers and releases.

(a) Hatchery program management plans shall specify targets for the number, size, quality, timing, location and release strategy of fish released, based on fish management objectives established for that program (e.g., native fish conservation plans, brood source objectives, production agreements, harvest management plans, mitigation agreements).

(b) Hatchery program management plans shall include protocols to minimize stress and direct or delayed mortality associated with collecting, handling, loading, transporting and releasing fish.

(c) The Fish Division may approve emergency contingency release plans in the event of unforeseen catastrophic events at a facility.

(d) Transfer and release of any life stage of fish shall meet fish health requirements of OAR 635-007-0549.

(20) Predator control at hatchery facilities.

(h) Hatchery operations shall include strategies to reduce excessive loss of fish to predation and limit opportunities for predators to introduce pathogens to the rearing environment, within funding, facility and permit constraints.

(b) Some hatchery programs, particularly conservation hatchery programs, may experiment with using natural predators to help avoid domestication, reduce deleterious traits and train hatchery produced fish to improve post-release survival and reduce behavioral differences between hatchery produced and naturally produced native fish.

Hatchery Facilities Operations.

(21) Hatchery facility operations shall comply with fish health requirements of OAR 635-007-0549.

(22) Hatchery program management plans shall describe hatchery facilities and operations to optimize fish culture operations, comply with fish health requirements described in OAR 635-007-0549, and comply with legal obligations concerning water rights, water use reporting, chemical use and reporting, fish passage and water quality standards.

(23) Reliable hatchery alarm and security systems shall be required as necessary to minimize risk of egg and fish mortalities caused by loss of water supplies or risk of vandalism and poaching. All hatchery incubation systems, rearing containers and adult fish facilities at Department hatcheries shall have alarm systems. Fish Division may grant exceptions for STEP hatch-box facilities or other temporary or remote facilities.

(24) Hatchery water intakes and outfalls shall be screened to minimize the risk of unintended fish entering or escaping from the facility. Outfalls of fish rearing containers shall be double screened if used for fish from outside the basin that could jeopardize endemic stocks if escapes occurred.

(25) The Department shall identify hatchery facility maintenance, modifications and upgrades necessary to comply with program objectives and other legal requirements.

(26) Hatcheries shall provide informational signs and literature, guided tours as allowed by staffing constraints, and other programs to educate the public about fish and wildlife stewardship.

(27) Additional provisions specific to hatchery trout programs.

(a) The Department shall continue hatchery production of nonanadromous rainbow trout for consumptive recreational fisheries as an important and popular fish management tool.

(b) The Department shall reduce potential impacts to wild trout, char and steelhead in streams and maximize returns to the creel such as by rearing and releasing trout for target fisheries in standing water bodies (i.e., lakes, ponds, and reservoirs) and marking trout for targeted fisheries.

(c) All trout the Department purchases for harvest augmentation from private sources must be genetically triploid, sterile rainbow trout.

Monitoring and Evaluation.

(28) The purpose of hatchery monitoring and evaluation programs shall be to gauge success meeting hatchery program and fish management objectives, improve understanding of the reasons for success or failure, contain risks within acceptable limits, and provide feedback to modify operations through time (adaptive management). Clear management objectives that describe the role and expectations for hatcheries relative to species conservation, watershed health and fisheries shall be the foundation for all hatchery monitoring and evaluation programs.

(29) Each hatchery program need not have its own individual monitoring and evaluation program if monitoring and evaluation on a landscape perspective provides adequate information to manage potential risks. The greater the uncertainty of the risks or results of a hatchery program, the greater the specificity of the monitoring and evaluation program must be. Each hatchery program management plan shall describe how the plan's operations and objectives will be monitored and evaluated.

(30) Monitoring and evaluation programs shall use generally accepted scientific procedures and gather multi-generational information to evaluate hatchery programs relative to measurable criteria developed through OAR 635-007-0545.

(31) Monitoring hatchery produced fish and their performance may include, but is not limited to:

(a) Broodstock selection including but not limited to source, number, size, fecundity, life history, timing as percent of entire run, disease history, and disease treatment;

(b) Pre-release performance (e.g., survival, growth, disease) by life stage;

(c) Post-release survival to the adult life stage, catch distribution, fishery contributions, straying, and characteristics of adult fish (e.g., age structure, gender ratio, size, health).

(d) Production advantage provided by the hatchery relative to natural production;

(e) Water quality, flow and other physical conditions in the hatchery through the production cycle;

(f) Impacts of operation of the hatchery facilities on the adjacent habitats;

(g) Success of the hatchery program in meeting harvest and/or conservation program objectives.

(h) Cost-benefit analysis of hatchery performance.

(32) Monitoring and evaluation to assess impacts of the hatchery program on naturally produced native fish may include, but is not limited to:

(a) Impacts of broodstock selection on wild populations;

(b) Ecological interactions of hatchery produced and naturally produced native fish resulting in changes to phenotypic, genotypic, behavioral and survival characteristics;

(c) Timing, location and relative number of hatchery produced fish spawning naturally;

(d) Success of maintaining long-term fitness of wild populations;

(e) Reproductive success and fitness of hatchery produced fish in the natural environment; and

(f) Success maintaining or enhancing natural genetic variation and life history characteristics within and among wild populations.

(33) Results and evaluation of hatchery monitoring programs shall be compiled at intervals adequate to track success, contain risks and provide feedback for adaptive management. Monitoring results shall be made available to management partners and the public.

(34) Hatchery monitoring and evaluation programs shall complement and coordinate with specific research addressing key uncertainties about hatchery operations, uses and consequences. Research priorities shall focus on developing hatchery strategies that minimize the risk or maximize the benefit of hatchery actions to naturally produced native fish populations.

Stat. Auth.: ORS 496.012 & 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450 & 496.455

Hist.: DFW 65-2003, f. & cert. ef. 7-17-03

635-007-0547

Fish Hatchery Record Keeping

(1) Hatchery managers shall provide the following records for their operations:

(a) All Adult Transaction (AAT) records for all adults handled at the facility.

(b) Hatchery Mark Recovery Sampling forms to record adult fish sampled for coded-wire tags;

(c) Egg and Fry Records (EFR) for all eggs and fry handled at each facility;

(d) Monthly Poned Fish Reports (MPR) for all fish being reared at each facility;

(e) Fish Loss Report/Investigation when 1,000 or more juvenile fish or 10 or more adult fish are accidentally lost in a single incident;

(f) Predator Mortality Report to document any fish predators that may die at the hatchery facility;

(g) Fish Liberation Reports (FLR) for all juvenile fish released or transported into or out of all Department fish hatchery facilities;

(h) Coded-Wire Tag Release Reports for all juvenile fish released with coded-wire tags;

(i) Chemical use, waste discharge monitoring, purchasing, budgets, hazardous materials, safety, vehicles, equipment, maintenance and alarm logs.

(2) Hatchery records will be stored in retrievable databases.

(3) The Fish Division may add to or waive the requirements of subsection (1) as necessary to avoid paperwork yet assure proper documentation of hatchery programs.

(4) Fish health documentation shall be maintained by the fish health section.

(5) Each hatchery manager will write a monthly report describing program-specific hatchery activities, either in the form of a hatchery

monthly progress report or in the district monthly report for STEP activities.

(6) The Department will produce annual reports, from the data collected with the above records and reports, summarizing all the information regarding adult fish transactions, fish eggs transactions and fish releases.

(7) The Department shall make hatchery operating costs information available on a fiscal year or biennium basis.

Stat. Auth.: ORS 496.012 & 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450 & 496.455

Hist.: DFW 65-2003, f. & cert. ef. 7-17-03

635-007-0548

Training of Fish Hatchery Personnel

(1) Fish Division, regional managers, or hatchery managers shall develop training programs for staff to assure awareness of and compliance with hatchery program management plans, to keep staff abreast of new scientific and technological developments and to encourage and support staff career development.

(2) Each hatchery shall establish a training schedule for its staff and maintain training records.

Stat. Auth.: ORS 496.012 & 496.138

Stats. Implemented: ORS 496.171, 496.172, 496.176, 496.182, 496.430, 496.435, 496.445, 496.450 & 496.455

Hist.: DFW 65-2003, f. & cert. ef. 7-17-03

Transgenic Fish

635-007-0595

Transgenic Fish

Fish that have been modified through genetic engineering and are released into wild populations have the potential of causing adverse ecological and genetic impacts. The Department shall consider releases of transgenic fish to pose a serious risk to wild populations. The Department shall not authorize the release of transgenic fish into locations where such fish may gain access to wild fish populations.

Stat. Auth.: ORS 496.138, 496.162 & 506.700 - 508.740

Stats. Implemented: ORS 496.138, 496.162 & 506.700 - 508.740

Hist.: FWC 37-1992, f. 5-29-92, cert. ef. 6-1-92

Fish Transport Permit

635-007-0600

Permit Required to Transport, Hold, or Release Fish

(1) Except as provided in OAR 635-007-0620 and in sections (3) and (4) of this rule, any person shall have in possession a Fish Transport Permit in order to:

- (a) Transport live fish into, within or out of this state;
- (b) Hold any live fish in the waters of this state; or
- (c) Release or attempt to release any live fish into the waters of this state.

(2) A separate Fish Transport Permit shall be obtained for each release site but not for each delivery of fish made to a site during the authorized permit period, provided the total number of fish delivered does not exceed the number authorized to be transported under the permit.

(3) Section (1) of this rule shall not apply to:

(a) Aquaria species intended for aquaria use. Aquaria use means holding fish in closed systems where untreated effluent does not enter state waters;

(b) Shellfish taken for personal use or fish taken in duly authorized commercial fisheries. A transport permit is required is required for persons importing live fish for sale to wholesalers, fish dealers, retail fish dealers, restaurants, or the ultimate consumer;

(c) Activities authorized under a STEP Permit (OAR 635-009-0115);

(d) Federally licensed projects which have been approved by the Department;

(e) Fish transport activities specifically authorized under a Scientific Taking Permit issued by the Department.

(4) A valid Department egg or fish shipment report, or copy thereof, may be used in lieu of a Fish Transport Permit to transport, hold or release live eggs or fish sold or provided by the Department.

(5) The Department may refuse to issue a Fish Transport Permit on the following grounds:

(a) The holding or release of the fish specified in the application will be the first introduction of that species into the waters of the holding or release site;

(b) The Department finds the holding or release of the fish specified, either singly or in combination with the holding or release of fish under other permits, would tend to adversely affect existing fish populations in or below the holding or release site; or

(c) The applicant has violated any term of any statute or regulation, or any license, permit or operational plan issued by the Department;

(d) The applicant has failed to pay any sums it owes to the Department or which are owed to the Department under any license or permit it holds or the benefits of which it enjoys.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 497.252, 497.298, 498.222 & 508.111

Hist.: FWC 27-1982, f. & ef. 4-30-82; FWC 25-1984, f. 6-21-84, ef. 7-1-84, Renumbered from 635-043-0300; FWC 3-1991, f. & cert. ef. 1-18-91; DFW 38-1999, f. & cert. ef. 5-24-99; DFW 110-2001, f. & cert. ef. 11-23-01

635-007-0605

Permit Application

(1) Any person wishing to obtain a Fish Transport Permit shall complete and submit to the Department the appropriate permit application form. Application forms are available upon request from the Oregon Department of Fish and Wildlife.

(2) The Department may prescribe such terms and conditions in a permit as it deems necessary, including but not limited to, the period of time (usually 30 days) during which the transportation and/or release of fish is authorized.

(3) Fish may be held for an indefinite period of time under a Fish Transport Permit. The permit, or a copy thereof, shall be made available for inspection upon request by the Department or the Oregon State Police.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 497.252 & 498.222

Hist.: FWC 27-1982, f. & ef. 4-30-82; FWC 25-1984, f. 6-21-84, ef. 7-1-84, Renumbered from 635-043-0305; FWC 3-1991, f. & cert. ef. 1-18-91; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-007-0610

Shipping Requirements

(1) Any person shipping live fish or eggs within or out of this state shall provide a Fish Transport Permit to the carrier or affix such permit to the shipping container.

(2) Any person shipping live fish or eggs into or through this state shall provide to the carrier or have affixed to the shipping container a Fish Transport Permit or a record showing:

(a) Name and address of person shipping fish or eggs into this state or of holder of Fish Transport Permit or Fish Propagation License;

(b) Name and address of consignee; and

(c) Number of each species of fish or eggs in the shipment.

(3) Section (1) of this rule shall not apply to shellfish taken for personal use or fish taken in duly authorized commercial or sport fisheries, except when transported as live fish or eggs for release.

Stat. Auth.: ORS 496, 497, 498, 506 & 508

Stats. Implemented: ORS 496, 497, 498, 506 & 508

Hist.: FWC 27-1981, f. & ef. 4-30-82; FWC 25-1984, f. 6-21-84, ef. 7-1-84, Renumbered from 635-043-0310; FWC 3-1991, f. & cert. ef. 1-18-91

635-007-0615

Unlawful Import and Release

(1) Fish which are imported or released in violation of these rules or the laws of this state are subject to seizure or destruction by the Department at the expense of the person or company who imported or released those fish.

(2) The Department may in its discretion prescribe alternative methods in lieu of destruction to control illegally imported fish.

(3) The Department is not liable for the cost of destroying fish or for the cost of the fish destroyed.

(4) The person or company who imported fish illegally shall be held liable for incidental kill of any other species due to or during destruction of illegally imported fish.

Stat. Auth.: ORS 496, 497, 498, 506 & 508

Stats. Implemented: ORS 496, 497, 498, 506 & 508

Hist.: FWC 25-1984, f. 6-21-84, ef. 7-1-84; FWC 3-1991, f. & cert. ef. 1-18-91

635-007-0620**Transport Release of Mosquito Fish (*Gambusia* sp.)**

(1) Each county or vector control district (ORS Chapter 452) conducting a vector control program which includes *Gambusia* sp. shall obtain a Fish Transport Permit from the Department prior to transporting, holding or releasing any gambusia into the waters of that county or district.

(2) The county or district operating under a Fish Transport Permit may provide gambusia to citizens of the county or district for citizen transport and release within the county or district, provided the county or district maintains a record of all releases. The county or district providing gambusia shall issue a receipt to parties receiving this fish. The receipt shall include:

- (a) Name of party receiving gambusia;
- (b) Number of gambusia received;
- (c) Date received;
- (d) Location of waters where gambusia will be released;
- (e) The words "This receipt is valid for transport and release of mosquito fish (*Gambusia* sp.) only;"
- (f) Signature of person at the county or district who issues the fish.

(3) A separate Fish Transport Permit shall be obtained from the Department for transport of gambusia to waters outside the county or district.

(4) Records of gambusia distribution, both by county of district personnel and by citizens of the county or district, shall be maintained by the respective counties or districts and shall be available for inspection by the Oregon Department of Fish and Wildlife or the Oregon State Police.

(5) No fee will be required for permits to transport, hold or release gambusia.

Stat. Auth.: ORS 496, 497, 498, 506 & 508
 Stats. Implemented: ORS 496, 497, 498, 506 & 508
 Hist.: FWC 27-1982, f. & ef. 4-30-82; FWC 25-1984, f. 6-21-84, ef. 7-1-84, Renumbered from 635-043-0315; FWC 3-1991, f. & cert. ef. 1-18-91

635-007-0625**Revocation of Fish Transport Permit**

(1) The Commission may revoke a Fish Transport Permit in accordance with the applicable provisions of ORS 183.310 through 183.500 if the holder of the permit has violated any of the terms or conditions of the permit or any statute or regulation.

(2) Revocation of a Fish Transport Permit is in addition to and not in lieu of other penalties provided by law.

Stat. Auth.: ORS 496, 497, 498, 506 & 508
 Stats. Implemented: ORS 496, 497, 498, 506 & 508
 Hist.: FWC 27-1982, f. & ef. 4-30-82; FWC 25-1984, f. 6-21-84, ef. 7-1-84, Renumbered from 635-043-0320; FWC 3-1991, f. & cert. ef. 1-18-91

Fish Propagation License (Authorization to Propagate, Rear, and Sell Live Fish)

635-007-0650**License Required**

(1) Except as provided in section (3) of this rule, any person shall obtain a Fish Propagation License in order to propagate, rear for sale or sell any live fish.

(2) A separate Fish Propagation License shall be obtained for each rearing site and shall be renewed annually.

(3) Section (1) of this rule shall not apply to:

- (a) The propagation and sale of nongame aquaria species in aquaria;
- (b) The operation of salmon hatcheries regulated under ORS 508.700 through 508.745 and OAR 635, division 040 as further clarified at OAR 635-007-0680; or
- (c) Activities authorized under a STEP Permit (OAR 635-009-0115);
- (d) Activities authorized under a Cooperative Salmon Hatchery Agreement (OAR 635-009-0400 through 635-009-0455).

(4) The department may attach to the fish propagation license any terms and conditions it deems necessary to achieve compliance with Oregon laws or rules.

(5) The department may refuse to issue any fish propagation license if:

- (a) Applicant fails to meet any of the deadlines specified in OAR 635-007-0655;

(b) The propagation of the fish specified in the application will be the first introduction of that species into the watershed in which the proposed facility is located;

(c) The department finds the operation, as proposed by the applicant, would tend to be harmful to existing fish populations in or below the site of the proposed propagation facility;

(d) The department finds the applicant violated any terms of any license, permit or operational plan issued by the department;

(e) The department finds the applicant has failed to comply with any statute, rule or reporting requirements relevant to the operation of the propagation facility; or

(f) The applicant has failed to pay any sums it owes to the department or which are owed to the department under any license or permit it holds or the benefits of which it enjoys.

Stat. Auth.: ORS 496.138 & 506.119
 Stats. Implemented: ORS 496.146, 497.252 & 506.124
 Hist.: FWC 27-1982, f. & ef. 4-30-82; FWC 25-1984, f. 6-21-84, ef. 7-1-84, Renumbered from 635-043-0400; FWC 3-1991, f. & cert. ef. 1-18-91; FWC 15-1997, f. & cert. ef. 3-10-97

635-007-0655**License Application Process**

(1) Any person wishing to obtain a new Fish Propagation License or to renew shall complete and submit to the Department the appropriate license application form. Application forms are available upon request from the Oregon Department of Fish and Wildlife. Applications to renew an existing license shall be submitted to the Department by December 1 of the year prior to the license year in order to be considered timely.

(2) In addition to the application form, persons requesting to license a new or not yet built facility shall describe in writing:

- (a) The location and physical layout of the facility;
- (b) Water supply (source, quantity, presence or absence of fish, and manner of access);
- (c) Species and sources of fish to be propagated;
- (d) The status of applications for any required federal, state or local permit, including a water right from the Oregon Water Resources Department (WRD), a National Pollution Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality (DEQ), and land use permits from the county in which the facility is located.

(3) Prior to issuance of any new propagation license, the following shall be completed:

(a) A propagation facility operational plan shall be developed in consultation with the Department and Department approval obtained. Based on the species reared, size of operation and/or risk of escape, the Department may accept an abbreviated level of detail in the operational plan. Unless otherwise specified by the Department based on the above criteria, the operational plan shall include engineering designs of the facility drawn to scale and shall describe both the facility and its operations in detail and shall, at a minimum, include:

- (A) Species to be reared, ponding strategies by month, and projected loading densities per pond by month;
- (B) Pond cleaning schedules;
- (C) Transportation schedules for fish moved into and out of the facility;
- (D) Hatchery staff assignments;
- (E) Fish monitoring studies;
- (F) Facility screening, including designs, operations, and maintenance;
- (G) Avian enclosures on each rearing container;
- (H) Fish handling procedures;
- (I) Fish disease treatment procedures;
- (J) Use of quarantine and isolation facilities;
- (K) Procedures for handling emergency situations;
- (L) Chlorine monitoring regimen, where chlorination is required.

(b) Except as otherwise specified by the Department based on species reared, size of operation and/or risk of escape, the applicant shall:

- (A) Develop and conduct fish population studies approved by the Department and funded by the applicant, sufficient to document pre-construction status of fish populations in the affected waterway; and
- (B) Develop and fund similar studies to be conducted in subsequent years to document changes caused by hatchery operation.

(4) In order to actually commence operation of a facility, applicants must have both a fish propagation license and specific written authorization to operate from the Department. Authorization to operate shall be granted only:

(a) Upon determination that all required federal, state and local permits have been obtained; and

(b) After inspection and acceptance by the Department of any required fish screens, avian enclosures, disease control mechanisms, and isolation facilities.

(5) The Department shall renew propagation licenses upon acceptance of:

(a) A complete renewal application, submitted by December 1 of the prior year;

(b) Unless otherwise specified by the Department based on species reared, size of operation and/or risk of escape, a propagation facility operational plan as provided in subsection (3)(a) of this rule for the year for which the license is to be renewed, submitted by December 1 with the renewal application, which must be approved by the Department;

(c) Unless otherwise specified by the Department based on species reared, size of operation and/or risk of escape, results of post-siting fish population studies, submitted by December 1 of the prior year; and

(d) Documentation that any required federal, state and local permits, including appropriate WRD water rights and DEQ NPDES permits, have been obtained;

(e) To the extent that any sales summary information or final activity report cannot be provided by December 1 due to lack of data, such information shall be provided on a separate form by January 15, as required in OAR 635-007-0660(3).

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 497.252

Hist.: FWC 27-1982, f. & ef. 4-30-82; FWC 25-1984, f. 6-21-84, ef. 7-1-84, Renumbered from 635-043-0405; FWC 3-1991, f. & cert. ef. 1-18-91; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-007-0660

Duties of Fish Propagation Licensees

(1) Each licensed fish propagator shall obtain a Fish Transport Permit for any fish transported to the licensed facility or from the licensed facility to another site prior to such transportation and shall provide a copy of such permit to the person transporting the fish for delivery to the person or entity who will hold the fish.

(2) Each licensed fish propagator shall maintain at the propagation facility a record of all business transactions involving the sale, purchase, shipment or loss of fish or eggs and shall make such record available for inspection upon request by the Department or the Oregon State Police.

(3) Each licensed fish propagator shall submit an annual report of operations by January 15 of the next year; and shall submit the report by that date even if the licensee does not intend to renew. The sales of fish shall be reported as total numbers and pounds of each species sold, either live or dead, during the year. The sales of eggs shall be reported as total numbers of each species sold during the year.

(4) The Department may require licensed fish propagators to submit:

(a) Monthly routine fish health examinations by a pathologist acceptable to the Department;

(b) Monthly reports of fish on hand at the facility. If required, this report shall list the species, stock, number per species and stock on hand, disease losses for each stock during the month, causative agent for such losses, and remedial treatments used to reduce losses.

(5) Each licensed propagator shall comply with all statutes and regulations of other agencies pertaining to the operation of the propagation facility.

(6) Each licensed propagator shall comply with the terms and conditions of his license and operational plan.

(7) Fish propagation facilities and records are subject to inspection at any time by the Department or the Oregon State Police.

Stat. Auth.: ORS 496, 497, 498, 506 & 508

Stats. Implemented: ORS 496, 497, 498, 506 & 508

Hist.: FWC 27-1982, f. & ef. 4-30-82; FWC 25-1984, f. 6-21-84, ef. 7-1-84, Renumbered from 635-043-0410; FWC 3-1991, f. & cert. ef. 1-18-91

635-007-0665

Purchase of Fish from Fish Propagation Licensee

(1) No angling license is required to angle at the facilities of a licensed fish propagator.

(2) It is *unlawful* to possess fish received from a fish propagation licensee without having a written receipt, or for the propagator to sell fish so taken without providing a written receipt, which includes:

(a) Name of fish propagation licensee;

(b) Location from which fish were taken;

(c) Date shipped/received;

(d) Name of purchaser;

(e) Number of each species of fish received.

Stat. Auth.: ORS 496, 497, 498, 506 & 508

Stats. Implemented: ORS 496, 497, 498, 506 & 508

Hist.: FWC 27-1982, f. & ef. 4-30-82; FWC 25-1984, f. 6-21-84, ef. 7-1-84, Renumbered from 635-043-0415

635-007-0670

Revocation of Fish Propagation License

(1) The Commission may revoke a Fish Propagation License in accordance with the applicable provisions of ORS 183.310 through 183.500 based on any of the following:

(a) The Commission finds that the conduct of the facility would tend to be harmful to existing game fish or food fish populations; or

(b) The licensee has violated any terms of any license, permit or operational plan issued by the Department; or

(c) The licensee has filed to comply with any statute, rule or reporting requirement relevant to the operation of the facility; or

(d) After request by the Department, the licensee has failed to pay any sums it owes to the Department or which are owed to the Department under any license or permit it holds or the benefits of which it enjoys.

(2) Revocation of a Fish Propagation License shall be in addition to and not in lieu of other penalties provided by law.

Stat. Auth.: ORS 496, 497, 498, 506 & 508

Stats. Implemented: ORS 496, 497, 498, 506 & 508

Hist.: FWC 27-1982, f. & ef. 4-30-82; FWC 25-1984, f. 6-21-84, ef. 7-1-84, Renumbered from 635-043-0420; FWC 3-1991, f. & cert. ef. 1-18-91

635-007-0680

Relation Between Fish Propagation License and Private Salmon Hatchery Permit

(1) Fish propagation licenses are required for:

(a) Each holding, incubation or rearing site located separately from a private salmon hatchery, regardless of whether such fish are destined for release at a private salmon hatchery;

(b) Each holding, incubation or rearing pond located at a private salmon hatchery if the fish in those ponds are not authorized to be released under the terms of a private salmon hatchery permit.

(2) Fish propagation licenses are not required for:

(a) Any fish held, incubated or reared at a private salmon hatchery, which are authorized to be released under the terms of a private salmon hatchery permit;

(b) Approved STEP projects and other Department programs.

Stat. Auth.: ORS 496, 497, 498, 506 & 508

Stats. Implemented: ORS 496, 497, 498, 506 & 508

Hist.: FWC 25-1984, f. 6-21-84, ef. 7-1-84; FWC 34-1991, f. & cert. ef. 1-18-91

Fish Species — Sturgeon

635-007-0700

Purpose, Policy and Definition

(1) These rules establish a special permit system for the orderly development and conduct of an experimental program for the rearing of Columbia River white sturgeon in fish propagation facilities and to provide for the collection of oversize female sturgeon for egg taking. The total amount of oversize female sturgeon that may be collected by all persons issued permits under these rules shall not exceed 18 per calendar year as further provided in OAR 635-007-0710(2)(a).

(2) For purposes of OAR 635-007-0700 through 635-007-0720 “oversize sturgeon” means: Columbia River female white sturgeon over six feet in length.

Stat. Auth.: ORS 506 & 508

Stats. Implemented: ORS 506 & 508

Hist.: FWC 33-1988, f. & cert. ef. 5-24-88

635-007-0705**Obtaining Sturgeon and Eggs for Propagation**

Any person desiring to propagate sturgeon must develop sturgeon brood stock from which to take eggs to continue the sturgeon propagation operation. Oversize sturgeon shall not be collected on a continuing basis to support either experimental or production rearing. Sturgeon and eggs to provide seed for propagation and development of broodstock for a fish propagation facility may be obtained in the manner described in sections (1) to (3) of this rule:

(1) Legal Size Sturgeon may be taken pursuant to:

(a) Commercial fishing activities under a valid commercial fishing license;

(b) Commercial fishing activities by other fishermen under a valid commercial fishing license. Sturgeon may be purchased from such fishermen, as authorized by rules for the purchase of fish from commercial fishermen. A wholesale fish dealer's license is required;

(c) Sport fishing activities under a valid sport fishing license. Sturgeon caught under a sport fishing license shall not be transported via land except as authorized in a fish transport permit. Sport fishermen shall not be compensated for any fish or eggs provided to a fish propagation facility operator.

(2) Oversize Sturgeon: A person may only collect oversize female sturgeon under a special permit issued by the Department as further provided in OAR 635-007-0710. The permit will only authorize collection of fish from Oregon waters of the main stem Columbia below Bonneville Dam, unless the permittee also has a valid State of Washington permit for collecting oversize female sturgeon in Washington state waters. Any such fish collected under Washington state permits shall reduce the total number allowed to be collected in Oregon:

(a) In addition to open commercial fishing seasons in which legal gear may be used, a permittee may collect oversize female sturgeon by gill net having a mesh size greater than nine inches, stretch measure, during the period April 1 through June 30. Nets shall be tended at all times. A commercial fishing license shall also be required;

(b) A permittee may personally collect oversize female sturgeon with sport gear. A sport fishing license shall also be required.

(3) Licensed Propagation Facility: Eggs, brood stock or juveniles may be obtained from a licensed propagation facility.

Stat. Auth.: ORS 506 & 508

Stats. Implemented: ORS 506 & 508

Hist.: FWC 33-1988, f. & cert. ef. 5-24-88

635-007-0710**Special Permit Rules to Collect Male and Oversize Female Sturgeon**

(1) Application and Eligibility for Permit: A special permit to collect oversize female sturgeon shall be issued only to an individual. The individual applicant shall:

(a) Make a request in writing;

(b) Demonstrate in such request the individual has the technical expertise and experience to handle adult sturgeon, conduct an examination of the fish to determine the state of maturity, and take eggs without harm to the fish or eggs;

(c) Designate in the request an Oregon licensed fish propagation facility for fish rearing; and

(d) Designate in the request a landing site in Oregon for transfer of the collected fish to the fish propagation facility.

(2) Obligations of the Permittee:

(a) The permittee shall not collect more than six oversize female sturgeon for the purpose of holding and egg collection at the licensed fish propagation facility designated by the Department in the issued permit. Permittee may also collect up to 12 male sturgeon less than six feet in length which may be held live for the purpose of fertilizing said eggs when collected;

(b) The permittee shall tag both males and oversize female sturgeon at the time of capture with tags provided by the Department;

(c) The permittee shall be present during capture and shall transport collected sturgeon, by boat, to the landing site designated in the permit for transfer to the fish propagation facility. The sturgeon may be held for a reasonable length of time for removal of ripe eggs or collection of sperm, and for recovery prior to transfer and release back to the river in good condition at the landing site. Fish transport permits are required;

(d) The permittee may conduct an examination of the sturgeon for maturity by making a small incision in the fish to check for ripeness. The incision shall be properly sutured prior to holding or release;

(e) The permittee shall carry the permit at all times when conducting operations authorized by the permit and shall cause a copy of such permit to be posted at the propagation facility designated in the permit;

(f) The permittee shall notify the Department prior to the initiation of any sturgeon collection authorized by the special permit;

(g) The permittee shall make available to the Department, at permittee's expense, up to 5,000 fingerlings unless the Department requests fewer, from each oversize wild female sturgeon spawned for stocking within the state;

(h) The permittee shall file monthly reports with the Department, by the 10th of each month, on a form or format acceptable to the Department, which shows the number of wild sturgeon examined, tagged, collected, held, and spawned, as well as other general information about operations conducted under the special permit and fish propagation program.

(3) Permit Limitations; Nontransferability:

(a) The total number of oversize female sturgeon which may be collected from Oregon waters shall be reduced proportionately by any such sturgeon collected in the state of Washington;

(b) The special permit shall be issued only to an individual and is not transferable from said individual to another individual. In the event the individual issued the permit is no longer available to conduct permit activities or carry out responsibilities required by these rules, a new application for a permit shall be submitted to the Department.

(4) Annual Permit Renewal:

(a) The special permit is an annual permit and shall expire on December 31 of each year;

(b) A fee of \$10 is required to be submitted with the application for the special permit;

(c) In order to renew the special permit, the permittee shall submit a written request for renewal, together with a fee of \$10 and a copy of the permittee's annual operations report by January 10 of the next year. The annual operations report shall summarize the monthly reports and show the numbers of fish sold and on hand.

(5) Refusal to Issue or Renew a Special Permit; Revocation and Suspension:

(a) Where the Commission proposes to refuse to issue or renew a special permit or to revoke or suspend a special permit an opportunity for a hearing shall be given, as provided in ORS Chapter 183, the Administrative Procedures Act;

(b) The Commission may refuse to issue or renew a special permit or revoke or suspend a special permit where the individual applying for or holding the special permit:

(A) Fails to comply with OAR 635-007-0700 through 635-007-0720 and/or 635-004-0090; or

(B) Has been convicted of any crime relating to the fish and wildlife laws of this state, or any other state or of the United States; or

(C) Has been convicted of any crime involving dishonesty, misrepresentation or fraud under the laws of this state, or any other state or of the United States; or

(D) Has been convicted of any violation of OAR 635-007-0700 through 635-007-0720 and/or 635-004-0090.

Stat. Auth.: ORS 506 & 508

Stats. Implemented: ORS 506 & 508

Hist.: FWC 33-1988, f. & cert. ef. 5-24-88

635-007-0720**Possession of Sturgeon for Spawning and Propagation**

(1) General Authorization. The Department will allow:

(a) Holding of male and oversize female sturgeon collected from the wild, until spawned for collection and incubation of eggs (pursuant to the special permit);

(b) Holding of adults raised at the fish propagation facility, or fish obtained through legal sport fishing or commercial activities; and

(c) Subsequent rearing and sale of white sturgeon under a fish propagation license.

(2) Special Requirements:

(a) The Department shall be immediately notified of the death of any adult sturgeon held at the licensed fish propagation facility or

killed during any collection operation authorized by a special permit to collect male and oversize female sturgeon;

(b) Possession or sale of dressed or whole sturgeon or roe therefrom at or from a licensed fish propagation facility is prohibited except as provided in OAR 635-004-0090; 635-006-0140; and 635-006-0145;

(c) Notwithstanding subsection (2)(b) of this rule, the Department may, in the event an adult fish dies, direct that it be field dressed, specifically tagged and iced (including the eggs), and held for pickup. In addition, sturgeon less than six inches in length resulting from fish propagation at the facility may be sold live. Sturgeon larger than six inches in length may not be sold without prior written approval of the Department.

Stat. Auth.: ORS 506 & 508

Stats. Implemented: ORS 506 & 508

Hist.: FWC 33-1988, f. & cert. ef. 5-24-88

Hatcheries — General

635-007-0820

Salmon Production Programs

(1) Salmon Hatchery Programs proposed for public hatcheries, the Salmon and Trout Enhancement Program (STEP), Cooperative Salmon Hatchery Programs, and for private salmon hatcheries shall be provided for department staff review and planning prior to commencement of egg collection each year. Such programs shall include at least:

- (a) Rearing location;
- (b) Species;
- (c) Egg source or stock;
- (d) Number to be released;
- (e) Expected size at release;
- (f) Expected time of release;
- (g) Special treatment, marks, handling, etc.;
- (h) Release site or project.

(2) Proposed revisions of accepted salmon hatchery programs due to unforeseen shortages of eggs, changes in facility availability or status, or necessary management adjustments shall be reviewed and approved by department staff prior to implementation of any proposed revisions.

(3) Transport and release authorization shall be obtained from department fish culture staff prior to moving fish between facilities or releasing fish. No authorization shall be given if fish do not meet criteria shown in previously approved programs for release size, time, and mark rate, or if disease control regulations are not met.

(4) Summaries of releases, by hatchery and site (including STEP projects) will be prepared by the department at completion of releases for the year.

Stat. Auth.: ORS 496.138 & 506.119

Stats. Implemented: ORS 496.146 & 506.124

Hist.: FWC 25-1984, f. 6-21-84, ef. 7-1-84; FWC 2-1992, f. 1-28-92, cert. ef. 2-1-92; FWC 15-1997, f. & cert. ef. 3-10-97

635-007-0825

When Salmon Eggs are Surplus

For the purposes of ORS 508.730, the following criteria shall be used in determining when all natural and artificial fish production needs of the state have been met:

(1) General limitations — salmon eggs will not be declared surplus unless and until the capacities of all public hatchery facilities contributing fish for release in Oregon waters, including coastal streams and Columbia River and tributaries, have been filled, and approved rehabilitation and enhancement programs, including Salmon and Trout Enhancement Program and Cooperative Salmon Hatchery Programs, have been provided for. However, the department recognizes that certain constraints may limit hatchery production to less than full capacity, including available finances, legislative direction, commission policy, and status of stream/water body management plans. The department may not be able to locate, determine, or accommodate all areas of need at any one time.

(2) Biological limitations — biological factors which limit numbers of salmon eggs that can be utilized in meeting state needs are:

- (a) Fish carrying capacity of a given stream or water body;
- (b) Probability of disease transfer to naturally produced stocks;
- (c) Maintenance of genetic integrity or compatibility of stocks;
- (d) Impacts of other species of fish.

Stat. Auth.: ORS 496.138 & 506.119

Stats. Implemented: ORS 496.146, 506.124 & 508.730

Hist.: FWC 4-1982, f. & ef. 1-11-82; FWC 25-1984, f. 6-21-84, ef. 7-1-84, Renumbered from 635-002-0100; FWC 15-1997, f. & cert. ef. 3-10-97

635-007-0830

General Priority for Use of Salmon Eggs and Fingerlings

Salmon eggs and fingerlings shall be used or distributed in the following priority order:

(1) Department Programs including public hatchery production and the Salmon and Trout Enhancement Program (STEP), and Cooperative Salmon Hatchery Programs.

(2) Federal fish hatcheries in Oregon.

(3) State and federal fish hatcheries located on the Columbia River outside Oregon.

(4) Educational use.

(5) Private salmon hatcheries in Oregon.

(6) Other state and federal fishery agencies in Alaska, California, and Washington.

(7) Wildlife Propagation License holders in Oregon.

(8) State and federal fishery agencies in the remainder of the USA.

(9) Private salmon hatcheries in the remainder of the USA.

(10) State and federal fishery agencies in other countries.

(11) Private hatcheries in other countries.

Stat. Auth.: ORS 496.138 & 506.119

Stats. Implemented: ORS 496.146, 506.124 & 508.730

Hist.: FWC 25-1984, f. 6-21-84, ef. 7-1-84; FWC 2-1992, f. 1-28-92, cert. ef. 2-1-92; FWC 15-1997, f. & cert. ef. 3-10-97

Scientific Taking Permit — Fish

635-007-0900

Permit Required

(1) Any person must have in possession a valid Scientific Taking Permit issued by the Department in order to take fish from the waters of this state for scientific or educational purposes.

(2) Except as provided in section (3) of this rule, a Scientific Taking Permit issued by the Department to any agency, corporation, association or other such entity of which one or more members may engage in the taking of fish, will be issued in the name of the entity. It shall be the responsibility of the entity to provide a copy of the permit to each member who intends to take fish and to have the member sign the permit copy on the signature line provided. A copy of a Scientific Taking Permit issued to an entity shall not be considered a valid permit unless signed by the member engaged in the taking of fish.

(3) Any student desiring to take fish for scientific or educational purposes as part of a program or course of study at an educational institution must obtain a Scientific Taking Permit in the student's own name. Students are not authorized to take fish under Scientific Taking Permits issued to an educational institution or its instructors.

(4) The Department may refuse to issue any Scientific Taking Permit if it finds:

(a) The proposed taking lacks scientific or educational merit or would adversely affect the fish populations of this state; or

(b) The applicant violated any term of any license or permit issued by the Department.

Stat. Auth.: ORS 183.335, 496.138, 497.252 & .298, 506.109, 506.119 & 508.111

Stats. Implemented: ORS 183.335, 496.138, 497.252, 497.298, 506.109, 506.119 & 508.111

Hist.: FWC 18-1992, f. 3-24-92, cert. ef. 4-1-92

635-007-0910

Permit Application

(1) Any person or entity wishing to obtain a Scientific Taking Permit must complete and submit to the Department the appropriate permit application form. Applications forms are available upon request from the Oregon Department of Fish and Wildlife.

(2) The Department may prescribe such terms and conditions in a permit as it may deem necessary to ensure that fish taken pursuant to the permit will be used only for scientific or educational purposes.

(3) Permits will not be issued to any person or entity for the purpose of collecting fish to sell to scientific or educational supply houses or to any other person or entity.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 497.298 & 508.111

Hist.: FWC 18-1992, f. 3-24-92, cert. ef. 4-1-92; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-007-0920**Report Requirement**

Each person or entity issued a Scientific Taking Permit may be required to submit to the Department written reports describing the date(s), specific location(s) and the number of species of fish taken and/or released live under a permit during the permit period.

Stat. Auth.: ORS 183.335, 496.138, 497.252 & .298, 506.109 & .119 & 508.111
 Stats. Implemented: ORS 183.335, 496.138, 497.252 & .298, 506.109 & .119 & 508.111
 Hist.: FWC 18-1992, f. 3-24-92, cert. ef. 4-1-92

635-007-0930**Transport Authority**

A Scientific Taking Permit may specify under what conditions the permittee is authorized to transport live fish, eggs or larvae within the state of Oregon collected under the Scientific Taking Permit. A Scientific Taking Permit with specific transport conditions excuses the permittee from the obligation to obtain a Fish Transport Permit under OAR 635-007-0600.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 497.252, 497.298, 498.222 & 508.111
 Hist.: FWC 18-1992, f. 3-24-92, cert. ef. 4-1-92; DFW 110-2001, f. & cert. ef. 11-23-01

635-007-0940**Nongame Fish Protected**

Notwithstanding OAR 635-011-0220, the Department may issue a Scientific Taking Permit for studies of any white amur, Warner Sucker, Borax Lake Chub, Foskett Springs Dace, Oregon Tui Chub of Hutton Springs, or Lost River and Shortnose Suckers of Klamath County.

Stat. Auth.: ORS 183.335, 496.138, 497.252 & .298, 506.109, 506.119 & 508.111
 Stats. Implemented: ORS 183.335, 496.138, 497.252, 497.298, 506.109, 506.119 & 508.111
 Hist.: FWC 18-1992, f. 3-24-92, cert. ef. 4-1-92

635-007-0950**Revocation of Permit**

(1) The Commission may revoke a Scientific Taking Permit in accordance with the applicable provisions of ORS 183.310 through 183.500 if the holder of the permit has violated any of the terms or conditions of the permit or any regulation within OAR 635.

(2) Revocation of a Scientific Taking Permit is in addition to and not in lieu of other penalties provided by law.

Stat. Auth.: ORS 183.335, 496.138, 497.252 & .298, 506.109, 506.119 & 508.111
 Stats. Implemented: ORS 183.335, 496.138, 497.252 & .298, 506.109 & .119 & 508.111
 Hist.: FWC 18-1992, f. 3-24-92, cert. ef. 4-1-92

Fish Health Management Policy**635-007-0960****Purpose**

The purpose of the Fish Health Management Policy is to describe measures that minimize the impact of fish diseases on the state's fish resources. This policy applies to all Department hatchery operations and programs, including Salmon and Trout Enhancement Program (STEP), fish propagation projects (OAR 635-009-0090 through 635-009-0240), Cooperative Salmon Hatchery Programs (OAR 635-009-0400 through 635-009-0455), and to all other persons importing, transporting, releasing, or rearing non-aquaria species in this state, including, but not limited to persons operating private fish rearing facilities and research facilities.

Stat. Auth.: ORS 496, 497, 498, 506 & 508
 Stats. Implemented: ORS 496, 497, 498, 506 & 508
 Hist.: DFW 96-2003, f. & cert. ef. 9-19-03

635-007-0965**Policy**

The Department must restrict the introduction, amplification, and dissemination of disease agents in hatchery produced fish (hatchery produced stock or naturally-produced native stock) and in natural environments by controlling egg and fish movements and by prescribing a variety of preventative, therapeutic, and disinfecting strategies to control the spread of disease agents in fish populations of the state. This entails inspecting and detecting disease agents from fish in all hatchery facilities and natural environments. It also entails containing and treating disease agents to minimize impacts on fish populations.

Stat. Auth.: ORS 496, 497, 498, 506 & 508
 Stats. Implemented: ORS 496, 497, 498, 506 & 508
 Hist.: DFW 96-2003, f. & cert. ef. 9-19-03

635-007-0970**Fish Disease and Pathogen Categories**

(1) "Category I" or "Emergency" fish disease agents are those for which there is no known treatment and that have not been determined to occur in Oregon as of September 1, 2003. Disease agents in this category are the European strain of Viral Hemorrhagic Septicemia (VHS), *Onchorhynchus masou virus* (OMV) and Channel Catfish Virus (CCV). Disease agents may be added to this category as they are identified.

(2) "Category II" or "Certifiable" disease agents can be highly contagious, may cause catastrophic losses and do not have a known cure. Disease agents in this category are the North American strain of Viral Hemorrhagic Septicemia (VHS), Infectious Hematopoietic Necrosis Virus (IHNV), Infectious Pancreatic Necrosis Virus (IPNV), Infectious Salmon Anemia (ISA), Spring Viremia of Carp (SVC), *Myxobolus cerebralis* (whirling disease), and *Piscirickettsia salmonis*. Disease agents may be added to this category as they are identified in state waters or may be moved to a more or less strict category as disease concerns change.

(3) "Category III" or "Reportable" disease agents may be enzootic in populations or watersheds but are not necessarily of such concern as to prevent all transfer or release of fish. This category includes drug resistant strains of fish disease agents otherwise falling in Category IV. Disease agents in this category are Erythrocytic Inclusion Body Syndrome (EIBS virus), Viral Erythrocytic Necrosis Virus (VEN), sturgeon iridovirus, *Renibacterium salmoninarum* (bacterial kidney disease), *Flavobacterium psychrophilum* (cold water disease), *Aeromonas salmonicida* (furunculosis disease), *Yersinia ruckeri* (enteric red mouth disease), drug resistant strains of bacterial disease agents, *Tetracapsuloides bryosalmonae* (Proliferative Kidney Disease), *Ceratomyxa shasta* (ceratomyxosis), and *Nucleospora salmonis*. Disease agents may be added to this category as they are identified in state waters or may be moved to a more or less strict category as disease concerns change.

(4) "Category IV" or "Historical" disease agents are those associated with a particular area, water body, or facility either in Oregon or in another state or country in which fish are raised or where a disease agent is associated with an intermediate non-fish host. This category also includes Category I through III diseases if previously found at a particular facility but no longer occurring there. Disease agents in this category are flatworms, round worms, tapeworms, ciliated and flagellated parasites, myxosporean (other than *Myxobolus cerebralis*, *Tetracapsuloides bryosalmonae* and *Ceratomyxa shasta*), microsporidian parasites (other than *Nucleospora salmonis*), fungal agents, bacterial agents, transient viral agents, and other classes of infectious agents not previously listed. Disease agents may be added to this category as they are identified in state waters or may be moved to a stricter category as disease concerns change.

Stat. Auth.: ORS 496, 497, 498, 506 & 508
 Stats. Implemented: ORS 496, 497, 498, 506 & 508
 Hist.: DFW 96-2003, f. & cert. ef. 9-19-03

635-007-0975**Import, Export or Transfer of Pathogens and Diseases**

(1) The Department may allow a transfer or release fish if the disease agent has not occurred within the past three years of fish rearing, fish are appropriately treated to prevent disease transmission before transfer, or if the disease agent also occurs in the receiving waters.

(2) No person may import, export, or transfer susceptible fish from a site or area where a Category I disease agent has been found until the Department has determined that the site or area is acceptable and has issued a valid Fish Transport Permit pursuant to OAR 635-007-0600. One of the Department's fish health specialists may make the required determination and provide a memorandum to Fish Division.

(3) The Department may authorize a person to import, export, or transfer fish that have or are from a station or area with a recent or continuing history of Category II disease agent by issuing a Fish Transport Permit. The Department must restrict the import, transfer, or release of fish from facilities in which Category II disease agents have been detected within the life cycle of a fish species or that have not been eliminated by effective treatment to only those areas where that disease is already endemic. The Department must restrict the transfer or release of fish that may expand the geographic distribution of disease agents in this category.

(4) The Department must restrict the import, transfer, and release of fish from facilities in which Category III disease agents have been detected within the life cycle of a fish species or that have not been eliminated by effective treatment to only those areas where that disease is already endemic.

(5) Fish from facilities with a history of, but no current occurrence of Category I through III diseases will be treated as if they were in Category IV. The Department may issue a Fish Transport Permit for transfer or release of fish with the presence of disease agents in this category if the disease agent has not occurred within the past three years of fish rearing, the fish are appropriately treated for disease before transfer, or the disease agent occurs in the receiving waters. The Department may deny a Fish Transport Permit to transfer or import fish from facilities where Category III and IV diseases agents have been identified until acceptable treatment or improved history record (three years without disease detection) requirements have been met through appropriate fish health examinations.

Stat: Auth.: ORS 496, 497, 498, 506 & 508
Stats. Implemented: ORS 496, 497, 498, 506 & 508
Hist.: DFW 96-2003, f. & cert. ef. 9-19-03

635-007-0980

Additional Reference Material for Fish Disease Management

Guidelines for inspection of fish for diseases are found in the Integrated Hatchery Operation Team Policies and Procedures for Columbia Basin Anadromous Salmonid Hatcheries (IHOT 1995), American Fisheries Society Fish Health Blue Book (AFS-FHS Suggested procedures for the detection and identification of certain finfish and shellfish pathogens. 5th ed., 2002, Fish Health Section, American Fisheries Society), the inspection manual of this reference may be found at <http://fisheries.fws.gov/FHC/handbook.htm>, the Fish Health Protection Regulations Manual of Compliance of Canada, 1984 and the Pacific Northwest Fish Health Protection Committee Model Comprehensive Fish Health Protection Program (September 1989), <http://www.efw.bpa.gov/Environment/EW/EWP/DOCS/REPORTS/HATCHERY/A60629.pdf>

[Publications: Publications referenced are available from the agency.]

Stat: Auth.: ORS 496, 497, 498, 506 & 508
Stats. Implemented: ORS 496, 497, 498, 506 & 508
Hist.: DFW 96-2003, f. & cert. ef. 9-19-03

635-007-0985

Inspection and Detection of Disease Agents at the Department's Facilities

(1) The Facility Manager must ensure that inspections are performed on all fish stocks no more than six weeks before fish are released or transferred to other locations in the state and on any fish to be imported into the state. The Department's Fish Health Services must maintain a database of fish health examination results.

(2) The Facility Manager must complete a Fish Liberation Report for the import, export, or transfer of live fish or eggs in Oregon before moving any fish or eggs.

(3) The Facility Manager must ensure regular monitoring of all fish by a Department fish health specialist. Appropriate fish tissues must be screened for the presence of parasitic and bacterial agents and viral examinations of appropriate organs and lesions of moribund or dead fish depending on disease signs on affected fish.

(4) Examinations for *Myxobolus cerebralis*, agent of whirling disease, must be conducted annually on 60 salmonid fish held for a minimum of 180 days at each facility. In cases where multiple water supplies exist, fish reared in each supply must be sampled.

(5) The Facility Manager must direct the treatment or destruction of fish infected with any disease agent, whether listed in these rules or not, that may adversely affect the health of the fish of this state. The Department's Fish Division will determine whether the affected fish must be destroyed.

(6) If fish loss exceeds 0.1 percent per day over five consecutive days in any rearing or incubation container, then the Facility Manager must:

(a) Have an examination promptly performed on live and dead fish from each pond of concern by a Department fish health specialist and, if the fish health specialist determines it is necessary, from the entire facility.

(b) Notify in writing by E-mail, fax, or equivalent means the Department's Regional Office and Fish Division of the location, extent, and probable cause of such losses and provide written docu-

mentation of a planned Department-approved treatment regimen to control the fish disease agent.

(c) Fish Health Services must maintain a copy of the disease examination record after completing appropriate tests.

Stat: Auth.: ORS 496, 497, 498, 506 & 508
Stats. Implemented: ORS 496, 497, 498, 506 & 508
Hist.: DFW 96-2003, f. & cert. ef. 9-19-03

635-007-0990

Inspection and Detection of Disease Agents at Non-Department Facilities

(1) No person may import, export, release, or transfer live fish or fish eggs in Oregon without a Fish Transport Permit issued pursuant to OAR 635-007-0600.

(2) Except as provided in section (3) of this rule, any group of live fish or eggs found to have been imported into or transferred within Oregon without a Fish Transport Permit is subject to seizure and destruction by the Department.

(3) The Department, in its discretion, may direct the Facility Manager to undertake immediate steps to obtain proper, up-to-date fish health examinations from the original source of fish or eggs, and to have fish inspected for fish disease agents by a fish health specialist acceptable to the Department. Such fish or eggs must not be released or moved to any other facility until the owner has obtained a completed disease examination report from the fish health specialist. The Facility Manager is responsible for the costs of the inspection required by this rule.

(4) Except for fish reared for release under a private salmon hatchery permit pursuant to ORS 508.700, before importing any fish the Facility Manager must obtain an annual health examination of broodstock from which fish are to be imported and a copy of relevant fish health examinations of the lot of fish to be imported. If a facility has not previously exported fish to Oregon, the Facility Manager must also obtain a five-year fish-health history of stocks held at the facility and a description of the water supply source. Examinations for IHNV, IPNV, and VHSV must be conducted for salmonid broodstock. An examination for *Myxobolus cerebralis*, as described in section (5) of this rule, must also be conducted on salmonid fish. Depending on the fish species, examinations for culturable viruses and specific bacterial and parasitic agents must be conducted for non-salmonid broodstock. The above-listed examinations must be performed by a fish health specialist acceptable to the Department. However, the Department may issue a Fish Transport Permit to import live fish into this state without the examination report if the Department finds:

(a) The fish eggs or larvae would mature to a stage at which they cannot be safely transported before a disease examination could take place or results are complete; and

(b) The fish or eggs are held in a facility approved by the Department until the permit holder can obtain a completed disease examination report.

(5) Examinations for *Myxobolus cerebralis*, agent of whirling disease, must be conducted annually on 60 fish held for a minimum of 180 days at each facility. In cases where multiple water supplies exist, fish reared in each supply must be sampled.

(6) Fish Health Services must maintain a database of fish health examination results.

(7) Any fish found to be infected with a disease agent that the Department determines may adversely affect the health of the fish of this state must be treated or destroyed at the Facility Manager's expense as directed by the Department or may be sold for human consumption, if appropriate.

(8) If fish loss exceeds 0.1 percent per day over five consecutive days in any rearing or incubation container, the Facility Manager, Facility Permittee, or Fish Propagation Licensee must:

(a) Have an examination promptly performed on live and dead fish from each pond of concern by a fish health specialist acceptable to the Department and, if required by the Department, from the entire facility.

(b) Notify in writing by E-mail, fax, or equivalent means the Department's Fish Division at its Headquarters and Fish Health Services laboratories in Corvallis, Clackamas and La Grande of the location, extent, and probable cause of such losses and provide written documentation of a treatment regimen planned to control the fish disease; and

(c) Provide Fish Health Services a copy of the disease examination record within seven business days after completion of appropriate tests.

(9) Failure to comply with these rules is grounds for the revocation of any Fish Propagation License, Cooperative Salmon Hatchery Agreement, or Fish Transport Permit.

Stat. Auth.: ORS 496, 497, 498, 506 & 508

Stats. Implemented: ORS 496, 497, 498, 506 & 508

Hist.: DFW 96-2003, f. & cert. ef. 9-19-03

635-007-0995

Containment and Treatment of Fish Disease Agents

(1) The Department may approve the transfer or release of fish or issue a Fish Transport Permit with special conditions, depending on the disease history of the shipping station or watershed, the current disease inspection report, or the susceptibility of fish to disease agents endemic in the watershed to which the fish would be shipped.

(2) The Oregon exporter and importer (recipient) are responsible for getting the required permits and complying with all regulations concerning transporting fish within Oregon and importing fish to Oregon from any other state, province, or country.

(3) The annual examination (station check) of salmonids sampled at a particular hatchery for *M. cerebralis* must meet Oregon's requirements for *M. cerebralis* import or transfer of fish from that facility to or within Oregon.

(4) If the Department determines that live fish have a disease agent that may affect fish in Oregon, the fish may not be transported from one watershed to another within this state or exported from this state without the Department's written consent. The Department may restrict or prohibit a person from transporting infected fish or fish suspected of being infected to or from certain watersheds or areas within watersheds of the state.

(5) The Department may authorize a person to transfer salmonids from any waters of the state or other states without a health inspection to a facility approved by the Department for scientific study pursuant to the objectives of projects acceptable to the Department.

(6) Fish at all Department facilities must be treated so as to reduce the amplification of disease agents. Protocols listed in sub-paragraphs (a)–(c) are required for all Department facilities and are recommended for privately operated fish facilities to minimize the amplification of disease agents within their facilities.

(a) When fish disease agents are detected, preventative and therapeutic strategies must be implemented to reduce the impact of such disease agents on both hatchery-reared and naturally-reared native fish populations.

(b) Sanitation protocols:

(A) Eggs must be disinfected or water-hardened in buffered iodophor. Eggs must be disinfected after collection and, if transferred to a new facility, they must also be disinfected upon arrival. Imported eggs and their shipping containers must be disinfected at the approved destination using methods acceptable to the Department's fish health specialists. (A list of acceptable disinfecting agents and methods is available from the Department).

(B) Disinfection footbaths or other means of disinfection must be provided at the incubation facility's entrance and exit areas for sanitizing footwear, raingear, and equipment while embryos are incubating in the facility.

(C) Equipment and rain gear used in broodstock handling or spawning must be sanitized after leaving the adult area and before being used in other rearing units or the hatch-house building.

(D) Equipment used to collect dead fish must be sanitized before being used in another pond, or equipment must be designated for each specific pond.

(E) Dead fish must be disposed of promptly and in a manner that will prevent the introduction of disease agents to waters of the State.

(F) Rearing units must be cleaned on a regular basis by vacuuming, brushing, or flushing. All equipment used for this purpose must be disinfected before being moved to a different pond.

(G) Equipment used to transfer eggs or fish among facilities, including fish liberation tankers, must be sanitized before being used with any other fish lot or at any other location. Disinfecting and disinfected water must be disposed of in an approved manner.

(H) Rearing units must be sanitized after removing fish and before introducing a new fish stock either by thoroughly cleaning the

unit and using a disinfectant or by cleaning it and leaving it to dry for a minimum of three days.

(I) Use of pathogen-free water is preferable, especially for egg incubation and early fish rearing.

(c) Preventative and therapeutic fish health strategies must be implemented at all facilities in consultation with the Department's personnel to avoid or reduce disease agents and fish losses. Fish health strategies may include the following:

(A) Modifying hatchery practices such as water temperature, feeding or cleaning regimes, egg culling operations, isolating containers of infected fish, and using a different water supply;

(B) Changing release strategies, if approved by the Department's Fish Division;

(C) Destroying fish if the disease agent is untreatable and an epizootic event is likely, or where an exotic or non-endemic disease agent is detected, if approved by Fish Division;

(D) Increasing water releases from reservoirs when possible to increase flows and reduce water temperature.

(E) Treating fish with federally approved chemicals or drugs from one of the following categories:

(i) FDA-labeled and approved for use on food fish;

(ii) Allowed by the FDA as an Investigational New Animal Drug;

(iii) Obtained by extra-label prescriptions from veterinarians;

(iv) Allowed by the FDA as low regulatory priority or deferred regulatory status;

(v) Chemicals not allowed on food fish but approved by the FDA through the US Fish and Wildlife Service for fish listed under the federal Endangered Species Act.

(7) In order to continue improving the Department's expertise in fish health, the Department must develop and maintain partnerships with fish health specialists from other state and federal agencies, universities, and management partners.

Stat. Auth.: ORS 496, 497, 498, 506 & 508

Stats. Implemented: ORS 496, 497, 498, 506 & 508

Hist.: DFW 96-2003, f. & cert. ef. 9-19-03

635-007-1000

Carcasses for Stream Enrichment

(1) Before approving the use of fish carcasses or fish components for stream enrichment programs, the Fish Division must determine that the use is consistent with the Department of Environmental Quality's requirements.

(2) The Department must review the disease history of the hatchery and particular fish stock, current fish health testing results, geographic location and history of fish disease, and presence of disease agents in the receiving stream and watershed as a whole in order to minimize the risk of introducing or disseminating disease agents into the receiving waters.

(3) Only fish that are killed as excess brood or that survive to spawn may be used for carcass distribution.

(4) Carcasses must be placed in the originating river basin or where identified in hatchery program management plans or other operational or conservation plans.

(5) The Fish Division may stop carcass distribution if pathogen levels increase in spawned adult fish during the spawning period.

Stat. Auth.: ORS 496, 497, 498, 506 & 508

Stats. Implemented: ORS 496, 497, 498, 506 & 508

Hist.: DFW 96-2003, f. & cert. ef. 9-19-03

LANDS

DIVISION 8

DEPARTMENT OF FISH AND WILDLIFE LANDS

635-008-0015

Agreements to Restrict Use of Motor-Propelled Vehicles

No person shall violate posted motor-propelled vehicle use restrictions established by agreements entered into pursuant to ORS 498.152.

Stat. Auth.: ORS 498

Stats. Implemented: ORS 498

Hist.: GC 246, f. 9-14-71; FWC 70(Temp), f. & ef. 8-25-76 through 12-23-76; FWC 87, f. 1-28-77, ef. 2-1-77, Renumbered from 630-010-0515, Renumbered from 635-015-0015

Forage Removal from Department Lands**635-008-0040****Forage Removal from Department Lands**

(1) Forage removal from Department owned or managed lands by haying, grazing, or other means will be by permit only. Permits will be issued by the Department for a period not to exceed five years. Permits are not transferable.

(2) Forage removal permits will be considered on a priority basis. First priority will be given to local grazing associations, adjoining landowners, adjacent landowners and former permittees, not necessarily in that order. Second priority will be given to any other interested party.

(3) Selection of first priority permittees will be made in accordance with the management objectives for the land.

(4) Selection of second priority applicants will be based on the highest bidder.

(5) Fees charged to first priority permittees will be similar to those fees charged on comparable forage in the vicinity. Fees charged to second priority permittees will be established through the competitive bid.

(6) Management practices affecting forage removal will be established to protect the property and benefit wildlife resources.

(7) A forage removal permit may be cancelled by the Director for failure to:

- (a) Follow all requirements set forth in the permit;
- (b) Pay fees required;
- (c) Follow forage removal practices established to protect the property and benefit wildlife resources.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 42-1978, f. & ef. 8-29-78; FWC 62-1978, f. & ef. 12-20-78, Renumbered from 635-015-0040; FWC 24-1982, f. & ef. 4-5-82

635-008-0050**Fish and Wildlife Commission to Post and Enforce Rules**

In compliance with authority contained in ORS 496.146(9), and penalties prescribed in ORS 496.992, the following rules are adopted to protect wildlife, fish, lands, and appurtenances or management activities and objectives on lands where title to, or control of, rests in the State of Oregon, acting by and through its Department of Fish and Wildlife. In addition to the requirements and restrictions contained in chapter 635, divisions 011, 021, 045, 046, 050, 051, 052, 053, 054, and 060; the following rules shall apply to all Department wildlife areas referenced in chapter 635, division 008 except as modified by the rules for individual wildlife areas.

(1) In order to further the purposes of ORS 496.012 or to protect public safety, portions of wildlife areas may be posted and closed to all entry. Entering an area posted "closed to entry" is prohibited except by permit.

(2) Leaving garbage and litter on the area is prohibited.

(3) Posted Refuges and Safety Zones are closed to hunting and shooting.

(4) Motor vehicles are prohibited except on parking areas and open roads or as provided for in the following rules.

(5) A permit is required to remove firewood, cut trees, dig or remove artifacts or archeological specimens, minerals, sand, gravel, rock, or any other article, product or material found on the area except for fish and wildlife taken as permitted by law.

(6) A permit is required to graze livestock except riding and pack animals in actual use for recreational purposes. Trespass livestock may be removed and/or impounded at the owner's expense in compliance with ORS Chapter 607.

(7) No person shall display behavior which unreasonably deters, distracts or hinders others in the peaceable enjoyment of the area.

(8) Any person may be evicted from the area when continued presence of that person could cause a threat to the rights and safety of others or property.

(9) No person, commercial vendor or company shall dispense or sell material, goods or items on the area, except by permit.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005; FWC 53-1994, f. & cert. ef. 8-25-94

635-008-0055**Bridge Creek Wildlife Area**

The Bridge Creek Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

(1) The area is closed to entry during the period December 1 through April 15, except by permit.

(2) Motor vehicles are prohibited except on parking areas, open roads, and up to 300 feet off open roads for the purpose of moving to and from campsites.

(3) Camping is prohibited except during the period May 1 through November 30, and may not exceed 14 days per stay.

(4) Campfires or open burning is prohibited except at campsites.

Open fires are prohibited during designated fire closures.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(1); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 81-2006, f. & cert. ef. 8-11-06

635-008-0060**Burns Gravel Pond**

The Burns Gravel Pond area is open to public use unless otherwise excluded or restricted by the following rules:

(1) Discharging firearms is prohibited.

(2) Camping is prohibited.

(3) Open fires are prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(2); FWC 53-1994, f. & cert. ef. 8-25-94

635-008-0065**Carver Fishing Access: Clackamas County**

In addition to the provisions in OAR 635-008-0200, at the Carver Fishing Access (Clackamas County):

(1) Public use is prohibited between the hours of 10p.m. and 4a.m. daily.

(2) Open fires are prohibited.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 30-1982, f. & ef. 5-18-82

635-008-0067**Chickahominy Wildlife Area**

The Chickahominy Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

(1) Camping is prohibited except in areas designated for that use.

(2) Open fires are prohibited except in designated areas.

(3) Discharging firearms is prohibited except as authorized during game bird and game mammal seasons, or by permit.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: FWC 53-1994, f. & cert. ef. 8-25-94

635-008-0070**Coyote Springs Wildlife Area**

The Coyote Springs Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

(1) All dogs must be on a leash except during authorized game bird hunting seasons, or by permit.

(2) Camping is permitted only in designated parking areas. Camping more than seven days in any consecutive 14-day period is prohibited.

(3) Open fires between April 1 and November 30 are prohibited.

(4) Discharging a shotgun is prohibited except as authorized during game bird and game mammal seasons.

(5) Discharging firearms other than shotguns is prohibited except as authorized by a permit issued by the Department.

(6) Possession or use of shot other than federally-approved non-toxic shot is prohibited, except for deer hunters using slugs or buckshot.

(7) Entry into the area between 10 p.m. and 4 a.m. is prohibited except in designated parking areas.

(8) Leaving decoys set out overnight (10 p.m. through 4 a.m.) is prohibited.

(9) Placing waterfowl hunting site closer than 200 yards apart is prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(3); FWC 53-1994, f. & cert. ef. 8-25-95; DFW 91-2005, f. & cert. ef. 8-19-05

635-008-0075

Crates Point Wildlife Area

The Crates Point Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

(1) Discharging firearms other than a shotgun is prohibited except as authorized during game bird and game mammal seasons or by a permit issued by the Department.

(2) Camping is prohibited.

(3) Open fires are prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: FWC 30-1982, f. & ef. 5-18-82; FWC 53-1994, f. & cert. ef. 8-25-94; DFW 81-2006, f. & cert. ef. 8-11-06

635-008-0080

Ken Denman Wildlife Area

The Ken Denman Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2006 Ken Denman Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) Discharging firearms is prohibited except as authorized during game bird and game mammal seasons, or by permit.

(2) Running or training of dogs is prohibited April 1 through July 31 except on designated Dog Training Areas.

(3) Camping is prohibited.

(4) Boats with gas propelled motors are prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(4); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 118-2006, f. & cert. ef. 10-16-06

635-008-0085

Elkhorn Wildlife Area

The Elkhorn Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the **2006 Elkhorn Wildlife Area Management Plan** unless otherwise excluded or restricted by the following rules:

(1) The area is closed to entry during the period December 1 through April 15, except by permit.

(2) Camping is prohibited except during the period April 15 through November 30, and may not exceed 14 days per stay.

(3) Campfires or open burning is prohibited except at campsites. Open fires are prohibited during designated fire closures.

(4) Dogs are prohibited from running at large.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(5); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 81-2006, f. & cert. ef. 8-11-06; DFW 118-2006, f. & cert. ef. 10-16-06

635-008-0090

Enterprise Wildlife Area

The Enterprise Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(6); FWC 53-1994, f. & cert. ef. 8-25-94

635-008-0095

Fern Ridge Wildlife Area

As the underlying landowner, the U.S. Army Corps of Engineers has adopted rules and regulations (**CFR Title 36**) that apply to all Fern Ridge project land and water areas. The Fern Ridge Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the Fern Ridge Wildlife Area Long Range Plan unless otherwise excluded or restricted by the following rules:

(1) Hunting is prohibited except as authorized in annual game bird and big game hunting regulations.

(2) Discharging firearms is prohibited except as authorized during game bird and game mammal seasons, or by permit.

(3) Discharging rifles and handguns is prohibited.

(4) All dogs must be on a leash except during authorized hunting seasons, or by permit.

(5) Camping is prohibited except by permit.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(7); FWC 53-1994, f. & cert. ef. 8-25-94

635-008-0100

Fish Lake Management Area: Harney County

The Fish Lake Management Area is open to public use unless otherwise excluded or restricted by the following rules:

(1) Discharging of firearms is prohibited except as authorized during game bird and game mammal seasons or by permit.

(2) Camping is prohibited except on areas designated for that use.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: GC 65, f. 4-23-57, Renumbered from 630-010-0505, Renumbered from 635-015-0010, Renumbered from 635-008-0010; FWC 30-1982, f. & ef. 5-18-82; FWC 53-1994, f. & cert. ef. 8-25-94

635-008-0105

Irrigon Wildlife Area

The Irrigon Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

(1) All dogs must be on a leash except during authorized game bird hunting seasons, or by permit.

(2) Camping is permitted only in designated parking areas. Camping more than seven days in any consecutive 14-day period is prohibited.

(3) Horses must stay on the Lewis and Clark Heritage trail.

(4) Trapping may occur during authorized trapping seasons (trapping permit required).

(5) Open fires between April 1 and November 30 are prohibited.

(6) Discharging a shotgun is prohibited except as authorized during game bird and game mammal seasons.

(7) Discharging firearms other than shotguns is prohibited except as authorized by a permit issued by the Department.

(8) Possession or use of shot other than federally-approved non-toxic shot is prohibited, except for deer hunters using slugs or buckshot

(9) Entry into the area between 10 p.m. and 4 a.m. is prohibited except in designated parking areas.

(10) Leaving decoys set out overnight (10 p.m. through 4 a.m.) is prohibited.

(11) Placing waterfowl hunting site closer than 200 yards apart is prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(8); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 91-2005, f. & cert. ef. 8-19-05

635-008-0110

Jewell Meadows Wildlife Area

The Jewell Meadows Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the Jewell Meadows Long Range Plan unless otherwise excluded or restricted by the following rules:

(1) Discharging firearms is prohibited except as authorized during game bird and game mammal seasons, or by permit.

- (2) Posted Refuges and Safety Zones are closed to public access.
- (3) Camping is prohibited except on areas designated for that use, or by permit.

- (4) Running of dogs is prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(9); FWC 53-1994, f. & cert. ef. 8-25-84

635-008-0115

Klamath Wildlife Area

The Klamath Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the Klamath Wildlife Area Long Range Plan unless otherwise excluded or restricted by the following rules:

- (1) Discharging firearms is prohibited except as authorized during game bird seasons, or by permit.
- (2) Running or training of dogs is prohibited February 1 through July 31 except on designated Dog Training Areas or by permit.
- (3) Camping is prohibited.
- (4) Personal property must be removed from the area at the end of each hunt day.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(10); FWC 53-1994, f. & cert. ef. 8-25-95

635-008-0120

Ladd Marsh Wildlife Area

The Ladd Marsh Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the Ladd Marsh Wildlife Area Long Range Plan unless otherwise excluded or restricted by the following rules:

- (1) An entry permit is required except during the authorized upland game bird and waterfowl seasons and on that portion of Ladd Marsh Wildlife Area west of Foothill Road, the nature trail and Long Pine Viewpoint.
- (2) The area is closed to big game hunting except that portion of Ladd Marsh Wildlife Area West of Foot Hill Road.
- (3) Discharging firearms is prohibited except as authorized during game bird and big game hunting seasons, or by permit.
- (4) Camping is prohibited.
- (5) Running or training of dogs is prohibited April 1 through July 31.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(11); FWC 53-1994, f. & cert. ef. 8-25-94

635-008-0123

Lower Deschutes Wildlife Area

The Lower Deschutes Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the Deschutes River Scenic Waterway Rules and the following additional rules:

- (1) Discharging firearms is prohibited except as authorized during game bird and game mammal seasons or by permit.
- (2) Unauthorized motor vehicle use is prohibited.
- (3) Horses and horseback riding are prohibited except by permit.
- (4) Open fires are prohibited except as specified under the Scenic Waterway rules.
- (5) Running or training of dogs is prohibited except during authorized bird hunting seasons.
- (6) Camping is prohibited on river islands, areas posted "camping prohibited" within the Deschutes River Scenic Waterway and on state lands outside the Deschutes River Scenic Waterway in the Lower Deschutes Wildlife Area (Deschutes Scenic Waterway is an area extending 1/4-mile away from each bank of the river).

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Hist.: FWC 71-1984, f. & ef. 10-12-84; FWC 53-1994, f. & cert. ef. 8-25-94

635-008-0127

North Umpqua River, Winchester Ramp

In addition to the provisions of OAR 635-008-0200, it is *unlawful* to launch or retrieve any power boat from North Umpqua River Ramp area, located approximately one mile upstream from Winchester Dam on the south side of the river at T26S R5W Sec 30.

Stat. Auth.: ORS 496
 Stats. Implemented: ORS 496
 Hist.: FWC 23-1984, f. & ef. 5-22-84

635-008-0130

Power City Wildlife Area

The Power City Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

- (1) All dogs must be on a leash except during authorized game bird hunting seasons or by permit.
- (2) Camping is permitted only in designated parking areas. Camping more than seven days in any consecutive 14-day period is prohibited.
- (3) Open fires between April 1 and November 30 are prohibited.
- (4) Discharging a shotgun is prohibited except as authorized during game bird and game mammal seasons.
- (5) Discharging firearms other than shotguns is prohibited except as authorized by a permit issued by the Department.
- (6) Possession or use of shot other than federally-approved non-toxic shot is prohibited, except for deer hunters using slugs or buck-shot.
- (7) Entry into the area between 10 p.m. and 4 a.m. is prohibited except in designated parking areas.
- (8) Leaving decoys set out overnight (10 p.m. through 4 a.m.) is prohibited.
- (9) Placing waterfowl hunting site closer than 200 yards apart is prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(13); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 91-2005, f. & cert. ef. 8-19-05

635-008-0135

Prineville Reservoir Wildlife Area

The Prineville Reservoir Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

- (1) Discharging firearms is prohibited except as authorized during game bird and game mammal seasons, or by permit.
- (2) Camping is prohibited except on areas designated for that use or by permit.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(14); FWC 53-1994, f. & cert. ef. 8-25-94;

635-008-0140

Riverside Wildlife Area

The Riverside Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

- (1) Camping is prohibited.
- (2) Open fires are prohibited.
- (3) Motorized vehicle travel is restricted to open roads.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(15); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 91-2005, f. & cert. ef. 8-19-05

635-008-0145

St. Louis Ponds: Marion County

(1) St. Louis Ponds is that area of posted Department lands located in Sections 21, 22, 27, and 28, Township 5 South, Range 2 West of the Willamette Meridian in Marion County and containing 222 acres more or less.

(2) In the area described in section (1) of this rule it is unlawful to:

- (a) Use the area for purpose between one hour after sunset and one hour before sunrise;
 - (b) Use any floating craft on any pond;
 - (c) Swim or otherwise enter any pond;
 - (d) Build open fires;
 - (e) Discharge rifles and pistols;
 - (f) Discharge shotguns except during open seasons between the beginning of pheasant season and the end of waterfowl season, or during dog trials authorized by Department permit;
 - (g) Operate motor vehicles off established roads;
 - (h) Run dogs except in posted areas;
 - (i) Violate the terms of any permit issued by the Department.
- Stat. Auth.: ORS 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.138, 496.146 & 496.162
 Hist.: FWC 21-1980, f. & ef. 4-25-80, Renumbered from 635-008-0012; FWC 14-1983, f. & ef. 4-4-83; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94

635-008-0146

Sauvie Island Wildlife Area Management Plan

(1) It is the policy of the Fish and Wildlife Commission that the Sauvie Island Wildlife Area be managed to provide suitable habitat for waterfowl. It is also the policy of the Commission to manage the wildlife area consistent with the statutory obligation of the Department to acquire and manage land for the purpose of providing: wildlife management, wildlife-oriented recreation and public hunting areas (ORS 496.146).

(2) In furtherance of this policy, management goals for the Sauvie Island Wildlife Area, as found in the Sauvie Island Wildlife Management Plan are:

- (a) Develop and manage the lands, wildlife and public use to provide an area for waterfowl with emphasis on wintering waterfowl, wildlife management, wildlife-oriented recreation and a public hunting area;
- (b) Practice land and water stewardship that does not degrade the basic resources; soil, air and water and with no net loss of existing wetlands;
- (c) Manage soil, water vegetation and man-made structures to benefit wildlife and compatible uses;
- (d) Maintain natural areas for habitat diversity;
- (e) Plan and regulate human use and recreational opportunities so they are compatible with maintaining high quality wildlife resource. Discourage or eliminate incompatible recreational activity;
- (f) Maintain a minimum motor vehicle transportation system for public access, prohibiting off-road vehicle travel and encouraging foot travel;

- (g) Provide basic public use facilities to meet visitor needs;
- (h) Comply with all laws, regulations, ordinances and adopted plans that affect the wildlife area;

(i) Encourage governmental authorities and private land managers to plan, develop and maintain all of Sauvie Island and proximate river basin lands in a manner beneficial to the wildlife objectives of Sauvie Island Wildlife Area;

(j) Maintain flexibility to provide for new ideas and change through periodic review of the plan.

(3) Five-Year Update: The Sauvie Island Wildlife Area Management Plan will be updated by the Department every five years, or sooner, beginning in 1998.

(4) The Sauvie Island Wildlife Area Beach Use Plan dated September 22, 1993 is amended at A. Beach Boundaries and Buffers, 2.2 Collins Beach Buffer North to provide that the buffer extends from private property south 1400 feet and from the ordinary high water line inland to the Reeder Road right-of-way, that public use in the buffer is excluded Memorial Day Weekend through Labor Day annually and that the buffer will be developed for wildlife habitat benefits by plantings of cottonwoods and shrubs.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 497.071
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 497.071
 Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(16); FWC 12-1990, f. & cert. ef. 2-2-90, Renumbered from 635-008-0150; FWC 8-1993, f. & cert. ef. 2-8-93; FWC 53-1994, f. & cert. ef. 8-25-94; DFW 41-2001(Temp), f. & cert. ef. 5-25-01 thru 11-21-01; DFW 104-2001, f. & cert. ef. 10-23-01

Parking Permit System for Sauvie Island Wildlife Area

635-008-0148

Purpose

The purpose of the Sauvie Island parking permit system is to limit the number and locations of parking spots in the Sauvie Island Wildlife Area to protect the wildlife and the wildlife habitat.

Stat. Auth.: ORS 496
 Stats. Implemented: ORS 496
 Hist.: FWC 12-1990, f. & cert. ef. 2-2-90

635-008-0149

Definition

For purposes of OAR 635-008-0148 through 635-008-0151:

(1) "Permit" means a vehicle permit that is issued as evidence of a grant of authority to park a motor-propelled vehicle in a designated parking area within the Sauvie Island Wildlife Area.

(2) "Parking" means a vehicle not in motion.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 497.071
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 497.071
 Hist.: FWC 12-1990, f. & cert. ef. 2-2-90; FWC 8-1993, f. & cert. ef. 2-8-93

635-008-0151

Procedures for Issuance and Enforcement of Parking Permits for Sauvie Island Wildlife Area

The Oregon Department of Fish and Wildlife hereby adopts the following procedures relating to issuance and enforcement of parking permits for certain vehicles in Sauvie Island Wildlife Area parking areas:

(1) A parking permit is required at all times for all parking areas. Parking is permitted only in designated parking areas.

(2) Parking areas are designated by the following signs:

(a) "Entering Sauvie Island Wildlife Area — Parking Permits Required Beyond This Point";

(b) "Parking allowed only in designated areas — Sauvie Island Wildlife Area Parking Permit Required."

(3) There are two separate permits of different colors: an annual permit and a daily permit.

(4) The fee for parking permits is \$2.00 for permits issued on a daily basis or \$9.50 for permits issued on an annual basis beginning each January 1.

(5) Permits are issued by selected local agents to a party upon payment and may be transferred from vehicle to vehicle.

(6) The permits must be visible from outside the vehicle and be displayed in the front or rear window of the vehicle.

(7) No parking permits will be required for those vehicles which are owned or operated by government agencies.

(8)(a) A person who operates or parks a motor-propelled vehicle in violation of restrictions established and posted under OAR 635-008-0146 through 635-008-0151 commits an offense punishable as provided in ORS 496.992;

(b) Except as otherwise provided in subsection (8)(a) of this section, a person who is the owner of an unattended motor-propelled vehicle parked in violation of restrictions established and posted under OAR 635-008-0146 through 635-008-0151 is guilty of a violation punishable as described in ORS 161.635 without regard to culpable mental state;

(c) The procedure for a police officer to follow upon finding a non government vehicle parked in designated parking area without a permit shall consist of the issuance of a notice which shall be either delivered to the defendant or placed in a conspicuous place upon the vehicle in the violation.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 497.071
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 497.071
 Hist.: FWC 12-1990, f. & cert. ef. 2-2-90; FWC 8-1993, f. & cert. ef. 2-8-93; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 74-2003(Temp), f. 8-1-03, cert. ef. 8-3-03 thru 8-7-03; Administrative correction 1-12-04

635-008-0153

Phillip W. Schneider Wildlife Area

The Phillip W. Schneider Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2006 Phillip W. Schneider Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:

(1) Motor vehicles are prohibited except on parking areas, open roads, and up to 300 feet off open roads for the purpose of moving to and from campsites.

(2) Camping along the South Fork John Day road is open year-long. On the remainder of the wildlife area camping is prohibited except during the period May 1 through November 30. Camping may not exceed 14 days per stay.

(3) Campfires or open burning is prohibited except at campsites. Open fires are prohibited during designated fire closures.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(12); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 30-2000, f. & cert., ef. 6-14-00, Renumbered from 635-008-0125; DFW 118-2006, f. & cert. ef. 10-16-06

635-008-0154

Smith River, Lower Take Out

In addition to the provisions of OAR 635-008-0200, it is *unlawful* to launch boats from Smith River Lower Take Out area, located approximately seven road miles upstream from the mouth of North Fork Smith River on the north side of Smith River at T20S R10W Sec 35.

Stat. Auth.: ORS 496
Stats. Implemented: ORS 496
Hist.: FWC 23-1984, f. & ef. 5-22-84; DFW 30-2000, f. & cert., ef. 6-14-00, Renumbered from 635-008-0152

635-008-0155

Summer Lake Wildlife Area

The Summer Lake Wildlife Area is open to wildlife-oriented public use compatible with the objectives contained in the Summer Lake Wildlife Area Long Range Plan unless otherwise excluded or restricted by the following rules:

(1) Posted Refuges are closed to all entry during authorized game bird and game mammal hunting seasons, except to retrieve lawfully taken wildlife, or by permit.

(2) Discharging firearms is prohibited except as authorized during game bird and game mammal hunting seasons, or by permit.

(3) Motor vehicles and other motor driver modes of transportation are prohibited except on parking areas and open roads, or by permit.

(4) Camping or leaving vehicles unattended is prohibited except on areas designated for that use, and may not exceed 14 days per stay, except by permit.

(5) Running or training of dogs is prohibited except by permit.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(17); FWC 53-1994, f. & cert. ef. 8-25-94

635-008-0160

Sumpter Wildlife Area

The Sumpter Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-005-0005(18); FWC 53-1994, f. & cert. ef. 8-25-94

635-008-0165

Warm Springs Wildlife Area

The Warm Springs Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

(1) Camping is prohibited.

(2) Discharging firearms is prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(19); FWC 53-1994, f. & cert. ef. 8-25-94

635-008-0170

Wenaha Wildlife Area

The Wenaha Wildlife Area is open to wildlife-oriented public use compatible with goals and objectives contained in the Wenaha Wildlife Area Long Range Plan unless otherwise excluded or restricted by the following rules:

(1) Motor vehicles are prohibited except on parking areas, open roads and up to 300 feet off open roads for the purpose of moving to and from campsites.

(2) Camping is prohibited except on areas designated for that use, or by permit, and may not exceed 14 days per stay.

(3) Campfires or open burning is prohibited except at campsites. Open fires are prohibited during designated fire closures.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(20); FWC 53-1994, f. & cert. ef. 8-25-94

635-008-0175

White River Wildlife Area

The White River Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the White River Wildlife Area Long Range Plan unless otherwise excluded or restricted by the following rules:

(1) Motor vehicles are prohibited except on parking areas, open roads and up to 300 feet off open roads for the purpose of moving to and from campsites.

(2) Camping is prohibited except on areas designated for that use, or by permit, and may not exceed 14 days per stay.

(3) Campfires or open burning is prohibited except at campsites. Open fires are prohibited during designated fire closures.

(4) Running or training of dogs is prohibited December 1 through March 31, except by permit.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(21); FWC 53-1994, f. & cert. ef. 8-25-94

635-008-0180

Willamette Greenway Wildlife Area

(1) The Willamette Greenway Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rule.

(2) Discharging firearms is prohibited on posted areas.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(22); FWC 53-1994, f. & cert. ef. 8-25-94

635-008-0185

Willow Creek Wildlife Area

The Willow Creek Wildlife Area is open to wildlife-oriented public use unless otherwise excluded or restricted by the following rules:

(1) All dogs must be on a leash except during authorized game bird hunting seasons, or by permit.

(2) Camping is permitted only in designated parking areas. Camping more than seven days in any consecutive 14-day period is prohibited.

(3) Open fires between April 1 and November 30 are prohibited.

(4) Discharging a shotgun is prohibited except as authorized during game bird and game mammal seasons.

(5) Discharging firearms other than a shotgun is prohibited except during, and as authorized for, eastern Oregon controlled deer seasons, or by permit issued by the Department.

(6) Possession or use of shot other than federally approved non-toxic shot for all game bird hunting is prohibited.

(7) Entry into the area between 10 p.m. and 4 a.m. is prohibited except in designated parking areas.

(8) Leaving decoys set out overnight (10 p.m. through 4 a.m.) is prohibited.

(9) Placing waterfowl hunting site closer than 200 yards apart is prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(23); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 91-2005, f. & cert. ef. 8-19-05

635-008-0190

E.E. Wilson Wildlife Area

The E. E. Wilson Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the E. E. Wilson Wildlife Area Long Range Plan unless otherwise excluded or restricted by the following rules:

(1) Hunting is prohibited except as authorized in annual game bird and big game regulations.

(2) Discharging firearms is prohibited except as authorized during game bird and game mammal seasons, or by permit.

(3) Discharging rifles and handguns is prohibited.

(4) All dogs must be on a leash except during authorized hunting seasons, or by permit.

(5) Camping is prohibited except by permit.

(6) Horses and other domestic livestock use are restricted to established roads only.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Hist.: GC 64, f. 4-3-57; GC 232, f. 8-13-70, ef. 9-11-70; GC 252, f. 5-11-72, ef. 6-1-72, Renumbered from 630-010-0500, Renumbered from 635-015-0005; FWC 63-1980, f. & ef. 11-4-80; FWC 2-1981(Temp), f. & ef. 1-20-81; FWC 30-1982, f. & ef. 5-18-82, Renumbered from 635-008-0005(24); FWC 53-1994, f. & cert. ef. 8-25-94; DFW 91-2005, f. & cert. ef. 8-19-05

635-008-0195

Winchester Viewing Chamber: Douglas County

It is *unlawful* to trespass on the following Department property between the hours of 10p.m. and 4a.m.: Winchester viewing access, the viewing chamber and the fishway, all located at Winchester Dam on the North Umpqua River.

Stat. Auth.: ORS 496
 Stats. Implemented: ORS 496
 Hist.: FWC 22-1982, f. 3-30-82, ef. 4-1-82, Renumbered from 635-008-0014

635-008-0197

Woodburn Ponds

In addition to the provisions in OAR 635-008-0200, it is *unlawful* at Woodburn Ponds to:

(1) Discharge any firearm.

(2) Operate any motor-propelled craft, except craft propelled by electric motors.

(3) Use the area for any purpose between one hour after sunset and one hour before sunrise.

Stat. Auth.: ORS 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.138, 496.146 & 496.162
 Hist.: FWC 14-1983, f. & ef. 4-4-83; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94

635-008-0200

All Other Department Controlled Lands

On all other Department controlled lands which are open to the public for angling except as modified for the Fish Lake Management Area (OAR 635-008-0100) and the St. Louis Ponds (OAR 635-008-0145), the following restrictions apply:

(1) Discharging rifles and pistols is prohibited.

(2) Motor vehicles are prohibited except on parking areas and open roads.

(3) Camping is prohibited.

(4) Removal of any natural material found in the area, except for fish and wildlife taken as permitted by law, is prohibited.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992
 Hist.: FWC 30-1982, f. & ef. 5-18-82; FWC 53-1994, f. & cert. ef. 8-25-94

DIVISION 9

SALMON AND TROUT ENHANCEMENT PROGRAM AND RIPARIAN LANDS TAX INCENTIVE PROGRAM

Outdoor Clubs

635-009-0055

Determination of Non-Profit Status

No outdoor club shall be exempt from the provisions of ORS 498.400 through 498.464 unless such club submits with its application for exemption:

(1) A certified copy of its Articles of Incorporation, which must be accompanied by a copy of its Certificate of Incorporation issued pursuant to ORS Chapter 61; and

(2) Certified copies of a certificate of tax exempt status issued by the Oregon Department of Revenue and the United States Internal Revenue Service.

Stat. Auth.: ORS 496
 Stats. Implemented: ORS 496
 Hist.: FWC 41-1978, f. & ef. 8-29-78, Renumbered from 635-007-0500

Charter Boats

635-009-0060

Charter Boat License and Decals

(1) An ocean charter vessel license required by Oregon Laws 1979, Chapter 358 must be obtained by the owner or operator of any boat used in the business of carrying individuals to angle in the ocean.

(2) A pair of decals bearing the wording "Oregon Licensed Charter Boat" shall be included with the initial issue of an ocean charter vessel license. Vessels having previously received the above decals applying for renewal will not be issued replacement decals unless specifically requested.

(3) A pair of decal bearing the last two numbers of the year for which the license is issued shall be included with the license.

(4) The decals "Oregon Licensed Charter Boat" with the decals bearing the last two numbers of the year for which the ocean charter vessel license is issued shall be affixed to the licensed boat in a conspicuous place on each side of the boat on the outside of the superstructure as near midship as practicable.

(5) It shall be *unlawful* to operate a licensed ocean charter vessel which does not have the decals described in section (2) of this rule, displayed on the licensed vessel as provided in this rule.

Stat. Auth.: ORS 496
 Stats. Implemented: ORS 496
 Hist.: FWC 4-1981, f. & ef. 1-21-81; FWC 23-1988(Temp), f. & cert. ef. 3-29-88

Salmon and Trout Enhancement Program

635-009-0090

Purpose

These Rules guide the operation and project selection of the Salmon Trout Enhancement Program (STEP) as authorized under the provisions of ORS 496.440, et seq.

Stat. Auth.: ORS 496
 Stats. Implemented: ORS 496
 Hist.: FWC 64-1988, f. 8-9-88, cert. ef. 8-19-88

General

635-009-0095

Definitions

The following definitions shall apply to Salmon and Trout Enhancement Program projects:

(1) Definitions listed in OAR 635-007-0501.

(2) "Broodstock Development Project" means project in which adults will return to a recapture facility to provide an egg source for management programs.

(3) "Commission" means the Oregon Fish and Wildlife Commission.

(4) "Department" means the Oregon Department of Fish and Wildlife.

(5) "Educational Project" means project undertaken by a school or youth program.

(6) "Egg Incubation Project" means project in which eggs are contained and hatched and resultant fry are released unfed.

(7) "Enhancement" means management activities including rehabilitation and supplementation that increase fish production beyond the existing production capability of the stock and/or habitat.

(8) "Enhancement Project" is any project authorized by the Department in accordance with these rules.

(9) "Fish Propagation" means to rear fish for release (includes incubation).

(10) "Life Cycle" means:

- (a) Coho salmon — 3 years;
- (b) Chinook salmon — 5 years;
- (c) Chum salmon — 4 years;
- (d) Steelhead — 4 years;
- (e) Trout — 4 years.

(11) "Rehabilitation" means short-term management techniques which may include fish stocking, habitat improvement, harvest management, or other work that restore fish stocks depressed by natural or man-made events.

(12) "STEP" means Salmon Trout Enhancement Program.

(13) "Supplementation" means continued planting of fish to maintain or increase fish abundance in areas where natural production is insufficient to meet management objectives.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 64-1988, f. 8-9-88, cert. ef. 8-19-88

635-009-0100

Policy and Goals

(1) It is the policy of the Fish and Wildlife Commission, in carrying out the provisions of ORS 496.440, et seq., that a Salmon and Trout Enhancement Program shall be conducted to benefit all users of the salmon and trout resources of this state.

(2) STEP goals are:

- (a) Provide the greatest possible opportunity for citizen volunteer participation in achieving the Department's management objectives;
- (b) Rehabilitate and enhance natural habitat of salmon and trout;
- (c) Rehabilitate and enhance populations of salmon and trout;
- (d) Support and promote an education program to increase the public's understanding of Oregon's aquatic resources and the environment.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 45-1981, f. & ef. 12-21-81; FWC 64-1988, f. 8-9-88, cert. ef. 8-19-88

635-009-0105

Community Advisors

A STEP coordinator and STEP biologist shall act as community advisors to:

- (1) Provide technical assistance to citizens responsible for implementation of enhancement projects.
- (2) Cooperatively develop enhancement projects with citizen volunteers.
- (3) Coordinate the implementation of enhancement projects with the activities of Department and staff and other agencies.
- (4) Provide educational and informational materials to promote public awareness and involvement in the salmon and trout enhancement program.
- (5) Supervise the activities of citizens developing local brood stock for enhancement projects.
- (6) Evaluate enhancement projects with the citizens responsible for project implementation.
- (7) Coordinate grants of funds to citizens for the implementation of approved enhancement projects from such moneys as may be available.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 45-1981, f. & ef. 12-21-81; FWC 64-1988, f. 8-9-88, cert. ef. 8-19-88

635-009-0110

Project Application

(1) Any citizen or group of citizens may propose a project for implementation under STEP. Projects may include but are not limited to: Habitat improvement, egg incubation, fish propagation, broodstock development, fish stocking, spawning ground surveys, education, and data collection.

(2) Proposed projects shall be submitted in writing on forms provided by the Department.

(3) A separate application is required for each proposed project or project site.

(4) Each project must have explicit goals, method of achievement, beginning and ending date, and, if applicable, evaluation plan.

(5) Incomplete applications shall be returned to the project sponsor for completion.

(6) The Department may require any additional information it deems necessary in order to evaluate the project proposal.

(7) Applications for projects involving egg incubation or fish propagation must also comply with OAR 635-009-0125.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 45-1981, f. & ef. 12-21-81; FWC 64-1988, f. 8-9-88, cert. ef. 8-19-88

635-009-0115

Project Approval

(1) All projects must comply with fish management goals and objectives as set forth in OAR 635-007-0501 through 635-007-0830, and species and/or area management plans adopted by the Commission.

(2) All projects, prior to commencing, must be approved in writing by the Department.

(3) A project will not be approved if the proposal, based on review by Department staff:

- (a) Is not based on sound biological principles;
- (b) Is not supported by physical and biological stream survey information;
- (c) Does not show a demonstrated need;
- (d) Proposes to use inappropriate methods to accomplish the project objectives;
- (e) Violates goals, policies, rules, species or basin management plans adopted by the Commission; or policies or procedures developed by the Department.

(4) Project proposals will be evaluated according to their potential impact on all fish species, the environment, and contribution to the resource.

(5) The Department may prescribe such terms and conditions for project approval as it may deem necessary for protection of naturally produced species (or stocks).

(6) It will be the responsibility of the project sponsor to obtain all necessary water rights, access agreements, easements, and use permits, or any other permits needed to undertake the project.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 45-1981, f. & ef. 12-21-81; FWC 64-1988, f. 8-9-88, cert. ef. 8-19-88

635-009-0120

Revocation of Project Approval

(1) The Department may revoke its approval of a STEP project if it determines:

- (a) The project has exceeded the scope of the approved project proposal;
- (b) There has been a violation of any term or condition imposed on the project by the Department;
- (c) Continued operation of the project may adversely affect fish populations in or below the project site; or
- (d) There are not sufficient moneys available to fund the Department's continued involvement in the project.

(2) The revocation of a project's approval shall automatically invalidate any Department Permits issued for such project as of the date of revocation and may result in confiscating (reclaiming) by the Department of any fish or eggs used in the project.

(3) Revocation of the approval for a project is in addition to and not in lieu of other penalties provided by law.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 45-1981, f. & ef. 12-21-81; FWC 64-1988, f. 8-9-88, cert. ef. 8-19-88

Egg Incubation and Fish Program

635-009-0125

Project Proposal

(1) Any citizen or group of citizens wishing to obtain and incubate and/or propagate salmon or trout, and to transport, hold or release any such eggs or fish resulting therefrom, must complete and submit to the Department an application form to conduct an "Egg Incubation"

or "Fish Propagation" project. All such projects shall be identified as: rehabilitation, supplementation, educational, or broodstock development. For purposes of this rule, such projects shall be defined to mean one of the following:

(a) Rehabilitation Project — A project in which fish are released to rebuild a currently depressed run;

(b) Supplementation Project — A project involving continued planting to maintain or increase fish abundance where natural production is insufficient to meet management objectives;

(c) Educational Project — Classroom or youth education project in which eggs are incubated as an educational tool; the number of eggs incubated may not exceed 500;

(d) Broodstock Development Project — A project in which reared fish are released and the resulting adults return to a recapture facility to provide an egg source for management programs.

(2) Applications for an Egg Incubation project shall:

(a) Be submitted prior to September 1 of each year; applications received after this date will be considered but will have a lower priority for receipt of eggs;

(b) Include the following information:

(A) Name, address, and telephone number of applicant;

(B) Species requested;

(C) Egg incubation location and proposed fry release location;

(D) Type of project to be undertaken (i.e., rehabilitation, supplementation, education, or broodstock development);

(E) A clear and concise statement of the operation proposed by the applicant.

(3) Applications for a Fish Propagation project shall:

(a) Be submitted prior to July 1 of each year for projects proposing to commence during the next egg take cycle;

(b) Include the following information:

(A) Name, address, and telephone number of applicant;

(B) Species and number of eggs requested;

(C) Egg source;

(D) Species and number of fish to be reared;

(E) Egg incubation and fish propagation location;

(F) Type of project to be undertaken (i.e., rehabilitation, supplementation, or broodstock development);

(G) A clear and concise statement of the operation proposed by the application; the enhancement opportunity to be undertaken; and how the project meets fish management program objectives adopted by the Commission;

(H) A map of proposed hatchery site or release site, clearly indicating the geographic relationship of the site to the surrounding area;

(I) Clear and concise information on facility design, operation and maintenance costs, water supply, rearing and holding facilities, fish disease considerations and any other information the Department may request;

(J) Plan to evaluate project;

(K) Reports, technical documents, articles and data or information of any kind the applicant intends to rely on to support the facility;

(L) A copy of all leases, options, easements, or other instruments by which applicant purports to have sufficient property rights pertaining to the proposed site to permit conduct of the proposed operation;

(M) A statement from the appropriate local planning authorities of the county or other jurisdiction within which the proposed hatchery or release site is located, analyzing whether or not, in the opinion of the local jurisdiction, applicant's proposed operation is in compliance with the local jurisdiction's comprehensive land-use and estuary plan;

(N) A projection of social consequences caused in the future by returning fish.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 64-1988, f. 8-9-88, cert. ef. 8-19-88

635-009-0130

Project Duration

(1) Egg incubation and Fish Propagation projects may be approved for the following length of time; all projects are subject to an annual review:

(a) Rehabilitation project: one life cycle of the species reared (see OAR 635-009-0105(7));

(b) Supplementation project: Five years;

(c) Broodstock Development project: one life cycle of the species reared (see OAR 635-009-0095(7)).

(2) A new project proposal must be submitted and approved if the project is to continue beyond the time period authorized in section (1) of this rule.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 64-1988, f. 8-9-88, cert. ef. 8-19-88

635-009-0135

Number of Fish Released

(1) The number of fish authorized for release under either an egg incubation or fish propagation project shall be determined by the Department. The number shall be based upon management objectives and carrying capacity of water body stocked.

(2) Releases from a Fish Propagation project shall not exceed 100,000 fish of each species reared, except the Commission after holding a public hearing may authorize releases above these numbers.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 64-1988, f. 8-9-88, cert. ef. 8-19-88

635-009-0140

General Considerations

(1) It is *unlawful* to transport, hold, or possess live fish or eggs without an appropriate permit issued by the Department.

(2) The Department may authorize the taking of eggs from wild fish for use in a STEP project if:

(a) There is a demonstrated need for enhancement on a stream and a suitable source of eggs is not available from public hatcheries;

(b) The project cooperator is involved in an approved project for selected broodstock development which includes use of wild fish;

(c) Facilities are available for holding adults to maturation, spawning fish, and incubating eggs;

(d) A knowledgeable individual is available to provide assistance in handling of adults, determining maturation, spawning, and care of eggs.

(3) The Department may require specific numbers of smolts be returned to locations if wild fish have been taken and moved to another stream.

(4) In the event egg shortages occur, the Department will reduce the number of eggs per approved project by an equal proportion, except the Department may establish priorities for certain projects that are expected to make a greater contribution to the resource.

(5) All eggs or fish are the property of the State of Oregon and may only be released as designated by the Department.

(6) All fish returning to a fish propagation project must be handled or disposed of as directed by the Department.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 64-1988, f. 8-9-88, cert. ef. 8-19-88

635-009-0150

Disposal of Fish and Fish Products

(1) All fish produced as a result of a STEP project remain the property of the State of Oregon and are subject to harvest in any and all public fisheries.

(2) All fish returning to a STEP fish propagation project must be handled or disposed of as directed by the department.

(3) Fish and eggs collected at a STEP fish propagation project are subject to the following priorities for use:

(a) Natural and artificial production needs of the department;

(b) Needs of the STEP program;

(c) Needs of Cooperative Salmon Hatchery projects;

(d) Indian ceremonial needs pursuant to ORS 496.201 to 496.221.

(4) The department may give written approval for the sale of salmon carcasses or salmon eggs to the project sponsor with the following conditions and consistent with OAR 635-007-0530:

(a) Only fish or eggs in excess of those required to fulfill the needs of section (3) of this rule may be sold;

(b) Project sponsor shall first obtain a wholesale fish dealer license. Monthly reports and payment of fees are required as provided in OAR 635-006-0200 through 635-006-0220 on all fish sold;

(c) Proceeds from the sale of fish or eggs may only be used for the following, in accordance with a written project agreement between the project sponsor and the department:

(A) Actual costs incurred by the project sponsor or department, directly related to the project;

(B) Equipment, supplies, and improvements to the project site.
 Stat. Auth.: ORS 496.138 & 506.119
 Stats. Implemented: ORS 496.146 & 506.124
 Hist.: FWC 15-1997, f. & cert. ef. 3-10-97

Fish Restoration and Enhancement Program

635-009-0200

Purpose

These rules guide the operation and project selection of the Fish Restoration and Enhancement Program as authorized under the Oregon Fisheries Restoration and Enhancement Act of 1989 (Oregon Laws 1989, Chapter 512).

Stat. Auth.: ORS 512
 Stats. Implemented: ORS 512
 Hist.: FWC 86-1989, f. 8-31-89, cert. ef. 9-1-89

635-009-0205

Definitions

The following definitions shall apply:

- (1) "Act" means the Oregon Fisheries Restoration and Enhancement Act of 1989.
- (2) "Board" means the Fish Restoration and Enhancement Board appointed by the Commission.
- (3) "Commission" means the Oregon Fish and Wildlife Commission.
- (4) "Council(s)" means Regional Advisory Council(s).
- (5) "Department" means the Oregon Department of Fish and Wildlife.
- (6) "Enhancement Project" means any activity to:
 - (a) Increase recreational or commercial opportunities or access to fish resources;
 - (b) Increase fish production; or
 - (c) Improve fish management.
- (7) "Grant Agreement" means a legally binding contract between the Department and a project sponsor detailing project conditions and financial support on a form prescribed by the Department.
- (8) "Project" means restoration project or enhancement project as defined here.
- (9) "Project Sponsor" means any public, private, nonprofit, or STEP organization implementing a project under the Act.
- (10) "Public Organization" means any public agency in the State of Oregon, including but not limited to agencies of the State, counties, municipalities, special districts, school districts, port districts, cooperating agencies pursuant to ORS 190.110, and public institutions of higher education.
- (11) "Private Nonprofit Organization" means any organization recognized as such under Section 501(c)(3) of the Internal Revenue Code for purposes of charitable tax exemption.
- (12) "Restoration Project" means any activity to:
 - (a) Rehabilitate or restore fish production facilities (including fish liberation equipment);
 - (b) Rehabilitate or restore fish passage or protection facilities;
 - (c) Collect information on physical and biological characteristics of streams, lakes or estuaries; or information on recreational or commercial use of fisheries.
- (13) "Region" means Department Administrative Region (i.e., Northwest, Southwest, Central, Northeast, Southeast and Columbia).
- (14) "STEP Organization" means any group or organization participating in the Salmon Trout Enhancement Program.
- (15) "Technical Advisory Committee" means the team of Department personnel providing assistance to the Board, including review and evaluation of proposed projects.

Stat. Auth.: ORS 512
 Stats. Implemented: ORS 512
 Hist.: FWC 86-1989, f. 8-31-89, cert. ef. 9-1-89

635-009-0210

Restoration and Enhancement Board

The Fish Restoration and Enhancement Board shall:

- (1) Review and evaluate proposed restoration and enhancement projects submitted for funding under this Act.
- (2) Consult with the affected Regional Advisory council, if one exists, concerning projects affecting that region.

(3) Recommend fish restoration and enhancement projects to the Commission consistent with available funds. In so doing, the Board shall:

- (a) Recommend a mix of projects which provide a balance between restoration and enhancement benefits;
- (b) Recommend projects that are to be implemented by STEP and nonprofit organizations engaged in restoration and enhancement activities authorized by the Act;
- (c) Encourage projects which result in obtaining matching funds from other sources; and
- (d) Recommend projects benefiting the recreational angling and commercial fishing industry in the same proportion as revenues derived from the Act or other funding sources.
- (4) The Board may recommend conditions for project approval.
- (5) The Board may recommend funding a project in whole or in part.

Stat. Auth.: ORS 512
 Stats. Implemented: ORS 512
 Hist.: FWC 86-1989, f. 8-31-89, cert. ef. 9-1-89

635-009-0215

Regional Advisory Councils

The Board shall periodically hold Regional Advisory Council meetings in each of the Department's Administrative Regions.

- (1) Council meetings shall be open to the public.
- (2) A review of proposed or approved projects shall be provided at each meeting.
- (3) The public shall have the opportunity to comment on projects.
- (4) Meeting locations shall be rotated among cities within each region to assure convenient citizen/staff access.
- (5) Department staff shall arrange for and publicize meeting times and locations in consultation with the Board.
- (6) One or more Board members shall attend each Council meeting and report back to the full Board.

Stat. Auth.: ORS 512
 Stats. Implemented: ORS 512
 Hist.: FWC 86-1989, f. 8-31-89, cert. ef. 9-1-89

635-009-0220

Project Application

- (1) Any public, private nonprofit or STEP organization may propose a project for funding.
- (2) Proposed projects shall be submitted to the Board in writing and on forms provided by the Board.
- (3) A separate application is required for each proposed project or project site.
- (4) Each project must have explicit goals, methods of achievement, beginning and ending date, estimated cost and estimate of contribution to recreational and/or commercial fisheries.
- (5) Incomplete applications may be returned to the project sponsor for completion.
- (6) Project proposals from STEP organizations shall be accompanied by an approved STEP Project Proposal form.
- (7) The Board or Commission may require any additional information it deems necessary in order to evaluate the project proposal.

Stat. Auth.: ORS 512
 Stats. Implemented: ORS 512
 Hist.: FWC 86-1989, f. 8-31-89, cert. ef. 9-1-89

635-009-0225

Evaluation of Projects Submitted for Funding

- (1) All projects shall be evaluated by the Board and Technical Advisory Committee for consistency with fish management goals and objectives as set forth in OAR 635-007-0501 through 635-007-0830, and species and/or management plans adopted by the Commission.
- (2) A project shall not be recommended for funding if, based on review by the Board, the project:
 - (a) Is inconsistent with the intent of the Act;
 - (b) Is contrary to sound biological principles;
 - (c) Proposes to use inappropriate methods to accomplish project objectives;
 - (d) Is inconsistent with state land use planning goals and local acknowledged land use plans; or
 - (e) Violates goals, policies, rules, species or basin management plans adopted by the Commission.

(3) Project proposals shall be evaluated according to their potential impact on all fish species, the environment, and contribution to the resource.

Stat. Auth.: ORS 512
Stats. Implemented: ORS 512
Hist.: FWC 86-1989, f. 8-31-89, cert. ef. 9-1-89

635-009-0230

Commission Approval

(1) The Commission shall review the Board's recommendations, and may approve or disapprove any or all projects recommended for funding.

(2) The Commission may attach such terms and conditions to project approval as it deems necessary, including but not limited to:

(a) No project may commence without prior written approval by the Commission;

(b) The project sponsor shall agree to complete the project as approved by the Commission and within the time frame specified in the Grant Agreement;

(c) The project sponsor shall obtain all necessary water rights, access agreements, easements, use permits or any other permits needed to undertake the project. Copies shall be provided to the Commission prior to commencing the project;

(d) The project sponsor shall file a written request for permission to amend or expand the project construction or the construction time schedule including the rationale for the requested change. Proposed modifications shall be submitted to and approved by the Board and Commission prior to the beginning of any work proposed in the modification;

(e) The project sponsor shall submit a project report at the completion of the project describing the work done;

(f) The project sponsor shall monitor and report, as determined by the Commission, the long-term effectiveness of the project;

(g) The project sponsor shall allow Commission or Board members, or their designated representatives, access to the project to monitor and/or evaluate the project;

(h) The project sponsor shall account for funds distributed by the Department, using project expense forms provided by the Department;

(i) The project sponsor shall maintain the project for a period of time as deemed appropriate by the Commission.

Stat. Auth.: ORS 512
Stats. Implemented: ORS 512
Hist.: FWC 86-1989, f. 8-31-89, cert. ef. 9-1-89; DFW 78-2000(Temp), f. & cert. ef. 12-13-00 thru 5-29-01

635-009-0235

Revocation of Project Approval

(1) The Commission may revoke its approval of a project if, after consultation with the Board, it determines that:

(a) Implementation of the project has exceeded or is inconsistent with the approved project proposal; or

(b) The project sponsor has violated any term or condition imposed on the project; or

(c) Continued operation of the project may adversely affect fish populations in, above, or below the project site; or

(d) The project does not meet its proposed objectives; or

(e) The project is inconsistent with current Department goals, policies or management plans.

(2) Proceedings to revoke approval of a project shall be conducted in accordance with ORS 183.413 to 183.550.

(3) The revocation of a project's approval shall automatically invalidate any Department permits issued for such project as of the date of revocation.

(4) Revocation of approval for a project is in addition to, and not in lieu of, other penalties provided by law.

Stat. Auth.: ORS 512
Stats. Implemented: ORS 512
Hist.: FWC 86-1989, f. 8-31-89, cert. ef. 9-1-89

635-009-0240

Grant Agreement

(1) Project sponsors, other than the Department, shall enter into a Grant Agreement with the Department prior to undertaking the project.

(2) No funds shall be disbursed under a Grant Agreement until the Department receives satisfactory evidence that necessary permits and licenses have been granted and required documents submitted.

(3) Advance funds may be released upon presentation of a detailed estimate of expenses for a time period specified in the Grant Agreement. No additional funds will be released until all receipts for expenditures of a previous fund release are submitted.

(4) Funds may be released upon presentation of a completed Fund Release Request Form accompanied by proof of completion of specific work elements of the project as identified in the Grant Agreement. Proof of completion may be made through presentation of paid receipts of invoices for materials of contracted labor, or inspection reports.

(5) Except for grants of less than \$2,000, the Department shall retain ten percent of project funds until the report required in OAR 635-009-0230(2)(e) has been submitted and the project has been evaluated for completion and compliance with the Grant Agreement.

Stat. Auth.: ORS 512
Stats. Implemented: ORS 512
Hist.: FWC 86-1989, f. 8-31-89, cert. ef. 9-1-89

Cooperative Salmon Hatchery Program

635-009-0400

Purpose

(1) These Rules guide the operation and project selection of cooperative salmon hatchery projects.

(2) The purpose of these rules is to describe policies, standards, and procedures concerning:

(a) Application for cooperative salmon hatchery projects;

(b) Evaluation of applications for cooperative salmon hatchery projects;

(c) Operation of cooperative salmon hatchery projects, including changes in operation and termination;

(d) Monitoring and evaluation of cooperative salmon hatchery projects;

(e) Disposal of fish and fish products produced by cooperative salmon hatchery projects;

(f) Duties and responsibilities of cooperators in cooperative salmon hatchery projects;

(g) Effects on native fish populations of the project.

Stat. Auth.: ORS 496.138 & 506.119
Stats. Implemented: ORS 496.146 & 506.124
Hist.: FWC 15-1997, f. & cert. ef. 3-10-97

635-009-0405

Definitions

The following definitions shall apply to cooperative salmon hatchery projects:

(1) Definitions listed in OAR 635-007-0501.

(2) "Acclimation" means to hold juvenile fish at a site other than where they were reared, for a specified length of time immediately prior to release at the site, in order to cause them to imprint on and return to the site as adults.

(3) "Brood stock Development" means a project in which adults will return to a recapture facility to provide a local brood stock egg source for local management programs.

(4) "Commission" means the Oregon Fish and Wildlife Commission.

(5) "Cooperative Salmon Hatchery Project" means any fish propagation enhancement project authorized under these rules in which the department and the project sponsor share the costs and/or responsibilities of fish propagation.

(6) "Cooperator" means party participating in a cooperative salmon hatchery project.

(7) "Department" means the Oregon Department of Fish and Wildlife.

(8) "Enhancement" means management activities including rehabilitation and supplementation that increase fish production beyond the existing levels.

(9) "Fish Propagation" means the spawning, incubating, and/or rearing of fish by a human for sale, release, or other uses.

(10) "Life cycle" means:

(a) Coho salmon — three years;

(b) Chinook salmon — five years;

(c) Chum salmon — four years.

(11) “Mark” means a distinctive identification such as a removed fin and/or characteristic scale pattern; a coded-wire tag imbedded in the fish in addition to a removed adipose fin; or some other method approved by the department for the purpose of identifying the origin of the fish.

(12) “Private Nonprofit Organization” means any organization recognized as such under Section 501(c)(3) of the Internal Revenue Code for purposes of charitable tax exemption.

(13) “Project Sponsor” means any public, private nonprofit, or STEP organization proposing or cooperating in a cooperative salmon hatchery project.

(14) “Public Organization” means any public agency in the State of Oregon, including but not limited to agencies of the state, counties, cities, municipalities, special districts, school districts, port districts, cooperating agencies pursuant to ORS 190.110, and public institutions of higher education.

(15) “Rehabilitation” means short-term management actions which may include fish stocking, habitat improvement, harvest management, or other work, that restore fish populations depressed by natural or man-made events.

(16) “Salmon” means coho salmon, chinook salmon, and chum salmon.

(17) “STEP” means Salmon Trout Enhancement Program.

(18) “Stocking” means to release hatchery produced fish into state waters.

(19) “Supplementation” means continued planting of fish to maintain or increase fish abundance in areas where natural production is insufficient to meet management objectives.

Stat. Auth.: ORS 496.138 & 506.119

Stats. Implemented: ORS 496.146 & 506.124

Hist.: FWC 15-1997, f. & cert. ef. 3-10-97

635-009-0410

Policy and Goals

(1) The department recognizes natural production, public hatchery, STEP, and cooperative hatchery production as necessary and critical elements in the state’s salmon production system in order to provide harvest opportunities for Oregon’s citizens.

(2) Cooperative salmon hatchery project goals are:

(a) Provide the greatest possible opportunity for citizen participation in achieving the department’s management objectives;

(b) Promote local economic development and enjoyment of the state’s salmon resource by all the citizens of Oregon;

(c) Provide for harvest opportunities and local production needs;

(d) Protect and restore natural populations of salmon through the use of hatchery technology where appropriate;

(e) Develop new sources of revenue or support for production of hatchery salmon in Oregon.

Stat. Auth.: ORS 496.138 & 506.119

Stats. Implemented: ORS 496.146 & 506.124

Hist.: FWC 15-1997, f. & cert. ef. 3-10-97

635-009-0415

Project Limitations

(1) Duration.

(a) All cooperative salmon hatchery projects are subject to an annual review. Projects may be approved for the following length of time:

(A) Rehabilitation project:

(i) Coho salmon — three years;

(ii) Chinook salmon — five years;

(iii) Chum salmon — four years.

(B) Supplementation project: Five years.

(b) A new project proposal must be submitted and approved if the project is to continue beyond the time period authorized in section (1)(a) of this rule.

(2) Number of Fish Released.

(a) Total releases of hatchery fish (including cooperative salmon hatchery releases) shall not exceed limits on releases of hatchery fish established in an approved basin plan for the species and basin where the cooperative salmon hatchery fish are released. Priority of release of hatchery fish for compliance with this limit will be determined by OAR 635-007-0817;

(b) In basins without an approved basin plan, cooperative salmon hatchery releases shall not exceed 150,000 fish of each species reared, unless the commission approves pursuant to OAR 635-009-0430.

Stat. Auth.: ORS 496.138 & 506.119

Stats. Implemented: ORS 496.146 & 506.124

Hist.: FWC 15-1997, f. & cert. ef. 3-10-97

635-009-0420

Project Application

(1) Any public, private nonprofit, or STEP organization may propose a cooperative salmon hatchery project to the department. Projects may include but are not limited to: fish propagation, brood stock development, acclimation, and fish stocking.

(2) Proposed projects shall be submitted in writing on forms provided by the department.

(3) A separate application is required for each proposed project or project site.

(4) The department may assist in the development of project applications.

(5) Project applications shall include:

(a) Project Summary — Including a list of cooperators, name and phone number of contact person for each cooperator, proposed funding source, and project goals;

(b) Project Description — Including enhancement goal (rehabilitation or supplementation), type of project (fish propagation, brood stock development, acclimation, or fish stocking), location and physical layout of the facility, water supply (source, quantity, presence or absence of fish, and manner of access), proposed production (species, stock, number of fish, and release location), and expected duration of project (ongoing or beginning and ending dates);

(c) Project Justification — Including need for project, expected costs and benefits of project, expected local consequences (positive or negative) of project (biological, social, and economic), and local support for project;

(d) A copy of all leases, options, easements, or other instruments by which project sponsor purports to have sufficient property rights pertaining to the proposed site to permit conduct of the proposed operation;

(e) A copy of all federal, state, and local licenses or permits required to permit conduct of the proposed operation;

(f) A statement from the appropriate local planning authorities of the county or other jurisdiction within which the proposed hatchery or release site is located, analyzing whether or not, in the opinion of the local jurisdiction, the proposed operation is in compliance with the local jurisdiction’s comprehensive land-use plan and other applicable laws.

(6) Incomplete applications shall be returned to the project sponsor for completion.

(7) The department may require any additional information it deems necessary in order to evaluate the project proposal.

Stat. Auth.: ORS 496.138 & 506.119

Stats. Implemented: ORS 496.146 & 506.124

Hist.: FWC 15-1997, f. & cert. ef. 3-10-97

635-009-0425

Project Application Review

(1) Completed applications will be reviewed by the department. As part of the review the department will solicit public review and comments on the application. The department will determine the method of soliciting public review and comments, which may include local public notice and/or local public meeting.

(2) In determining whether to accept or reject a proposed project the department shall consider but is not limited to considering:

(a) Compliance with fish management goals and objectives as set forth in OAR 635-007-0501 through 635-007-0830, and species and/or area management plans adopted by the commission;

(b) Compliance with OAR 635-040-0200 through 635-040-0210 for projects involving net pens or cage-culture;

(c) The department’s ability to fulfill its obligations under the project (including funding, staffing, equipment, and facilities);

(d) The project sponsor’s ability to fulfill its obligations under the project (including funding, staffing, equipment, and facilities);

(e) Availability of eggs or fish from an approved stock for project needs;

- (f) Effect of the project on other department management activities;
 - (g) Analysis of the benefits and costs of the proposed project;
 - (h) Evidence of local need and support;
 - (i) Use of sound biological principles, appropriate methods, and hatchery practices to accomplish the project objectives;
 - (j) The department's sole judgment as to the benefits of the project when considered on its own as well as in the context of other activities in the basin;
 - (k) Public review and comments.
- Stat. Auth.: ORS 496.138 & 506.119
 Stats. Implemented: ORS 496.146 & 506.124
 Hist.: FWC 15-1997, f. & cert. ef. 3-10-97

635-009-0430

Project Approval

- (1) Following completion of the project application review (OAR 635-009-0425) the department shall advise the project sponsor in writing of the department's acceptance, rejection, or referral to the commission of the proposed cooperative salmon hatchery project. The notification of rejection shall include the reason(s) for rejection.
 - (2) At the written request of any person, including but not limited to the project sponsor, the commission may review the department's decision to accept or reject a project.
 - (a) The written request for commission review shall address the factors listed in OAR 635-009-0425 and any other concerns which the requester considers relevant;
 - (b) If the commission chooses to review the department's decision it shall provide an opportunity for public testimony before making a decision.
 - (3) Referral shall occur when the department is satisfied that the project meets the criteria of OAR 635-009-0425(2), but the proposed releases exceed the limits established in OAR 635-009-0415(2).
 - (a) When a project is referred to the commission, the commission shall schedule the matter for consideration at a commission meeting;
 - (b) The commission's decision on a referred project shall include but not be limited to consideration of the factors enumerated in OAR 635-009-0425(2).
- Stat. Auth.: ORS 496.138 & 506.119
 Stats. Implemented: ORS 496.146 & 506.124
 Hist.: FWC 15-1997, f. & cert. ef. 3-10-97

635-009-0435

Memorandum of Understanding

- (1) Prior to commencing any cooperative salmon hatchery project a memorandum of understanding shall be signed by all cooperators to the project. The memorandum of understanding shall include:
 - (a) A Plan of Operation governing fish propagation activities including:
 - (A) Project goals and duration;
 - (B) Species and brood stock approved for the project;
 - (C) Number of fish to be released;
 - (D) Location of rearing and release of project fish;
 - (E) Acclimation requirements if rearing and release location are not the same;
 - (F) Release date(s) and size at release;
 - (G) Disease inspection and monitoring requirements;
 - (H) Type of mark and number of fish to be marked;
 - (I) Fish transportation needs;
 - (J) Needs for recapture and egg-take from returning adults;
 - (K) Schedule of routine fish culture practices including: feeding schedule, pond cleaning schedule, schedule for removal and recording of mortalities, length and weight sampling schedule, pre-release sampling schedule.
 - (b) Monitoring and evaluation requirements including:
 - (A) Fish propagation monitoring including records of: disease sampling; mortality; feeding; monthly length and weight samples; release location, date, size and number (marked and unmarked); collection and disposition of returning fish; number of eggs taken;
 - (B) Post release monitoring including: estimates of survival, contributions to the target fishery for supplementation projects or to natural production for rehabilitation projects, comparison of project benefits versus costs;

- (C) Specific and measurable conditions for monitoring compliance with fish management goals and objectives as set forth in OAR 635-007-0501 through 635-007-0830, and species and/or area management plans adopted by the commission.
 - (c) Use of returning fish and eggs collected from returning fish;
 - (d) Approved methods for disposal of returning fish and fish products;
 - (e) Use of any proceeds generated by the disposal of returning fish and fish products;
 - (f) Duties, responsibilities, and financial obligations of each cooperator. Statement that the inability of any cooperator to maintain their obligation to the project will not require any other cooperator to expand their obligations;
 - (g) Specific conditions and schedules for suspension, reduction in number of fish released, increase in number of fish released, or termination of the project. Plans for orderly termination of the project including funds, personnel, and facilities for capture of returning adults for the full life cycle of all fish released;
 - (h) Any conditions or limitations on the project deemed necessary by the department.
 - (2) Representatives of all cooperators shall be involved in development of the memorandum of understanding. The memorandum of understanding shall address allocation of duties, responsibilities, and financial obligations of each cooperator (subject to project specific modification) for the following:
 - (a) Operations at the project site;
 - (b) Operations at department hatcheries;
 - (c) Collection and disposition of returning adults;
 - (d) Maintenance, security, and utilities at the project site;
 - (e) Transportation of fish and/or eggs from department hatchery to project;
 - (f) Fish propagation monitoring;
 - (g) Post release and compliance monitoring;
 - (h) Disease examinations;
 - (i) Eggs and/or fish for the project;
 - (j) Non-department permits and licenses are the responsibility of the project sponsor(s);
 - (k) Department permits and licenses are the responsibility of the department.
- Stat. Auth.: ORS 496.138 & 506.119
 Stats. Implemented: ORS 496.146 & 506.124
 Hist.: FWC 15-1997, f. & cert. ef. 3-10-97

635-009-0440

Disposal of Fish and Fish Products

- (1) All fish produced as a result of a cooperative salmon hatchery project remain the property of the State of Oregon and are subject to harvest in any and all public fisheries.
 - (2) All fish returning to a cooperative salmon hatchery project must be handled and/or disposed of as directed by the department.
 - (3) Fish and eggs collected at a cooperative salmon hatchery project site are subject to the following priorities for use:
 - (a) Natural and artificial production needs of the department;
 - (b) Needs of the STEP program;
 - (c) Needs of the cooperative salmon hatchery program;
 - (d) Indian ceremonial needs pursuant to ORS 496.201 to 496.221.
 - (4) The department may give written approval for the sale of fish or eggs to the project sponsor with the following conditions and consistent with OAR 635-007-0530:
 - (a) Only fish or eggs in excess of those required to fulfill the needs of section (3) of this rule may be sold;
 - (b) Project sponsor shall first obtain a wholesale fish dealer license. Monthly reports and payment of fees are required as provided in OAR 635-006-0200 through 635-006-0220 on all fish sold;
 - (c) Proceeds from the sale of fish or eggs may be used for the following, in accordance with the memorandum of understanding:
 - (A) Actual costs incurred by the project sponsor or the department, directly related to the project;
 - (B) Equipment, supplies, and improvements to the facilities agreed to by all cooperators.
- Stat. Auth.: ORS 496.138 & 506.119
 Stats. Implemented: ORS 496.146 & 506.124
 Hist.: FWC 15-1997, f. & cert. ef. 3-10-97

635-009-0445**Increases in Releases for Approved Projects**

(1) The department may approve increases in the number of fish released, based on the criteria set forth in OAR 635-009-0425(2), provided that such increases are in compliance with OAR 635-009-0415(2).

(2) Increases shall be incremental. The level shall be established in the memorandum of understanding. Each incremental increase shall be separately monitored and evaluated before proceeding with further increases.

Stat. Auth.: ORS 496.138 & 506.119

Stats. Implemented: ORS 496.146 & 506.124

Hist.: FWC 15-1997, f. & cert. ef. 3-10-97

635-009-0450**Project Suspension, Reduction, or Termination**

(1) At its discretion the department may suspend, terminate, or alter the project because:

(a) Eggs or fish are not available;

(b) Funding, staffing, facilities, or equipment is inadequate;

(c) Strays exceed limits set in Wild Fish Management Policy (OAR 635-007-0525 through 635-007-0529);

(d) Program poses a disease risk to project fish or fish at rearing or release site;

(e) Adverse impacts on ecology of native fish or food organisms;

(f) Project fails to meet project goals;

(g) The project has exceeded the scope of the approved project proposal or memorandum of understanding;

(h) Violation of local, state, or federal laws, licenses, or permits, project conditions or restrictions, or any policies or rules of the department.

(2) The department shall advise the project sponsor in writing of any suspension, alteration, or termination. Notification shall include the reason(s) for the action, duration of the action (if applicable), and any requirements for restarting or returning to the prior production program.

(3) Suspension or termination of a project shall automatically invalidate any department permits issued for such project as of the date of suspension or termination. Such action may result in confiscating (reclaiming) by the department any fish or eggs used in the project.

(4) Suspension or termination of a project is in addition to, and not in lieu of, other penalties provided by law.

Stat. Auth.: ORS 496.138 & 506.119

Stats. Implemented: ORS 496.146 & 506.124

Hist.: FWC 15-1997, f. & cert. ef. 3-10-97

635-009-0455**Ongoing Projects**

(1) OAR 635-009-0420 through 635-009-0435 do not apply to cooperative projects existing as of December 31, 1996, as approved on or before that date.

(2) Any increases in releases for projects excluded under section (1) of this rule shall occur only in compliance with these rules (OAR 635-009-0400 through 635-009-0455).

Stat. Auth.: ORS 496.138 & 506.119

Stats. Implemented: ORS 496.146 & 506.124

Hist.: FWC 15-1997, f. & cert. ef. 3-10-97

LICENSE AGENTS**DIVISION 10****PROCEDURES FOR ESTABLISHING, OPERATING,
DISCONTINUING, AND SUSPENDING
LICENSE AGENCIES****635-010-0004****Definitions**

(1) "Commission" means the Oregon Fish and Wildlife Commission.

(2) "Department" means the Oregon Department of Fish and Wildlife.

(3) "Licensing Document" means any license, tag, validation, permit, raffle ticket, application or contribution sold by the Oregon Department of Fish and Wildlife.

(4) "License Agent" means any individual, partnership or corporation approved by the Department for the sale of its documents.

(5) "Mail Order Application" means a request for documents on the form provided in the big game, angling or bird regulations, or a hand written request for documents.

Stat. Auth.: ORS 496 & 497

Stats. Implemented: ORS 496 & 497

Hist.: FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 99-1999(Temp), f.12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00

635-010-0006**Eligibility; Application Requirements**

(1) Any person in retail sales within the State of Oregon may apply to become a license agent for the Department. Out-of-State license agents may only sell the Prepaid Daily Angling licenses.

(2) An applicant for appointment as a license agent must comply with the following requirements:

(a) An individual must be at least 18 years of age;

(b) Not be engaged exclusively in selling licensing documents;

(c) Not have been convicted of a violation of any wildlife related laws;

(3) Selection of agents will be dependent on available point of sale licensing equipment. Criteria used in selection of license agents from a list of applicants will include the following: the need for agents in a particular geographic area, business hours, convenient and accessible location for customers, and predicted sales volume.

(4) Each agent must sign an Agreement prepared by the Department setting forth the terms and conditions under which the agent will sell licensing documents.

(5) The Department may terminate or suspend the Agreement with a license agent on the following grounds:

(a) The agent has three non-sufficient electronic fund transfers during any 12-month period;

(b) The agent fails to make good any non-sufficient electronic funds transfer issued to the Department within five days of the notice of failure to transfer;

(c) The agent fails to follow any procedures specified by the Department for issuing documents;

(d) The agent fails to comply with the terms of the agent agreement or fails to maintain the eligibility requirements.

(e) The Department discovers any fraud or deception in the application of the license agent.

(6) The Department will provide 14 days written notice to the agent of its intent to terminate or suspend the Agreement, unless the Department determines that the agent's conduct creates an emergency or a public risk. In that case, the Department may terminate the Agreement immediately consistent with the Administrative Procedures Act.

Stat. Auth.: ORS 496, 497 & 498

Stats. Implemented: ORS 496, 497 & 498

Hist.: FWC 32-1982, f. 5-24-82, ef. 6-1-82; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; FWC 122-1992, f. & cert. ef. 11-23-92; DFW 99-1999(Temp), f.12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00; DFW 30-2002, f. & cert. ef. 4-11-02

635-010-0007**Computerized Licensing System Agents**

(1) All agents must use the Department's computerized licensing system for issuing documents, except for issuing Prepaid Daily Angling Licenses.

(2) All Agents must issue documents according to the "Point-of-Sale License Agent User Manual" provided by the Department.

(3) Agents may retain a fee of 75 cents for regular licensing documents and \$2.50 for a sportsman's license. Agents may not charge or accept any additional service or processing fees. Agents must deposit in the bank account identified in the Agreement all other monies collected from the sale of licensing documents.

(4) For the purposes of this rule, the Department may determine Agents having more than one location and owned by a single entity are one agent.

Stat. Auth.: ORS 497.022

Stats. Implemented: ORS 497.022

Hist.: FWC 12-1994, f. & cert. ef. 3-1-94; DFW 99-1999(Temp), f.12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00; DFW 66-2002(Temp), f. & cert. ef. 6-28-02 thru 12-20-02

635-010-0010**Types of Documents Sold by Agent**

The Department will determine what licensing documents each agent may sell on behalf of the Department.

Stat. Auth.: ORS 496 & 497

Stats. Implemented: ORS 496 & 497

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-010-0016; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 33-2000, f. & cert. ef. 6-19-00

635-010-0015**Issuing Documents**

(1) An agent must receive proper identification as defined in section (4) of this rule from each individual before issuing an Oregon resident license. Juvenile, youth, nonresident or landowner licenses, tags, Sauvie Island Parking Permits, raffle tickets, validations, daily angling licenses, and controlled hunt applications do not require identification.

(2) A resident 18 years or older must sign the document in person at the agent's place of business, except as provided in section (3) of this rule.

(3) Licensing documents may be obtained by mail or FAX by forwarding to the Oregon Department of Fish and Wildlife, Licensing Section, 3406 Cherry Avenue NE, Salem, Oregon 97303, a legible copy of the mail order application form printed in the Oregon Big Game, Game Bird, and Sport Fishing Regulations or a copy of that form.

(a) Requests for mail-ordered documents must be postmarked on or before any deadlines established for issuing such documents;

(b) The Department may require additional information if necessary to complete the ordered documents;

(c) The Department will not issue any document until it receives the required fee by check, money order, or a valid debit or credit card authorization.

(4) A resident license requires proof of Oregon residency for the six months immediately preceding the date of application. Proof of residency may be established by an Oregon driver's license, Oregon non-driver's license identification card, or three pieces of other identification, one of which shows the applicant's name and current address and indicates six month's Oregon residency. Oregon resident mail order applicants must certify residency by signing the residency statement on the mail order application.

(5) Agents must supply all the information requested on the data screen. If the person applying for the licensing document fails to supply the necessary information, the agent may not issue the requested licensing document. All daily angling licenses must show the date they become valid.

(6) Agents must obtain social security numbers for any person who purchases a license. The Department will use this number to comply with collection of the social security numbers pursuant to the child support enforcement laws as required by Section 117, Chapter 746, Oregon Laws 1997. The Department will issue a system-generated number to persons who are not citizens of this country or who do not have a social security number. If the social security number provided by an applicant is in use by another individual, the agent will not issue the license until the applicant provides proof that the social security number is, in fact, the applicant's social security number. An official document such as a social security card, payroll document, or health insurance identification card with the social security number printed on it must be presented to the agent as proof. An individual's social security number is not subject to disclosure to members of the public under the Oregon Public Records Law.

(7) Any employee of the agent may issue documents, provided that the employee is instructed as to all applicable statutes and regulations. An agent is responsible for employee training and for any violation of applicable statutes and regulations committed by the employees.

Stat. Auth.: ORS 496, 497 & 498

Stats. Implemented: ORS 496, 497 & 498

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-010-0021; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; FWC 122-1992, f. & cert. ef. 11-23-92; FWC 4-1994, f. & cert. ef. 1-25-94; DFW 99-1999(Temp), f.12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00; DFW 30-2002, f. & cert. ef. 4-11-02; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-010-0020**Duplicate Documents**

(1) An agent may issue duplicate licenses.

(2) Duplicate big game tags, combined angling harvest tags, and turkey tags may be issued only at Department offices.

Stat. Auth.: ORS 496, 497 & 498

Stats. Implemented: ORS 496, 497 & 498

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-030-0031; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; FWC 4-1994, f. & cert. ef. 1-25-94; DFW 99-1999(Temp), f.12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00; DFW 5-2005, f. 2-14-05, cert. ef. 4-1-05

635-010-0025**Refund or Exchange of Documents**

Agents may not issue refunds on licensing documents or exchange one type of document for another.

Stat. Auth.: ORS 496, 497 & 498

Stats. Implemented: ORS 496, 497 & 498

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-010-0034; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; FWC 4-1994, f. & cert. ef. 1-25-94; DFW 33-2000, f. & cert. ef. 6-19-00

635-010-0035**Receipts in Lieu of Documents**

(1) Agents may not issue receipts in lieu of license or tags.

(2) Agents may not issue controlled hunt information receipts in lieu of controlled hunt applications.

Stat. Auth.: ORS 496 & 497

Stats. Implemented: ORS 496 & 497

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-010-0037; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 99-1999(Temp), f.12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00

635-010-0040**Issuing Combined Angling Harvest Tag to Youth**

When a person under 14 years of age purchases a combined angling harvest tag, the agent must issue at no charge a youth license before issuing a combined angling harvest tag.

Stat. Auth.: ORS 496 & 497

Stats. Implemented: ORS 496 & 497

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-010-0041; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 99-1999(Temp), f.12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00

635-010-0045**Issuing Combined Angling Harvest Tag to Landowners**

When a resident landowner purchases a combined angling harvest tag for the purpose of angling for salmon, steelhead, or sturgeon on the landowner's property, the agent must issue a landowner license at no charge before issuing the combined angling harvest tag. This requirement applies also to members of the landowner's immediate family, which is limited to the landowner's spouse, children and parents who reside on the landowner's property. If any of the individuals covered by this rule angle from any place other than the landowner's property, the individual must purchase an angling license.

Stat. Auth.: ORS 496 & 497

Stats. Implemented: ORS 496 & 497

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-010-0043; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 99-1999(Temp), f.12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00

635-010-0050**Licensing Provisions Applicable to Members of the Armed Forces**

Members of the Armed Forces of the United States, as defined in ORS 174.103, may purchase resident documents by presenting to the agent military identification showing the person is a member of the Armed Forces stationed in Oregon. Spouses and dependent children, as defined in ORS 174.103, are residents for licensing purposes.

Stat. Auth.: ORS 496, 497 & 498

Stats. Implemented: ORS 496, 497 & 498

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-010-0046; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; FWC 122-1992, f. & cert. ef. 11-23-92; DFW 99-1999(Temp), f.12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00; DFW 30-2002, f. & cert. ef. 4-11-02

635-010-0056**Licensing Provisions Applicable to Foreign Exchange Students**

A foreign exchange student (defined as persons classified "J-1" by the U.S. Immigration Service) attending a school in Oregon shall be considered a resident for the purpose of purchasing licenses, tags and stamps if a copy of the U.S. Immigration document or other government document showing "J-1" classification is provided to the agent. The agent must submit a copy of this document to the Department.

Stat. Auth.: ORS 496, 497 & 498

Stats. Implemented: ORS 496, 497 & 498
Hist.: FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; FWC 122-1992, f. & cert. ef. 11-23-92; DFW 99-1999(Temp), f. 12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00; DFW 30-2002, f. & cert. ef. 4-11-02

635-010-0058

Licensing Provisions Applicable to Residents Moving to Another State

An Oregon resident who moves and becomes a resident of another state before the end of any season for which the person purchased a document while still an Oregon resident may complete the season as a resident. If the person purchases documents after moving but during the same calendar year, nonresident fees apply.

Stat. Auth.: ORS 496 & 497
Stats. Implemented: ORS 496 & 497
Hist.: FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 99-1999(Temp), f. 12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00

635-010-0060

Agent Account Number

The agent's account number must be included in all correspondence and requests for supplies.

Stat. Auth.: ORS 496 & 497
Stats. Implemented: ORS 496 & 497
Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-010-0071; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 33-2000, f. & cert. ef. 6-19-00

635-010-0070

Change in Ownership of Agency; Non-Transferability of Agency

An agent must notify the Department in writing before any change in ownership, use of assumed business name, or dissolution of partnership or corporation as shown in the Agreement. A license agency is not transferable and may not be used as a condition of sale.

Stat. Auth.: ORS 496 & 497
Stats. Implemented: ORS 496 & 497
Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-010-0073; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 33-2000, f. & cert. ef. 6-19-00

635-010-0080

Public Monies

All monies collected by an agent are public monies of the State of Oregon, and the state has prior claim upon these monies over all creditors, assignees, or other claimants.

Stat. Auth.: ORS 496 & 497
Stats. Implemented: ORS 496 & 497
Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-010-0075; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 33-2000, f. & cert. ef. 6-19-00

635-010-0085

Cancelled Documents

(1) If an agent makes an error when issuing a document, no person may correct, alter or erase the information contained in the document, except for prepaid daily angler licenses. The agent must submit the original document and Cancel Receipt to the Department. For prepaid daily angler licenses, the issuing agent shall line out the error, make the necessary correction, initial and include his agent number. The agent shall also note the correction on the agent's stub. Corrections to the prepaid daily angling license shall be made in a manner that permits the Department to see the original error after the correction is made.

(2) For prepaid angling licenses, the issuing agent must line out the error, make the necessary correction, initial it, and write the agent's number. The agent also must note the correction on the agent's stub. Corrections must be made so the Department can see both the error and the correction. The agent must mark a Prepaid Angling License "void" and leave it attached to the agent's stub to receive credit for the license.

Stat. Auth.: ORS 496 & 497
Stats. Implemented: ORS 496 & 497
Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-010-0076; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 99-1999(Temp), f. 12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00

635-010-0090

Loss of Documents and Fees

An agent is responsible for lost Prepaid Daily Angling License documents. No refunds will be issued to the agent. The agent must immediately notify the Department and the local State Police office of any loss.

Stat. Auth.: ORS 496 & 497

Stats. Implemented: ORS 496 & 497
Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-010-0079; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 99-1999(Temp), f. 12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00

635-010-0095

Inspection

Prepaid Daily Angling License records shall be available for inspection and audit at all times by the State Police or by an authorized employee or agent of the Commission.

Stat. Auth.: ORS 496 & 497
Stats. Implemented: ORS 496 & 497
Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-010-0080; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 99-1999(Temp), f. 12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00

635-010-0125

Supplies

An agent is responsible for anticipating requirements for supplies and ordering them, either by mail or by phone, early enough to allow the Department to process the order and ship it by the most cost effective means.

Stat. Auth.: ORS 496 & 497
Stats. Implemented: ORS 496 & 497
Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-010-0086; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 99-1999(Temp), f. 12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00

635-010-0140

Transfer and Sale of Documents Issued to Prepaid Daily Angling License Agents

Documents are issued to an agent for sale at the place of business listed in the original application. An agent may not transfer documents to another location, nor to another license agent without advance written permission from the Department.

Stat. Auth.: ORS 496 & 497
Stats. Implemented: ORS 496 & 497
Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-010-0089; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 99-1999(Temp), f. 12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00

635-010-0150

Resident Senior Citizen Licenses

Resident senior citizen licenses issued before January 1, 2000, pursuant to ORS 497.102(f) and 497.121(h) are valid for as long as the licensee is a resident of Oregon.

Stat. Auth.: ORS 496 & 497
Stats. Implemented: ORS 496 & 497
Hist.: FWC 49, f. & ef. 2-25-76, Renumbered from 630-010-0100; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 99-1999(Temp), f. 12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00

635-010-0155

Resident Pioneer Licenses

(1) Resident permanent pioneer licenses issued before January 1, 2000, on or after the applicant's 65th birthday are valid for as long as the licensee is a resident of Oregon. There shall be no refunds granted as a result of any action of the licensee subsequent to issuance of a multiple year license under the provisions of this rule.

(2) A resident pioneer license applicant will be issued a free Combination hunting/angling license pursuant to ORS 497.102 and 497.121.

Stat. Auth.: ORS 496 & 497
Stats. Implemented: ORS 496 & 497
Hist.: FWC 47, f. & ef. 2-25-76, Renumbered from 630-010-0110; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 99-1999(Temp), f. 12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00

635-010-0157

Free Resident Licenses for Disabled Veterans

(1) Pursuant to ORS 497.102 and 497.121, a disabled war veteran is entitled to a free hunting and angling license if the veteran meets the following requirements. The license remains valid so long as the licensee remains an Oregon resident.

(a) The veteran has been an Oregon resident for at least six months; and

(b) The veteran provides to the Department written certification from the U.S. Veteran's Administration or any branch of the U.S. Armed Forces that the veteran is at least 25 percent disabled.

(2) Any valid permanent angling license issued before January 1, 2000, to a person permanently confined to a wheelchair is valid for as long as the licensee is a resident of Oregon.

Stat. Auth.: ORS 496, 497 & Ch. 25, OL 1999

Stats. Implemented: ORS 496 & 497, Ch. 25, OL 1999

Hist.: FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 99-1999(Temp), f.12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00; DFW 30-2002, f. & cert. ef. 4-11-02

635-010-0158

Persons with Permanent Disabilities Permit

A person who meets the requirements contained in ORS 496.018 is entitled to a Permanent Disabilities Permit. In order to receive such a permit, a person must provide either

(1) Written certification from a licensed physician stating that the person:

(a) Is permanently unable to walk without the use of, or assistance from, a brace, cane, crutch, prosthetic device, wheelchair, scooter or walker;

(b) Is restricted by lung disease to the extent that the person's forced expiratory volume for one second, when measured by a spirometer, is less than 35 percent predicted, or arterial oxygen tension is less than 55 mm/Hg on room air at rest;

(c) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV, according to standards established by the American Heart Association;

(d) Has a permanent, physical impairment that prevents the person from holding or shooting a firearm or bow or from holding a fish rod in hand;

(e) Has central visual acuity that permanently does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field is no greater than 20 degrees; or

(2) Official written certification from the United States Department of Veterans Affairs or any branch of the Armed Forces of the United States that the veteran is at least 65 percent disabled.

Stat. Auth.: ORS 496 & 497

Stats. Implemented: ORS 496 & 497

Hist.: DFW 99-1999(Temp), f.12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00; DFW 30-2002, f. & cert. ef. 4-11-02

635-010-0165

Document Expiration Dates

Unless otherwise specified, all documents issued by the Commission or Department expire on December 31 of the year they were issued, except:

(1) All annual furtaker licenses expire on June 30 following issuance.

(2) All furtaker record cards expire on June 30 following issuance.

(3) All big game and turkey tags expire at the completion of the yearly season as it is listed in the yearly Big Game and Game Bird Regulations.

(4) All waterfowl and upland game bird validations expire on June 30 following issuance.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496 & 497

Stats. Implemented: ORS 496 & 497

Hist.: FWC 1-1982, f. & ef. 1-6-82; FWC 124-1990, f. 11-28-90, cert. ef. 1-1-91; DFW 99-1999(Temp), f.12-22-99, cert. ef. 1-1-00 thru 6-27-00; DFW 33-2000, f. & cert. ef. 6-19-00; DFW 30-2002, f. & cert. ef. 4-11-02

SPORT FISHING REGULATIONS FOR FISH, SHELLFISH, AND MARINE INVERTEBRATES

DIVISION 11

STATEWIDE ANGLING REGULATIONS

635-011-0050

Procedures for Promulgation of Angling Regulations

(1) In accordance with ORS 496.162, Department staff shall continually monitor the status of fish, shellfish, and marine invertebrates and report promptly to the Director and Commission any serious or abnormal changes in health or abundance of the resource.

(2) Except as provided in subsections (2)(a) and (2)(b), the Commission shall adopt annually those rules prescribing seasons, bag limits, method of harvest, and specific restrictions considered necessary

to provide optimum recreational and aesthetic benefits to anglers and other citizens;

(a) In the event more restrictive rules are needed to protect or preserve a species or stock experiencing depletion or drastic decline in health or abundance the Commission shall consider adopting rules at its earliest opportunity to prevent further depletion or decline;

(b) In the event more liberal rules are needed to allow anglers to harvest stocks which become more abundant than expected or which would otherwise be wasted, the Commission shall consider adopting rules at its earliest opportunity to prevent waste and provide additional public recreation.

(3) In order to facilitate incorporation of all available information relating to angling regulations, and to reduce the costs associated with promulgating rules to establish regulations and making those regulations available to the public, it is desirable that changes in seasons, bag limits, methods of harvest and specific regulations be made on a biannual basis and that during interim years, angling regulations be adopted without substantive change. In order to so limit substantive changes to angling regulations to the degree practicable, in even numbered years divisible by four, the following standards and procedures shall be followed:

(a) The Department will request proposals for new or modified regulations. Such proposals shall include: identity of sponsor, name of water or species, suggested wording, a stated objective, and reason rule is considered necessary. A standard form for submitting proposals will be available from Department offices by December 1 of the prior year;

(b) Absent extenuating circumstances only proposals received by February 29 will be included in the process described in subsections (3)(c), (3)(d), (3)(e), and (3)(f);

(c) A summary of all angling regulation proposals received by February 29 will be publicized through the news media to identify the issues which are being processed;

(d) Proposals received by February 29 shall be reviewed by Department staff and enforcement personnel. Like proposals may be grouped or consolidated. By May 15 the Department will provide the sponsor of the proposal a summary of this review and relevant comments or suggestions;

(e) After review, sponsors of proposals will be provided the opportunity to discuss the issue with staff. If necessary, each region will hold public meetings to allow opponents and proponents of proposals to be heard. The purpose of these meetings is to reach a consensus on proposals if possible. Such meetings will be held prior to August 1;

(f) When consensus cannot be reached between opponents and proponents of a proposal, the proposal shall be presented to the Commission as a disputed proposal. Disputed proposals not bearing 25 signatures or subsequent endorsements may be rejected by the Commission;

(g) A Commission hearing will be held in late summer or early fall to establish angling regulations. All properly submitted angling regulation proposals in compliance with subsections (3)(a) and (3)(b) shall be considered; others may be considered at discretion of Commission;

(h) In determining the merits and necessity of a proposed regulation and in making the decision on adoption, the Commission may consider one or all of the following. The proposed rule should be:

(A) Easily understood, with clearly defined limits or boundaries;

(B) Enforceable;

(C) Consistent with statutory mandates and Department management policies, goals, plans, and rules;

(D) Consistent with biologically sound principles;

(E) Consistent with court orders, and approved agreements between ODFW and other management entities or landowners;

(F) Supported by affected citizens;

(G) Consistent with regulations on similar or nearby waters, unless social or biological circumstances require diversity;

(H) Necessary to achieve an identified objective;

(I) Necessary to balance harvest with reproduction or recruitment;

(J) Necessary to provide angling opportunity to sequential fisheries;

(i) Proposed regulations which fail to meet these conditions may be rejected by the Commission.

(4) Nothing in this rule shall in any way limit any rights conferred under ORS 183.390 and OAR 137-001-0070.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 6-1987, f. & ef. 2-20-87; FWC 26-1987, f. & ef. 6-18-87; FWC 69-1994, f. 9-28-94, cert. ef. 10-1-94; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05

635-011-0066

Authority to Take Fish

In accordance with ORS 496.162 and 506.129, Department staff and designated representatives may take fish necessary for Department programs in the times, places and manner necessary to collect broodstock for STEP and hatchery programs, take for scientific purposes, collect excess hatchery returns, trap and haul juvenile and adult fish, monitor and evaluate various species and stocks of fish and for such other purposes that implement Commission approved basin and species plans.

Stat. Auth.: ORS 496.162 & 506.129

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 111-2001, f. & cert. ef. 11-29-01; DFW 117-2001(Temp), f. & cert. ef. 12-20-01 thru 6-14-2002; DFW 19-2002, f. & cert. ef. 3-20-02; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05

635-011-0072

Bait Restrictions

Stat. Auth.: ORS 496.138, 496.146, 506.119

Stats. Implemented: ORS 496.162, 506.129, 508.306

Hist.: DFW 24-2005, f. 4-15-05, cert. ef. 5-1-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

635-011-0100

General Rule

It is *unlawful* to take any fish, shellfish, or marine invertebrates for personal use except as provided in these rules which include and incorporate the **2007 Oregon Sport Fishing Regulations** by reference. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2007 Oregon Sport Fishing Regulations**.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 11-1982, f. & ef. 2-9-82; FWC 2-1984, f. & ef. 1-10-84; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

635-011-0102

Free Fishing Weekend

The Saturday and Sunday immediately following the first Monday in the month of June shall be designated as an annual free fishing weekend. No angling licenses or tags shall be required for the taking of fish for personal use in Oregon waters on this weekend.

Stat. Auth.: ORS 183.335

Stats. Implemented: Sec. 2, Ch. 344, OL 1989 & HB 2221, 1995

Hist.: FWC 103-1989, f. 9-29-89, cert. ef. 1-1-90; FWC 92-1995, f. 12-8-95, cert. ef. 12-15-95; DFW 70-2001, f. & cert. ef. 8-10-01

635-011-0104

Licenses, Tags, and Permits

Hatchery Salmon and Steelhead Harvest Tag Requirements:

(1) Persons holding an annual angling license and an annual angling harvest tag may purchase Hatchery Salmon and Steelhead Harvest Tags. There is no limit on the number of Hatchery Salmon and Steelhead Harvest Tags an angler may purchase per year. The purchase of each tag entitles the angler to take a combined total of 10 hatchery salmon or steelhead;

(2) Only adipose or otherwise fin-clipped adult salmon or adipose fin-clipped steelhead may be recorded on the Hatchery Salmon and Steelhead Harvest Tag;

(3) A valid annual angling license and a valid annual angling harvest tag must be in possession while fish validated on the Hatchery Salmon and Steelhead Harvest Tag are in angler's possession. All tags purchased must be in angler's possession while angling for salmon or steelhead.

(4) Fish must be recorded immediately upon removal from the water and fish must be recorded in the chronological order caught. The angler who landed the fish must record the fish on his or her tag irrespective of who hooked the fish;

(5) Hatchery Salmon and Steelhead Harvest Tags should be returned to ODFW upon expiration.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 101-2001, f. & cert. ef. 10-23-01

635-011-0175

Special Northern Pikeminnow Bounty Fishery

(1) During times and at registration stations to be specified by the Department, a voucher for payment of bounty in an amount to be specified by the Department may be issued for each Northern pikeminnow (*Ptychocheilus oregonensis*) taken by legal angling methods from the mouth of the Columbia River to the boat restricted zone below the Priest Rapids Dam; from the mouth of the Snake River to the boat restricted zone below Hells Canyon Dam; and from backwaters and sloughs as well as up to 400 feet into the tributaries of the reaches listed above on the Columbia and Snake rivers. In addition, the following requirements shall be met to qualify for payment:

(a) Each angler shall register in person, prior to fishing, at one of the registration stations on each fishing day. A fishing day is a 24-hour period from 9:01 p.m. through 9:00 p.m. of the following day;

(b) Each angler shall exchange in person their personally caught eligible Northern pikeminnow for a voucher during open hours at the same registration station where the angler registered to begin fishing during that fishing day. The hours of operation for each registration station are printed in the program brochure each year;

(c) To be eligible for a voucher, each Northern pikeminnow must be nine inches or longer in total length and must be presented in fresh (iced or refrigerated) condition or alive;

(d) Anglers shall provide any information regarding their catch requested by Department personnel at the registration site and by mail;

(e) Anglers shall obtain angling licenses and shall use only a single rod, reel, and line with up to three hooks with no more than three points each.

(2) A bounty payment may be refused if in the judgment of the Department any of the above conditions have not been met.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 41-1990, f. & cert. ef. 5-23-90; FWC 51-1991(Temp), f. 5-22-91, cert. ef. 5-24-91; FWC 23-1993, f. 3-19-93, cert. ef. 3-22-93; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 38-2001(Temp) f. & cert. ef. 5-22-01 thru 11-18-01

SPORT SALMON ANGLING

DIVISION 13

OCEAN SALMON AND STEELHEAD REGULATIONS

635-013-0003

Purpose and Scope

(1) The purpose of Division 013 is to provide for management of sport salmon fisheries off the Oregon Coast over which the State has jurisdiction.

(2) This rule incorporates by reference, the annual ocean sport salmon specifications and management measures for 2005, included in the **Pacific Fishery Management Council — Adopted 2005 Ocean Salmon Management Measures and Impacts, dated April 2005**, and in addition to the extent they are consistent with these rules, **Code of Federal Regulations (CFR), Title 50, Part 660, Subparts A and H**.

(3) This rule also incorporates by reference the 2006 Oregon Sport Fishing Regulations.

(4) A copy of the **Pacific Fishery Management Council** referenced document and the **Federal Regulations** may be obtained by contacting Pacific Council News at www.pcouncil.org or at 7700 NE Ambassador Place, Suite 200, Portland, OR 97220-1383.

(5) To the extent not preempted by Federal law, these regulations apply within the State of Oregon's Fisheries Conservation Zone (out to fifty miles from shore).

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 44-1984(Temp), f. & ef. 8-23-84; FWC 29-1989, f. 4-28-89, cert. ef. 5-1-89; FWC 52-1989(Temp), f. & cert. ef. 7-28-89; FWC 37-1990, f. & cert. ef. 5-1-90; FWC 31-1992, f. 4-29-92, cert. ef. 5-1-92; FWC 25-1994, f. & cert. ef. 5-2-94; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-95; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 72-1996, f. 12-21-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-

31-97, cert. ef. 1-1-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 38-2000, f. & cert. ef. 7-3-00; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; Administrative correction, 11-16-06

635-013-0004

Inclusions and Modifications

(1) OAR 635-013-0005 through 635-013-0009 modify or are in addition to provisions contained in **Code of Federal Regulations, Title 50, Part 660, Subparts A and H**, and the **2006 Oregon Sport Fishing Regulations**.

(2) The **Code of Federal Regulations (CFR), Title 50, Part 660, Subparts A and H**, and the **2006 Oregon Sport Fishing Regulations** contain requirements for sport salmon angling in the Pacific Ocean off the Oregon coast. However, additional regulations may be adopted from time to time, and, to the extent of any inconsistency, they supersede the published federal regulations and the **2006 Oregon Sport Fishing Regulations**. This means that persons must consult not only the federal regulations and the published sport fishing regulations but also the Department's web page to determine all applicable sport fishing regulations.

(3) This rule contains requirements that modify sport salmon angling regulations off the Oregon coast. The following modifications are organized in sections that apply to the ocean sport salmon fishery in general and within management zones established by the Pacific Fishery Management Council and enacted by **Federal Regulations (CFR, Title 50, Part 660, Subparts A and H)**.

(4) Effective 12:01 a.m. August 26, 2006, in the area from Leadbetter Point, WA, to Cape Falcon, OR, the salmon fishery is open seven days per week. The bag limit is two salmon per day. Minimum length requirements are 24-inches for chinook and 16-inches for coho. All retained coho must have a healed adipose fin-clip.

[Publications: Publications referenced are available from the agency.]

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

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

Hist.: FWC 29-1989, f. 4-28-89, cert. ef. 5-1-89; FWC 31-1992, f. 4-29-92, cert. ef. 5-1-92; FWC 25-1994, f. & cert. ef. 5-2-94; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 39-1995, f. 5-10-95, cert. ef. 5-12-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 72-1996, f. 12-21-96, cert. ef. 1-1-97; FWC 19-1997(Temp), f. 3-17-97, cert. ef. 4-15-97; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 43-1997(Temp), f. 8-8-97, cert. ef. 8-10-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 59-1998(Temp), f. & cert. ef. 8-10-98 thru 8-21-98; DFW 66-1998(Temp), f. & cert. ef. 8-21-98 thru 9-24-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 20-1999(Temp), f. 3-29-99, cert. ef. 4-1-99 thru 4-30-99; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 61-1999(Temp), f. 8-31-99, cert. ef. 9-3-99 thru 9-17-99; DFW 66-1999(Temp), f. & cert. ef. 9-17-99 thru 9-30-99; administrative correction 11-17-99; DFW 16-2000(Temp), f. 3-31-00, cert. ef. 4-1-00 thru 4-30-00; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 47-2000(Temp), f. 8-10-00, cert. ef. 8-13-00 thru 9-30-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 16-2001(Temp), f. 3-28-01, cert. ef. 4-1-01 thru 4-30-01; Administrative correction 6-20-01; DFW 59-2001(Temp), f. 7-18-01, cert. ef. 7-19-01 thru 10-31-01; DFW 20-2002(Temp), f. 3-19-02, cert. ef. 4-1-01 thru 4-30-02; DFW 75-2002(Temp), f. 7-19-02, cert. ef. 7-21-02 thru 12-31-02; DFW 80-2002(Temp), f. 7-31-02, cert. ef. 8-1-02 thru 12-31-02; DFW 85-2002(Temp), f. 8-8-02, cert. ef. 8-11-02 thru 12-31-02; DFW 99-2002(Temp), f. 8-30-02, cert. ef. 9-2-02 thru 12-31-02; DFW 100-2002(Temp), f. & cert. ef. 9-6-02 thru 12-31-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 18-2003(Temp), f. 2-28-03, cert. ef. 3-1-03 thru 4-30-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 69-2003(Temp), f. 7-21-03, cert. ef. 7-25-03 thru 12-31-03; DFW 78-2003(Temp), f. 8-14-03, cert. ef. 8-20-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 75-2004(Temp), f. 7-20-04, cert. ef. 7-23-04 thru 12-31-04; DFW 80-2004(Temp), f. 8-12-04, cert. ef. 8-13-04 thru 12-31-04; DFW 93-2004(Temp), f. 9-2-04, cert. ef. 9-4-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 81-2005(Temp), f. 7-25-05, cert. ef. 7-29-05 thru 12-31-05; DFW 103-2005(Temp), f. 9-7-05, cert. ef. 9-9-05 thru 12-31-05; DFW 106-2005(Temp), f. 9-14-05, cert. ef. 9-17-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 67-2006(Temp), f. 7-25-06, cert. ef. 8-11-06 thru 12-31-06; DFW 87-2006(Temp), f. 8-18-06, cert. ef. 8-19-06 thru 12-31-06; DFW 90-2006(Temp), f. 8-25-06, cert. ef. 8-26-06 thru 12-31-06

635-013-0005

Fishing from Columbia River South Jetty

From the first day ocean angling is allowed under OAR 635-013-0003 until the last day the season is open, bank fishing is authorized for salmon from both sides of the south jetty seven days a week. All other ocean salmon regulations apply in accordance with OAR 635-013-0003 and applicable federal regulations. In addition, both sides of the jetties are open seven days a week at any time fishing is open from Buoy 10 to the Astoria-Megler Bridge.

Stat. Auth.: ORS 496.148, 496.162, 506.119 & 506.129

Stats. Implemented: ORS 496.148, 496.162, 506.119 & 506.129

Hist.: FWC 65-1978, f. 12-29-78, ef. 1-1-79; FWC 11-1979, f. & ef. 3-20-79; FWC 18-1979(Temp), f. & ef. 11-27-79; FWC 33-1979, f. & ef. 8-22-79; FWC 38-1979(Temp), f. & ef. 8-31-79; FWC 51-1979, f. & ef. 11-1-79; FWC 56-1979, f. 11-27-79, ef. 1-1-80, Renumbered from 635-030-0101; FWC 17-1980, f. & ef. 4-16-80; FWC 62-1980(Temp), f. & ef. 10-31-80; FWC 65-1980(Temp), f. & ef. 11-10-80; FWC 70-1980, f. 12-31-80, ef. 1-1-81; FWC 16-1981, f. & ef. 4-24-81; FWC 41-1981, f. & ef. 10-30-81; FWC 25-1982, f. & ef. 4-30-82; FWC 51-1982 (Temp), f. & ef. 7-30-82; FWC 48-1982(Temp), f. & ef. 7-22-82; FWC 49-1982(Temp), f. & ef. 7-26-82; FWC 16-1983, f. & ef. 4-29-83; FWC 17-1984, f. & ef. 4-30-84; FWC 37-1984 (Temp), f. & ef. 8-6-84; FWC 38-1984(Temp), f. & ef. 8-8-84; FWC 20-1985, f. & ef. 5-1-85; FWC 50-1985(Temp), f. & ef. 8-29-85; FWC 13-1986, f. & ef. 5-1-86; FWC 31-1986(Temp), f. & ef. 7-25-86; FWC 32-1986(Temp), f. & ef. 7-28-86; FWC 39-1986(Temp), f. & ef. 8-12-86; FWC 45-1986(Temp), f. & ef. 8-20-86; FWC 19-1987, f. & ef. 5-7-87; FWC 51-1987 (Temp), f. & ef. 7-17-87; FWC 58-1987(Temp), f. & ef. 7-24-87; FWC 62-1987(Temp), f. 8-7-87, ef. 8-9-87; FWC 66-1987 (Temp), f. & ef. 8-20-87; FWC 27-1988, f. 4-29-88 (and amended 5-16-88), cert. ef. 5-1-88; FWC 55-1988(Temp), f. 7-8-88, cert. ef. 7-10-88; FWC 59-1988(Temp), f. & cert. ef. 7-22-88; FWC 29-1989, f. 4-28-89, cert. ef. 5-1-89; FWC 37-1990, f. & cert. ef. 5-1-90; FWC 39-1995, f. 5-10-95, cert. ef. 5-12-95

635-013-0006

Quotas

(1) Salmon harvest quotas, catch limits, and minimum sizes for Oregon as set forth in **Federal Register Notice** published pursuant to **50 CFR 661.20 49 FR 43685, October 31, 1984**, which include fish caught in the Exclusive Economic Zone (3–200 miles) seaward, shall apply.

(2) Upon a determination by the Regional Director of the National Marine Fisheries Service, after consulting with the states, of the date the catch is projected to reach the quotas set forth in section (1) of this rule, the Fish and Wildlife Director may file a temporary rule with the Secretary of State amending rules consistent with actions taken in the Exclusive Economic Zone.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 25-1982, f. & ef. 4-30-82; FWC 16-1983, f. & ef. 4-29-83; FWC 17-1984, f. & ef. 4-30-84; FWC 37-1984 (Temp), f. & ef. 8-6-84; FWC 20-1985, f. & ef. 5-1-85; FWC 48-1985(Temp), f. & ef. 8-23-85; FWC 13-1986, f. & ef. 5-1-86; FWC 19-1987, f. & ef. 5-7-87; FWC 27-1988, f. 4-29-88 (and amended 5-16-88), cert. ef. 5-1-88; FWC 29-1989, f. 4-28-89, cert. ef. 5-1-89; FWC 33-1989, f. & cert. ef. 5-25-89; FWC 37-1990, f. & cert. ef. 5-1-90; FWC 88-1990(Temp), f. 8-30-90, cert. ef. 8-31-90; FWC 72-1990(Temp), f. 7-30-90, cert. ef. 8-1-90; FWC 95-1990(Temp), f. 9-7-90, cert. ef. 9-8-90; FWC 42-1991, f. 4-29-91, cert. ef. 5-1-91; FWC 73-1991 (Temp), f. 7-11-91, cert. ef. 7-16-91; FWC 75-1991(Temp), f. 7-25-91, cert. ef. 7-29-91; FWC 88-1991(Temp), f. 8-9-91, cert. ef. 8-13-91; FWC 94-1991(Temp), f. 9-6-91, cert. ef. 9-3-91; FWC 104-1991(Temp), f. & cert. ef. 9-18-91; FWC 108-1991(Temp), f. 9-25-91, cert. ef. 9-26-91; FWC 31-1992, f. 4-29-92, cert. ef. 5-1-92; FWC 43-1992(Temp), f. 7-2-92, cert. ef. 7-5-92; FWC 54-1992(Temp), f. & cert. ef. 7-20-92; FWC 64-1992(Temp), f. 7-30-92, cert. ef. 8-2-92; FWC 68-1992 (Temp), f. 8-7-92, cert. ef. 8-9-92; FWC 85-1992(Temp), f. & cert. ef. 9-1-92; FWC 89-1992(Temp), f. 9-9-92, cert. ef. 9-11-92; FWC 93-1992(Temp), f. 9-17-92, cert. ef. 9-18-92; FWC 95-1992(Temp), f. 9-22-92, cert. ef. 9-27-92; FWC 50-1993(Temp), f. & cert. ef. 8-13-93; FWC 56-1993(Temp), f. & cert. ef. 9-10-93; FWC 60-1993(Temp), f. & cert. ef. 9-24-93; FWC 33-1994(Temp), f. 6-7-94, cert. ef. 6-8-94; FWC 56-1995(Temp), f. 7-3-95, cert. ef. 7-5-95; FWC 65-1995(Temp), f. 8-18-95, cert. ef. 8-19-95; FWC 73-1995(Temp), f. 9-5-95, cert. ef. 9-6-95; FWC 74-1995(Temp), f. 9-8-95, cert. ef. 9-10-95; FWC 78-1995(Temp), f. 9-15-95, cert. ef. 9-18-95; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 43-1997(Temp), f. 8-8-97, cert. ef. 8-10-97; Administrative correction 4-10-06

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 November 1 through December 15 in the area south of Cape Blanco (42°50'20" N. Lat.) and north of Humbug Mountain (42°40'30" N. Lat.) and seaward three nautical miles offshore;

(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 20 inches in length. No more than two chinook salmon may be retained per day. It is *unlawful* to use barbed hooks.

(2) Chetco River Area:

(a) From October 1 through October 12 in an area south of the north shore of Twin Rocks (N. Lat. 42°05'36") to the Oregon/California border (N. Lat. 41°59'47") 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 20 inches in length. No more than one chinook salmon may be retained per day and no more than four fish may be retained during the October 1–12 season. It is *unlawful* to use barbed hooks.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 25-1982, f. & ef. 4-30-82; FWC 62-1983(Temp), f. & ef. 11-1-83; FWC 69-1984(Temp), f. & ef. 10-2-84; FWC 59-1985(Temp), f. & ef. 9-13-85; FWC 59-1986(Temp), f. & ef. 9-19-86; FWC 77-1986(Temp), f. & ef. 11-26-86; FWC 76-1987, f. & ef. 9-15-87; FWC 84-1988, f. & cert. ef. 9-9-88; FWC 83-1989, f. 8-31-89, cert. ef. 9-16-89; FWC 86-1990, f. 8-24-90, cert. ef. 9-1-90; FWC 42-1991, f. 4-29-91, cert. ef. 5-1-91; FWC 101-1992, f. 9-29-92, cert. ef. 10-1-92; FWC 114-1992(Temp), f. 10-26-92, cert. ef. 10-27-92; FWC 62-1993, f. & cert. ef. 10-1-93; FWC 56-1994, f. 8-30-94, cert. ef. 9-1-94; FWC 78-1994(Temp), f. 10-20-94, cert. ef. 10-21-94; FWC 81-1995, f. 9-29-95, cert. ef. 10-1-95; FWC 84-1995(Temp), f. 10-13-95, cert. ef. 10-16-95; FWC 86-1995(Temp), f. 10-20-95, cert. ef. 10-21-95; FWC 56-1996, f. 9-27-96, cert. ef. 10-1-96; FWC 30-1997, f. & cert. ef. 5-5-97; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 28-2001, f. & cert. ef. 5-1-01

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 Sections (2) and (3) of this rule.

(2) The Pacific Ocean waters inside an area south of Twin Rocks (45°35'49" N. lat.) and north of Pyramid Rock (45°29'45" N. lat.) and seaward three nautical miles offshore are open for chinook salmon March 15–November 15.

(3) A triangular area offshore is open to salmon angling for fin-clipped chinook salmon from March 15 through July 31 and open to angling for all chinook from August 1 through November 15. This triangular area extends from the green buoy approximately one-half mile offshore from the mouth of Tillamook Bay northeasterly to Twin Rocks (45°35'49" N. lat.) and southeasterly to Pyramid Rock (45°29'49" N. lat.).

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

(5) During the period August 1–December 31, in the area described in sections (2) and (3), no more than two adult salmon may be retained per day, no more than four adult chinook salmon may be retained in any seven consecutive days, and no more than 10 adult chinook salmon may be retained per season. Adult chinook salmon catch limits include, in aggregate, salmon taken in Tillamook, Nehalem, and Nestucca bays and tributaries (see OAR 635-014-0090). For purposes of this rule, adult salmon are chinook having a length greater than 20 inches.

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

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 45-1983(Temp), f. & ef. 9-16-84; FWC 57-1984(Temp), f. & ef. 9-15-84; FWC 64-1984(Temp), f. & ef. 9-21-84; FWC 59-1985(Temp), f. & ef. 9-13-85; FWC 59-1986(Temp), f. & ef. 9-19-86; FWC 76-1987, f. & ef. 9-15-87; FWC 84-1988, f. & cert. ef. 9-9-88; FWC 83-1989, f. 8-31-89, cert. ef. 9-16-89; FWC 86-1990, f. 8-24-90, cert. ef. 9-1-90; FWC 42-1991, f. 4-29-91, cert. ef. 5-1-91; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 19-1997(Temp), f. 3-17-97, cert. ef. 4-15-97; FWC 30-1997, f. & cert. ef. 5-5-97; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 18-2003(Temp) f. 2-28-03, cert. ef. 3-1-03 thru 4-30-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 25-2005, f. & cert. ef. 4-15-05

DIVISION 14

NORTHWEST ZONE

635-014-0080

Purpose and Scope

(1) The purpose of division 014 is to provide for management of sport fisheries in the Northwest Zone over which the State has jurisdiction.

(2) Division 014 incorporates by reference the **2007 Oregon Sport Fishing Regulations**. Therefore, persons must consult the **2007 Oregon Sport Fishing Regulations** in addition to division 011 and division 014 to determine all applicable sport fishing requirements for the Northwest Zone.

[Publications: Publications referenced are available from the agency.]

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

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

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; Renumbered from 635-014-0105 - 635-014-0460; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 77-1995, f. 9-13-95,

cert. ef. 1-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

635-014-0090

Inclusions and Modifications

(1) The **2006 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 **2006 Oregon Sport Fishing Regulations**.

(2) The Siletz River and Drift Creek (Siletz Basin) are open to retention of radio-tagged fall Chinook from 12:01 a.m. August 1, 2006 through 11:59 p.m. December 31, 2006. The gastrically-implanted radio tags are recognizable by a trailing antenna and radio-tagged fish will be clearly marked with colored external "Floy" tags.

(3) Siltcoos Lake and Tahkenitch Lake is open to angling for coho salmon effective October 1, 2006 through December 15, 2006. The daily bag limit is one adult coho salmon and one jack coho salmon. The annual limit, in aggregate from both lakes, is five adult coho.

(a) The waters of Siltcoos Lake is defined as that area upstream from the Highway 101 Bridge and downstream of the railroad trestle on the Maple Creek arm and the Fivemile Road crossing on the Fiddle Creek arm.

(b) The waters of Tahkenitch Lake is defined as that area upstream from the Highway 101 Bridge and downstream of the first road crossing on the Leitel Creek arm and the ODFW Marker at the bridge on the 059 Road just west of Douglas County Road 49.

(4) All other specifications and restrictions as specified in the current **2006 Oregon Sport Fishing Regulations** apply.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 21-1994(Temp), f. 4-22-94, cert. ef. 4-25-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 28-1995(Temp), f. 3-31-95, cert. ef. 5-1-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 39-1995, f. 5-10-95, cert. ef. 5-12-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 19-1996, f. & cert. ef. 5-16-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 29-1996, f. & cert. ef. 5-31-96; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 55-1996(Temp), f. 9-25-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 30-1997, f. & cert. ef. 5-5-97; FWC 58-1997, f. 9-8-97, cert. ef. 10-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 12-1998(Temp), f. & cert. ef. 2-24-98 thru 4-24-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 69-1998, f. 8-28-98, cert. ef. 9-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp) f. & cert. ef. 5-24-01 thru 11-20-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 81-2001, f. & cert. ef. 8-29-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp) f. 1-11-02 cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 91-2002(Temp) f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 118-2002(Temp), f. 10-22-02, cert. ef. 12-1-02 thru 3-31-03; DFW 120-2002(Temp), f. 10-24-02, cert. ef. 10-26-02 thru 3-31-03; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 18-2003(Temp) f. 2-28-03, cert. ef. 3-1-03 thru 4-30-03; DFW 38-2003(Temp), f. 5-7-03, cert. ef. 5-10-03 thru 10-31-03; DFW 51-2003(Temp), f. & cert. ef. 6-13-03 thru 10-31-03; DFW 90-2003(Temp), f. 9-12-03 cert. ef. 9-13-03 thru 12-31-03; DFW 108-2003(Temp), f. 10-28-03, cert. ef. 12-1-03 thru 3-31-04; DFW 123-2003(Temp), f. 12-10-03, cert. ef. 12-11-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 126-2003(Temp), f. 12-11-03, cert. ef. 1-1-04 thru 3-31-04; DFW 60-2004(Temp), f. 6-29-04, cert. ef. 7-1-04 thru 7-15-04; DFW 90-2004(Temp), f. 8-30-04, cert. ef. 10-1-04 thru 12-31-04; DFW 103-2004(Temp), f. & cert. ef. 10-4-04 thru 12-31-04; DFW 108-2004(Temp), f. & cert. ef. 10-18-04 thru 12-31-04; DFW 111-2004(Temp), f. 11-16-04, cert. ef. 11-20-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 62-2005(Temp), f. 6-29-05, cert. ef. 7-1-05 thru 7-10-05; Administrative correction 7-20-05; DFW 105-2005(Temp), f. 9-12-05, cert. ef. 10-1-05 thru 12-15-05; DFW 127-2005(Temp), f. & cert. ef. 11-23-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 53-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 7-9-06; Administrative correction 7-20-06; DFW 64-2006(Temp), f. 7-17-06, cert. ef. 8-1-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 104-2006(Temp), f. 9-19-06, cert. ef. 10-1-06 thru 12-31-06

DIVISION 16

SOUTHWEST ZONE

635-016-0080

Purpose and Scope

(1) The purpose of division 016 is to provide for management of sport fisheries in the Southwest Zone over which the State has jurisdiction.

(2) Division 016 incorporates by reference the **2007 Oregon Sport Fishing Regulations**. Therefore, persons must consult the **2007 Oregon Sport Fishing Regulations** in addition to division 011 and division 016 to determine all applicable sport fishing requirements for the Southwest Zone.

[Publications: Publications referenced are available from the agency.]

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

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

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; Renumbered from 635-014-0105 - 635-014-0460; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

635-016-0090

Inclusions and Modifications

The **2007 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 **2007 Oregon Sport Fishing Regulations**.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 80-1993(Temp), f. 12-21-93, cert. ef. 1-1-94; FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 79-1994(Temp), f. 10-21-94, cert. ef. 7-22-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 57-1995(Temp), f. 7-3-95, cert. ef. 7-4-95; FWC 59-1995(Temp), f. 7-24-95, cert. ef. 8-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 82-1995(Temp), f. 9-29-95, cert. ef. 10-1-95; FWC 90-1995(Temp), f. 11-29-95, cert. ef. 1-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 52-1996, f. & cert. ef. 9-11-96; FWC 61-1996, f. & cert. ef. 10-9-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 73-1996(Temp), f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 32-1997(Temp), f. & cert. ef. 5-23-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 24-1998(Temp), f. & cert. ef. 3-25-98 thru 9-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 52-1998(Temp), f. 7-10-98, cert. ef. 7-11-98 thru 7-24-98; DFW 55-1998(Temp), f. & cert. ef. 7-24-98 thru 12-31-98; DFW 70-1998, f. & cert. ef. 8-28-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 36-1999, f. & cert. ef. 5-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 48-2000(Temp), f. 8-14-00, cert. ef. 8-15-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 8-2001, f. & cert. ef. 3-5-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 42-2001(Temp), f. 5-25-01, cert. ef. 5-29-01 thru 7-31-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 97-2001(Temp), f. 10-4-01, cert. ef. 11-1-01 thru 12-31-01; DFW 105-2001(Temp), f. 10-26-01, cert. ef. 11-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02, cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 55-2002(Temp), f. 5-28-02, cert. ef. 7-1-02 thru 11-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 124-2002(Temp), f. & cert. ef. 10-30-02 thru 12-31-02 (Suspended by DFW 125-2002(Temp), f. 11-8-02, cert. ef. 11-9-2002); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 90-2003(Temp), f. 9-12-03, cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 127-2004, f. 12-22-04, cert. ef. 1-1-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 24-2006(Temp), f. 4-25-06, cert. ef. 5-13-06 thru 10-31-06; DFW 37-2006(Temp), f. 6-2-06, cert. ef. 6-5-06 thru 12-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

DIVISION 17

WILLAMETTE ZONE

635-017-0080

Purpose and Scope

(1) The purpose of division 017 is to provide for management of sport fisheries in the Willamette Zone over which the State has jurisdiction.

(2) Division 017 incorporates by reference the **2007 Oregon Sport Fishing Regulations**. Therefore, persons must consult the **2007 Oregon Sport Fishing Regulations** in addition to division 011 and

division 017 to determine all applicable sport fishing requirements for the Willamette Zone.

[Publications: Publications referenced are available from the agency.]

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

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

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; Renumbered from 635-017-0105 - 635-017-0465; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

635-017-0090

Inclusions and Modifications

(1) The **2006 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 **2006 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 Saturday through Monday each week. All harvest is prohibited Tuesday through Friday;

(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) No permit holder shall harvest more than one hundred (100) lamprey during each lamprey season;

(f) 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.

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

(3) Coho Salmon Harvest:

(a) Gales Creek (Tualatin River tributary, Washington Co.) from mouth upstream to NW Clapshaw Hill Road in Gales Creek:

(A) Open fishing period is October 20, 2006 through October 31, 2006;

(B) Gear restricted to artificial flies and lures.

(b) Molalla River upstream to Horse Creek Bridge (Clackamas Co.):

(A) Open fishing period is October 20, 2006 through December 31, 2006.

(c) Santiam River (Marion Co.) Mainstem:

(A) Open fishing period is November 1, 2006 through December 31, 2006.

(d) Santiam River (Marion Co.) North Fork up to Big Cliff Dam:

(A) Open fishing period is November 1, 2006 through December 31, 2006.

(e) Santiam River (Marion Co.) South Fork to Foster Dam:

(A) Open fishing period is November 1, 2006 through December 31, 2006.

(f) Tualatin River (Clackamas/Washington Co.) from mouth upstream to Hwy 210 Bridge at Scholls:

(A) Open fishing period is October 20, 2006 through October 31, 2006;

(B) Use of bait allowed during period described in (f)(A) above.

(g) Tualatin River (Clackamas/Washington Co.) from Hwy 210 Bridge at Scholls upstream to Hwy 47 Bridge at Gaston:

(A) Open fishing period is October 20, 2006 through October 31, 2006;

(B) Gear restricted to artificial flies and lures.

(h) Willamette River above Willamette Falls:

(A) Open fishing period is October 20, 2006 through December 31, 2006;

(B) Use of bait allowed during period described in (h)(A) above.

(i) Yamhill River (Yamhill Co.) from mouth upstream to confluence of North and South forks of Yamhill Rivers:

(A) Open fishing period is October 20, 2006 through October 31, 2006;

(B) Use of bait allowed during period described in (i)(A) above.

(j) South Yamhill River (Yamhill Co.) from confluence with North Yamhill upstream to Steel Bridge Road in Willamina:

(A) Open fishing period is October 20, 2006 through October 31, 2006;

(B) Gear restricted to artificial flies and lures.

[Publications: Publications referenced are available from the agency.]

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

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

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 3-1994, f. 1-25-94, cert. ef. 1-26-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 86-1994(Temp), f. 10-31-94, cert. ef. 11-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 32-1995, f. & cert. ef. 4-24-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 14-1996, f. 3-29-96, cert. ef. 4-1-96; FWC 20-1996, f. & cert. ef. 4-29-96; FWC 22-1996(Temp), f. 5-9-96 & cert. ef. 5-10-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 5-1997, f. & cert. ef. 2-4-97; FWC 13-1997, f. 3-5-97, cert. ef. 3-11-97; FWC 17-1997(Temp), f. 3-19-97, cert. ef. 4-1-97; FWC 24-1997(Temp), f. & cert. ef. 4-10-97; FWC 31-1997(Temp), f. 5-14-97, cert. ef. 5-15-97; FWC 39-1997(Temp), f. 6-17-97, cert. ef. 6-18-97; FWC 69-1997, f. & cert. ef. 11-6-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 19-1998, f. & cert. ef. 3-12-98; DFW 28-1998(Temp), f. & cert. ef. 4-9-98 thru 4-24-98; DFW 31-1998(Temp), f. & cert. ef. 4-24-98 thru 7-31-98; DFW 33-1998(Temp), f. & cert. ef. 4-30-98 thru 5-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 35-1998(Temp), f. & cert. ef. 5-10-98 thru 5-15-98; DFW 37-1998(Temp), f. & cert. ef. 5-15-98 thru 7-31-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 15-1999, f. & cert. ef. 3-9-99; DFW 16-1999(Temp), f. & cert. ef. 3-10-99 thru 3-19-99; DFW 19-1999(Temp), f. & cert. ef. 3-19-99 thru 4-15-99; DFW 27-1999(Temp), f. & cert. ef. 4-23-99 thru 10-20-99; DFW 30-1999(Temp), f. & cert. ef. 4-27-99 thru 5-12-99; DFW 35-1999(Temp), f. & cert. ef. 5-13-99 thru 7-31-99; DFW 39-1999(Temp), f. 5-26-99, cert. ef. 5-27-99 thru 7-31-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 88-1999(Temp), f. 11-5-99, cert. ef. 11-6-99 thru 11-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 13-2000, f. & cert. ef. 3-20-00; DFW 22-2000, f. 4-14-00, cert. ef. 4-16-00 thru 7-31-00; DFW 23-2000(Temp), f. 4-19-00, cert. ef. 4-22-00 thru 7-31-00; DFW 58-2000(Temp), f. & cert. ef. 9-1-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 6-2001, f. & cert. ef. 3-1-01; DFW 23-2001(Temp), f. & cert. ef. 4-23-01 thru 10-19-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 46-2001(Temp), f. 6-8-01, cert. ef. 6-16-01 thru 12-13-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 72-2001(Temp), f. 8-10-01, cert. ef. 8-16-01 thru 12-31-01; DFW 90-2001(Temp), f. 9-14-01, cert. ef. 9-15-01 thru 12-31-01; DFW 95-2001(Temp), f. 9-27-01, cert. ef. 10-20-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02, cert. ef. 1-12-02 thru 7-11-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 37-2002, f. & cert. ef. 4-23-02; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 44-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 11-3-02; DFW 70-2002(Temp), f. 7-10-02 cert. ef. 7-12-02 thru 12-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 16-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 7-1-03; DFW 42-2003, f. & cert. ef. 5-16-03; DFW 53-2003(Temp), f. 6-17-03, cert. ef. 6-18-03 thru 12-14-03; DFW 57-2003(Temp), f. & cert. ef. 7-8-03 thru 12-31-03; DFW 59-2003(Temp), f. & cert. ef. 7-11-03 thru 12-31-03; DFW 70-2003(Temp), f. & cert. ef. 7-23-03 thru 12-31-03; DFW 71-2003(Temp), f. 7-24-03, cert. ef. 7-25-03 thru 12-31-03; DFW 90-2003(Temp), f. 9-12-03, cert. ef. 9-13-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 33-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 48-2004(Temp), f. 5-26-04, cert. ef. 5-28-04 thru 11-23-04; DFW 69-2004(Temp), f. & cert. ef. 7-12-04 thru 11-23-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 24-2005, f. 4-15-05, cert. ef. 5-1-05; DFW 78-2005(Temp), f. 7-19-05, cert. ef. 7-21-05 thru 7-22-05; Administrative correction 8-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 36-2006(Temp), f. & cert. ef. 6-1-06 thru 9-30-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 121-2006(Temp), f. & cert. ef. 10-20-06 thru 12-31-06

635-017-0095

Sturgeon Season

(1) The **2007 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 **2007 Oregon Sport Fishing Regulations**.

(2) The Willamette River downstream of Willamette Falls (including Multnomah Channel) is open to the retention of sturgeon three days per week, Thursday, Friday and Saturday, during the following periods:

(a) January 1, 2007 through July 31, 2007 and

(b) October 1, 2007 through December 31, 2007.

(3) The retention of sturgeon in the area identified in subsection

(2) is prohibited August 1, 2007 through September 30, 2007.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 2-2005(Temp), f. & cert. ef. 1-21-05 thru 7-19-05; DFW 55-2005, f. & cert. ef. 6-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 145-2005(Temp), f. 12-21-05, cert. ef. 1-1-06 thru 3-31-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

DIVISION 18

CENTRAL ZONE

635-018-0080

Purpose and Scope

(1) The purpose of division 018 is to provide for management of sport fisheries in the Central Zone over which the State has jurisdiction.

(2) Division 018 incorporates by reference the **2007 Oregon Sport Fishing Regulations**. Therefore, persons must consult the **2007 Oregon Sport Fishing Regulations** in addition to division 011 and division 018 to determine all applicable sport fishing requirements for the Central Zone.

[Publications: Publications referenced are available from the agency.]

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

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

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; Renumbered from 635-018-0105 - 635-018-0310; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

635-018-0090

Inclusions and Modifications

The **2007 Oregon Sport Fishing Regulations** provide requirements for the Central 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 **2007 Oregon Sport Fishing Regulations**.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 20-1994(Temp), f. & cert. ef. 4-11-94; FWC 24-1994(Temp), f. 4-29-94, cert. ef. 4-30-94; FWC 34-1994(Temp), f. 6-14-94, cert. ef. 6-16-94; FWC 54-1994, f. 8-25-94, cert. ef. 9-1-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 67-1994(Temp), f. & cert. ef. 9-26-94; FWC 70-1994, f. 10-4-95, cert. ef. 11-1-94; FWC 18-1995, f. 3-2-95, cert. ef. 4-1-95; FWC 60-1995(Temp), f. 7-24-95, cert. ef. 8-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 11-1996(Temp), f. 3-8-96, cert. ef. 4-1-96; FWC 32-1996(Temp), f. 6-7-96, cert. ef. 6-16-96; FWC 38-1996(Temp), f. 6-14-96, cert. ef. 7-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 20-1997, f. & cert. ef. 3-24-97; FWC 21-1997, f. & cert. ef. 4-1-97; FWC 27-1997(Temp), f. 5-2-97, cert. ef. 5-9-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 25-1998(Temp), f. & cert. ef. 3-25-98 thru 8-31-98; DFW 56-1998(Temp), f. 7-24-98, cert. ef. 8-1-98 thru 10-31-98; DFW 70-1998, f. & cert. ef. 8-28-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 78-1999, f. & cert. ef. 10-4-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 12-2000(Temp), f. 3-20-00, cert. ef. 4-15-00 thru 7-31-00; DFW 27-2000(Temp), f. 5-15-00, cert. ef. 8-1-00 thru 10-31-00; DFW 28-2000, f. 5-23-00, cert. ef. 5-24-00 thru 7-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 13-2001(Temp), f. 3-12-01, cert. ef. 4-7-01 thru 7-31-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 44-2001(Temp), f. 5-25-01, cert. ef. 6-1-01 thru 7-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 5-2002(Temp), f. 1-11-02, cert. ef. 1-12-02 thru 7-11-02; DFW 23-2002(Temp), f. 3-21-02, cert. ef. 4-6-02 thru 7-31-02; DFW 25-2002(Temp), f. 3-22-02, cert. ef. 4-6-02 thru 7-31-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 62-2002, f. 6-14-02, cert. ef. 7-11-02; DFW 74-2002(Temp), f. 7-18-02, cert. ef. 8-1-02 thru 10-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 97-2002(Temp), f. & cert. ef. 8-29-02 thru 10-31-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 26-2003(Temp), f. 3-28-03, cert. ef. 4-15-03 thru 7-31-03; DFW 66-2003(Temp), f. 7-17-03, cert. ef. 8-1-03 thru 10-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 23-2004(Temp), f. 3-22-04, cert. ef. 4-1-04 thru 7-31-04; DFW 77-2004(Temp), f. 7-28-04, cert. ef. 8-1-04 thru 10-31-04; Administrative correction 11-22-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 19-2005(Temp), f. 3-16-05, cert. ef. 4-15-05 thru 7-31-05; DFW 41-2005(Temp), f. 5-13-05, cert. ef. 5-15-05 thru 7-31-05; DFW 83-2005(Temp), f. 7-29-05, cert. ef. 8-1-05 thru 10-31-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 59-2006(Temp), f. 7-10-06, cert. ef. 8-1-06 thru 10-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

DIVISION 19

NORTHEAST ZONE

635-019-0080

Purpose and Scope

(1) The purpose of division 019 is to provide for management of sport fisheries in the Northeast Zone over which the State has jurisdiction.

(2) Division 019 incorporates by reference the **2007 Oregon Sport Fishing Regulations**. Therefore, persons must consult the **2007 Oregon Sport Fishing Regulations** in addition to division 011 and division 019 to determine all applicable sport fishing requirements for the Northeast Zone.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; Renumbered from 635-019-0105 - 635-019-0240 - See those rules for prior history; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

635-019-0090

Inclusions and Modifications

The **2007 Oregon Sport Fishing Regulations** provide requirements for the Northeast 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 **2007 Oregon Sport Fishing Regulations**.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 57-1994(Temp), f. 8-30-94, cert. ef. 10-1-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 70-1995, f. 8-29-95, cert. ef. 9-1-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 27-1996(Temp), f. 5-24-96, cert. ef. 5-25-96; FWC 57-1996(Temp), f. 9-27-96, cert. ef. 10-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 26-1997(Temp), f. 4-23-97, cert. ef. 5-17-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 13-1998(Temp), f. & cert. ef. 2-26-98 thru 4-15-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 5-1999(Temp), f. 2-5-99, cert. ef. 2-6-99 thru 2-19-99; DFW 8-1999(Temp), f. & cert. ef. 2-23-99 thru 4-15-99; DFW 37-1999(Temp), f. 5-24-99, cert. ef. 5-29-99 thru 6-5-99; DFW 43-1999(Temp), f. & cert. ef. 6-10-99 thru 6-13-99; DFW 45-1999(Temp), f. & cert. ef. 6-14-99 thru 6-20-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 17-2000(Temp), f. 4-10-00, cert. ef. 4-16-00 thru 6-30-00; DFW 64-2000(Temp), f. 9-21-00, cert. ef. 9-22-00 thru 3-20-01; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 5-2001(Temp), f. 2-22-01, cert. ef. 2-24-01 thru 4-15-01; DFW 39-2001(Temp), f. 5-23-01, cert. ef. 5-26-01 thru 7-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 45-2001(Temp), f. 6-1-01, cert. ef. 6-2-01 thru 7-31-01; DFW 49-2001(Temp), f. 6-19-01, cert. ef. 6-22-01 thru 7-31-01; DFW 70-2001, f. & cert. ef. 8-10-01; DFW 71-2001(Temp), f. 8-10-01, cert. ef. 9-1-01 thru 12-31-01; DFW 96-2001(Temp), f. 10-4-01, cert. ef. 12-1-01 thru 12-31-01; DFW 122-2001(Temp), f. & cert. ef. 12-31-01 thru 5-31-02; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 52-2002(Temp), f. 5-22-02, cert. ef. 5-26-02 thru 7-1-02; DFW 53-2002(Temp), f. 5-24-02, cert. ef. 5-26-02 thru 7-1-02; DFW 57-2002(Temp), f. & cert. ef. 5-30-02 thru 7-1-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 44-2003(Temp), f. 5-23-03, cert. ef. 5-28-03 thru 7-1-03; DFW 48-2003(Temp), f. & cert. ef. 6-5-03 thru 7-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 40-2004(Temp), f. 5-7-04, cert. ef. 5-13-04 thru 7-1-04; DFW 46-2004(Temp), f. 5-21-04, cert. ef. 5-22-04 thru 7-1-04; DFW 55-2004(Temp), f. 6-16-04, cert. ef. 6-19-04 thru 7-5-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 42-2005(Temp), f. & cert. ef. 5-13-05 thru 9-1-05; DFW 61-2005(Temp), f. 6-22-05, cert. ef. 6-25-05 thru 7-4-05; Administrative correction 7-20-05; DFW 99-2005(Temp), f. 8-24-05, cert. ef. 8-26-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 28-2006(Temp), f. & cert. ef. 5-15-06 thru 6-30-06; DFW 33-2006(Temp), f. 5-24-06, cert. ef. 5-25-06 thru 6-30-06; Administrative correction 7-21-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

DIVISION 21

SOUTHEAST ZONE

635-021-0080

Purpose and Scope

(1) The purpose of division 021 is to provide for management of sport fisheries in the Southeast Zone, over which the State has jurisdiction.

(2) Division 021 incorporates by reference the **2007 Oregon Sport Fishing Regulations**. Therefore, persons must consult the **2007 Oregon Sport Fishing Regulations** in addition to division 011 and division 021 to determine all applicable sport fishing requirements for the Southeast Zone.

[Publications: Publications referenced are available from the agency.]

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

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

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; Renumbered from 635-021-0105 - 635-021-0290; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 96-1999, f. 12-

27-99, cert. ef. 1-1-00; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

635-021-0090

Inclusions and Modifications

The **2007 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 **2007 Oregon Sport Fishing Regulations**.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183.325, 496.138 & 496.146

Stats. Implemented: ORS 496.162

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 76-1994(Temp), f. & cert. ef. 10-17-94; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 55-2001(Temp), f. & cert. ef. 6-29-01 thru 12-26-01; DFW 56-2001(Temp), f. & cert. ef. 6-29-01 thru 12-26-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 54-2002(Temp), f. 5-24-02, cert. ef. 6-15-02 thru 12-1-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 93-2002(Temp), f. 8-22-02, cert. ef. 8-24-02 thru 12-31-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 80-2003(Temp), f. & cert. ef. 8-22-03 thru 9-30-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 101-2005(Temp), f. 8-31-05, cert. ef. 9-2-05 thru 9-30-05; Administrative correction 10-19-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

DIVISION 23

COLUMBIA RIVER ZONE AND SNAKE RIVER ZONE

635-023-0080

Purpose and Scope

(1) The purpose of division 023 is to provide for management of sport fisheries in the Columbia River Zone and in the Snake River Zone over which the State has jurisdiction.

(2) Division 023 incorporates by reference the **2007 Oregon Sport Fishing Regulations**. Therefore, persons must consult the **2007 Oregon Sport Fishing Regulations** in addition to division 011 and division 023 to determine all applicable sport fishing requirements for the Columbia River Zone and the Snake River Zone.

[Publications: Publications referenced are available from the agency.]

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

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

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; Renumbered from 635-023-0105 - 635-023-0120; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

635-023-0085

License Reciprocity

(1) The statutes and regulations of the State of Washington make a valid Oregon sport fishing and shellfish harvest license lawful to take fish or shellfish for personal consumption in all waters of the Columbia River where it forms the Oregon-Washington boundary.

(2) All persons landing fish or taking shellfish in Oregon for personal use must hold a valid Oregon angling or shellfish license or a resident Washington license.

Stat. Auth.: ORS 496.138, 496.146, 506.119

Stats. Implemented: SB 594; ORS 496.162, 506.109, 506.129

Hist.: DFW 5-2006, f. & cert. ef. 2-15-06

635-023-0090

Inclusions and Modifications

The **2007 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 **2007 Oregon Sport Fishing Regulations**.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 19-1994(Temp), f. 3-31-94, cert. ef. 4-1-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 46-1994(Temp), f. 7-29-94, cert. ef. 8-1-94; FWC 52-1994(Temp), f. 8-24-94, cert. ef. 8-27-94; FWC 62-1994(Temp), f. 9-12-94, cert. ef. 9-16-94; FWC 65-1994(Temp), f. 9-15-94, cert. ef. 9-17-94; FWC 72-1994(Temp), f. 10-7-94, cert. ef. 10-8-94; FWC 8-1995, f. 2-1-95, cert. ef. 2-6-95; FWC 11-1995, f. & cert. ef. 2-9-95; FWC 14-1995(Temp), f. 2-15-95, cert. ef. 2-16-95; FWC 31-1995(Temp), f. 4-21-95, cert. ef. 4-24-95; FWC 34-1995, f. & cert. ef. 5-1-95; FWC 61-1995(Temp), f. 7-24-95, cert. ef. 8-1-95; FWC 67-1995(Temp), f. 8-25-95, cert. ef. 8-27-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 8-1995, f. 2-28-96, cert. ef. 3-1-96; FWC 12-1996(Temp), f. 3-26-96, cert. ef. 4-1-96; FWC 14-1996, f. 3-29-96, cert. ef. 4-1-96; FWC 49-1996(Temp), f. & cert. ef. 8-30-96; FWC 72-1996 f. 12-31-96, cert. ef. 1-1-97; FWC 7-1997(Temp), f. 2-6-97, cert. ef. 3-11-97; FWC 10-1997, f. & cert. ef. 2-28-97; FWC 11-1997(Temp), f. 2-27-97, cert. ef. 3-1-97; FWC 22-1997(Temp), f. 4-2-97, cert. ef. 4-5-97; FWC 28-1997(Temp), f. 5-2-97, cert. ef. 5-5-97; FWC 50-1997(Temp), f. 8-26-97, cert. ef. 9-2-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 12-1998(Temp), f. & cert. ef. 2-24-98 thru 4-24-98; DFW 29-1998(Temp), f. 4-16-98, cert. ef. 4-20-98 thru 4-24-98; DFW 32-1998(Temp), f. & cert. ef. 4-24-98 thru 10-15-98; DFW 34-1998, f. & cert. ef. 5-4-98; DFW 46-1998, f. & cert. ef. 6-9-98; DFW 78-1998(Temp), f. 9-18-98, cert. ef. 9-21-98 thru 9-25-98; DFW 81-1998(Temp), f. 10-6-98, cert. ef. 10-7-98 thru 10-23-98; DFW 85-1998(Temp), f. & cert. ef. 10-26-98 thru 12-31-98; DFW 88-1998(Temp), f. & cert. ef. 11-23-98 thru 12-31-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 13-1999(Temp), f. 3-2-99, cert. ef. 3-11-99 thru 6-15-99; DFW 23-1999(Temp), f. 4-9-99, cert. ef. 4-17-99 thru 4-23-99; DFW 25-1999, f. & cert. ef. 4-16-99 thru 4-23-99; DFW 29-1999(Temp), f. & cert. ef. 4-23-99 thru 10-20-99; DFW 31-1999, f. & cert. ef. 5-3-99; DFW 42-1999(Temp), f. 6-9-99, cert. ef. 6-12-99 thru 10-20-99; DFW 50-1999(Temp), f. & cert. ef. 7-16-99 thru 12-9-99; DFW 60-1999(Temp), f. 8-27-99, cert. ef. 8-30-99 thru 9-17-99; DFW 64-1999(Temp), f. 9-13-99, cert. ef. 9-14-99 thru 9-17-99; DFW 67-1999(Temp), f. & cert. ef. 9-17-99 thru 12-31-99; DFW 73-1999(Temp), f. 9-28-99 & cert. ef. 9-29-99 thru 10-22-99; DFW 77-1999(Temp), f. & cert. ef. 10-1-99 thru 12-31-99; DFW 78-1999 f. & cert. ef. 10-4-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 11-2000(Temp), f. 3-14-00, cert. ef. 3-16-00 thru 3-31-00; DFW 13-2000, f. & cert. ef. 3-20-00; DFW 18-2000(Temp), f. 4-6-00, cert. ef. 4-8-00 thru 10-5-00; DFW 24-2000, f. 4-28-00, cert. ef. 5-1-00; DFW 32-2000(Temp), f. 6-14-00, cert. ef. 6-19-00 thru 10-5-00; DFW 35-2000(Temp), f. 6-27-27, cert. ef. 6-28-00 thru 7-31-00; DFW 53-2000(Temp), f. 8-1-25-00, cert. ef. 8-28-00 thru 12-31-00; DFW 57-2000(Temp), f. 8-31-00, cert. ef. 9-9-00 thru 10-5-00; DFW 58-2000(Temp), f. & cert. ef. 9-1-00 thru 12-31-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 7-2001(Temp), f. & cert. ef. 2-26-01 thru 4-30-01; DFW 17-2001(Temp), f. 4-4-01, cert. ef. 4-9-01 thru 10-6-01; DFW 18-2001(Temp), f. & cert. ef. 4-12-01 thru 4-30-01; DFW 19-2001(Temp), f. 4-17-01, cert. ef. 4-21-01 thru 8-5-01; DFW 25-2001(Temp), f. 4-24-01, cert. ef. 4-25-01 thru 4-29-01; DFW 28-2001, f. & cert. ef. 5-1-01; DFW 35-2001(Temp), f. & cert. ef. 5-4-01 thru 5-8-01; DFW 37-2001(Temp), f. & cert. ef. 5-11-01 thru 7-31-01; DFW 40-2001(Temp), f. & cert. ef. 5-24-01 thru 11-20-01; DFW 64-2001(Temp), f. & cert. ef. 7-24-01 thru 12-31-01; DFW 71-2001(Temp), f. 8-10-01, cert. ef. 9-1-01 thru 12-31-01; DFW 82-2001(Temp), f. 8-29-01, cert. ef. 8-30-01 thru 12-31-01; DFW 85-2001(Temp), f. & cert. ef. 8-30-01 thru 12-31-01; DFW 88-2001(Temp), f. 9-15-01 thru 12-31-01; DFW 123-2001, f. 12-31-01, cert. ef. 1-1-02; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 16-2002(Temp), f. 3-1-02 thru 8-28-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 29-2002(Temp), f. 4-4-02, cert. ef. 4-6-02 thru 10-3-02; DFW 40-2002(Temp), f. 4-25-02, cert. ef. 4-28-02 thru 10-3-02; DFW 43-2002(Temp), f. & cert. ef. 5-3-02 thru 10-3-02; DFW 45-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 10-3-02; DFW 46-2002(Temp), f. 5-7-02, cert. ef. 5-8-02 thru 10-3-02; DFW 64-2002(Temp), f. 6-27-02, cert. ef. 6-28-02 thru 12-20-02; DFW 69-2002(Temp), f. 7-10-02 cert. ef. 7-11-02 thru 12-31-02; DFW 71-2002(Temp), f. 7-10-02 cert. ef. 7-13-02 thru 12-31-02; DFW 79-2002(Temp), f. 7-29-02, cert. ef. 8-5-02 thru 12-31-02; DFW 91-2002(Temp), f. 8-19-02, cert. ef. 8-20-02 thru 11-1-02 (Suspended by DFW 101-2002(Temp), f. & cert. ef. 10-3-02 thru 11-1-02); DFW 94-2002(Temp), f. 8-22-02, cert. ef. 8-24-02 thru 12-31-02; DFW 105-2002(Temp), f. 9-20-02, cert. ef. 9-23-02 thru 12-31-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 16-2003(Temp), f. 2-27-03, cert. ef. 3-1-03 thru 7-1-03; DFW 28-2003(Temp), f. & cert. ef. 4-3-03 thru 7-1-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 36-2003, f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 46-2003(Temp), f. 5-29-03, cert. ef. 5-30-03 thru 10-1-03; DFW 52-2003(Temp), f. 6-13-03, cert. ef. 6-21-03 thru 12-15-03; DFW 54-2003(Temp), f. 6-23-03, cert. ef. 6-28-03 thru 12-24-03; DFW 55-2003(Temp), f. 6-27-03, cert. ef. 6-30-03 thru 12-26-03; DFW 72-2003(Temp), f. 7-25-03, cert. ef. 7-28-03 thru 12-31-03; DFW 99-2003(Temp), f. 9-24-03, cert. ef. 10-1-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 4-2004(Temp), f. 1-22-04, cert. ef. 2-1-04 thru 7-29-04; DFW 35-2004(Temp), f. 4-29-04, cert. ef. 5-1-04 thru 10-26-04; DFW 52-2004(Temp), f. 6-11-04, cert. ef. 6-25-04 thru 12-21-04; DFW 58-2004(Temp), f. 6-24-04, cert. ef. 6-27-04 thru 12-23-04; DFW 64-2004(Temp), f. 6-30-04, cert. ef. 7-3-04 thru 12-30-04; DFW 65-2004(Temp), f. 7-6-04, cert. ef. 7-11-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 118-2004(Temp), f. 12-13-04, cert. ef. 1-1-05 thru 5-31-05; DFW 128-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 5-31-05; Administrative correction 6-17-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

635-023-0095

Sturgeon Season

The **2007 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 **2007 Oregon Sport Fishing Regulations**.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 129-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 2-28-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 22-2005(Temp), f. 4-1-05, cert. ef. 4-30-05 thru 7-31-05; DFW 50-2005(Temp), f. 6-3-05, cert. ef. 6-11-05 thru 11-30-05; DFW 60-2005(Temp),

f. 6-21-05, cert. ef. 6-24-05 thru 12-21-05; DFW 65-2005(Temp), f. 6-30-05, cert. ef. 7-10-05 thru 12-31-05; DFW 76-2005(Temp), f. 7-14-05, cert. ef. 7-18-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 145-2005(Temp), f. 12-21-05, cert. ef. 1-1-06 thru 3-31-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 19-2006(Temp), f. 4-6-06, cert. ef. 4-8-06 thru 7-31-06; DFW 54-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 12-27-06; DFW 62-2006(Temp), f. 7-13-06, cert. ef. 7-24-06 thru 12-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

635-023-0125

Spring Sport Fishery

The **2007 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 **2007 Oregon Sport Fishing Regulations**.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 17-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 29-2004(Temp), f. 4-15-04, cert. ef. 4-22-04 thru 7-31-04; DFW 30-2004(Temp), f. 4-21-04, cert. ef. 4-22-04 thru 7-31-04; DFW 36-2004(Temp), f. 4-29-04, cert. ef. 5-1-04 thru 7-31-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 51-2004(Temp), f. 6-9-04, cert. ef. 6-16-04 thru 7-31-04; Administrative correction 8-19-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 35-2005(Temp), f. 5-4-05, cert. ef. 5-5-05 thru 10-16-05; DFW 38-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 44-2005(Temp), f. 5-17-05, cert. ef. 5-22-05 thru 10-16-05; DFW 51-2005(Temp), f. 6-3-05, cert. ef. 6-4-05 thru 7-31-05; Administrative correction 11-18-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 21-2006(Temp), f. 4-13-06, cert. ef. 4-14-06 thru 5-15-06; DFW 27-2006(Temp), f. 5-12-06, cert. ef. 5-13-06 thru 6-15-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

635-023-0128

Summer Sport Fishery

The **2007 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 **2007 Oregon Sport Fishing Regulations**.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 52-2005(Temp), f. 6-3-05, cert. ef. 6-16-05 thru 7-31-05; DFW 64-2005(Temp), f. 6-30-05, cert. ef. 7-1-05 thru 7-31-05; Administrative correction 8-17-05; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

635-023-0130

Fall Sport Fishery

The **2006 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 **2006 Oregon Sport Fishing Regulations**.

(1) Notwithstanding, all other specifications and restrictions as outlined in the current 2006 Oregon Sport Fishing Regulations, the following conditions apply:

(2) Effective August 1 through December 31, 2006, in the mainstem Columbia River from a north-south line through Buoy 10 upstream to a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank the bag limit is two salmon per day of which only one may be a chinook.

(3) Effective 11:59 pm Thursday September 14, 2006, in the mainstem Columbia River from a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank upstream to Bonneville Dam the retention of Chinook salmon (adults and jacks) is prohibited.

(4) Effective 11:59 pm Friday September 15, 2006 retention of Chinook salmon (adults and jacks) is prohibited in the mainstem Columbia River from Bonneville Dam upstream to the Highway 395 Bridge in Pasco, Washington. Non-adipose fin-clipped coho salmon caught downstream of the Hood River Bridge must be released immediately unharmed.

(5) Effective 12:01 am Saturday September 30, 2006, in the mainstem Columbia River from Bonneville Dam upstream to the Highway 395 Bridge in Pasco, Washington is open to the retention of Chinook salmon.

Oregon Administrative Rules Compilation

(6) Effective 12:01 am Friday October 13, 2006 in the mainstem Columbia River from a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank upstream to Bonneville Dam the retention of Chinook salmon (adults and jacks) is allowed. The bag limit is two salmon per day of which only one may be a Chinook. Adipose fin-clipped coho, and adipose fin-clipped steelhead remain open for retention.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 32-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 92-2004(Temp), f. 9-2-04 cert. ef. 9-6-04 thru 12-31-04; DFW 96-2004(Temp), f. 9-20-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 25-2005, f. & cert. ef. 4-15-05; DFW 84-2005(Temp), f. & cert. ef. 8-1-05 thru 12-31-05; DFW 108-2005(Temp), f. 9-15-05, cert. ef. 9-17-05 thru 12-31-05; DFW 112-2005(Temp), f. 9-28-05, cert. ef. 9-30-05 thru 12-31-05; DFW 123-2005(Temp), f. 10-18-05, cert. ef. 10-20-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 26-2006(Temp), f. 4-20-06, cert. ef. 5-1-06 thru 10-27-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07; DFW 100-2006(Temp), f. & cert. ef. 9-14-06 thru 12-31-06; DFW 109-2006(Temp), f. 9-29-06, cert. ef. 9-30-06 thru 12-31-06; DFW 113-2006(Temp), f. 10-12-06, cert. ef. 10-13-06 thru 12-31-06

635-023-0134

Snake River Fishery

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 47-2005(Temp), f. 5-19-05, cert. ef. 5-21-05 thru 6-20-05; Administrative correction 7-20-05; DFW 31-2006(Temp), f. 5-18-06, cert. ef. 5-20-06 thru 6-19-06; Administrative correction 7-21-06

DIVISION 39

MARINE FISH, SHELLFISH AND MARINE INVERTEBRATES

635-039-0080

Purpose and Scope

(1) The purpose of division 039 is to provide for management of sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches over which the State has jurisdiction.

(2) Division 039 incorporates, by reference:

(a) The sport fishing regulations of the State, included in the document entitled **2007 Oregon Sport Fishing Regulations**. Therefore, persons must consult the **2007 Oregon Sport Fishing Regulations** in addition to division 011 and division 039 to determine all applicable sport fishing requirements for marine fish, shellfish and marine invertebrates.

(b) The Pacific Council Decisions document dated November 2005 (copy available from agency); and to the extent consistent with that document, Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996); Federal Regulations, Vol. 70, No. 74, dated April 19, 2005; and the annual Pacific Halibut Fishery Regulations to determine regulations applicable to this fishery.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; Renumbered from 635-39-105 - 635-39-135; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 25-1997, f. 4-22-97, cert. ef. 5-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 91-1998, f. & cert. ef. 11-25-98; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 98-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 81-2000, f. 12-22-00, cert. ef. 1-1-01; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 120-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 33-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 54-2005(Temp), f. 6-10-05, cert. ef. 6-12-05 thru 11-30-05; DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 71-2005(Temp), f. & cert. ef. 7-7-05 thru 11-30-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 138-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 79-2006, f. 8-11-06, cert. ef. 1-1-07

635-039-0085

Halibut Seasons

The Pacific halibut sport fishery in Oregon is regulated by the federal government and the International Pacific Halibut Commission (IPHC). OAR chapter 635, division 039 incorporates into Oregon Administrative Rules, by reference, modifications or additions to provisions determined by the Commission and to the extent they are consistent with Title 50 of the Code of Federal Regulations, Part 300, Sub-

part E (61FR35550, July 5, 1996); Volume 70, Number 37, dated February 25, 2005.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 107-2005(Temp), f. 9-14-05, cert. ef. 9-15-05 thru 10-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-19-06; DFW 34-2006(Temp), f. 5-25-06, cert. ef. 5-27-06 thru 8-3-06; Administrative correction 8-22-06

635-039-0090

Inclusions and Modifications

(1) The **2006 Oregon Sport Fishing Regulations** provide requirements for sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly referred to as the Marine 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 **2006 Oregon Sport Fishing Regulations**.

(2) For the purposes of this rule, a “harvest target” is defined as the Oregon share of the regional recreational harvest guideline for yelloweye rockfish, canary rockfish or lingcod that may be harvested by the Oregon sport fishery in a single calendar year.

(a) The regional recreational harvest guidelines for these species in 2006 are specified in the Pacific Council News, and to the extent they are consistent with these rules, in Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996, as amended to incorporate the standards in the Pacific Council News).

(b) Harvest targets for yelloweye rockfish, canary rockfish and lingcod effective at the start of the Oregon sport fishery in 2006 are:

(A) Yelloweye rockfish, 3.2 metric tons.

(B) Canary rockfish, 6.8 metric tons.

(C) Lingcod, 175 metric tons.

(c) Harvest targets for yelloweye rockfish, canary rockfish and lingcod may be revised inseason following consultation with Washington Department of Fish and Wildlife provided that:

(A) Regional recreational harvest guidelines for these species are not projected to be exceeded as a result of any inseason revisions to a harvest target or targets; and

(B) Inseason revisions to the harvest target or targets benefit the Oregon sport fishery.

(3) For the purposes of this rule, the Oregon recreational harvest guideline for widow rockfish is 1.4 metric tons.

(4) For the purposes of this rule a “harvest cap” is defined as the total catch for a given species, or species group, that may be taken in a single calendar year by the ocean boat fishery. For 2006 the sport harvest caps are:

(a) Black rockfish and blue rockfish combined of 365 metric tons, of which no more than 324.5 metric tons may be black rockfish.

(b) Other nearshore rockfish, 15.3 metric tons.

(c) Cabezon, 15.8 metric tons.

(d) Greenling, 5.2 metric tons.

(5) Effective Friday September 22, 2006 at 11:59 p.m. retention of cabezon as identified in (4)(c) is prohibited in the ocean and estuary boat fisheries. Angling for and retention of shore-based cabezon is permitted.

(6) In addition to the regulations for Marine Fish in the **2006 Oregon Sport Fishing Regulations**, the following apply for the sport fishery in the Marine Zone in 2006:

(a) Lingcod (including green colored lingcod): 2 fish daily catch limit.

(b) Rockfish (“sea bass”, “snapper”), greenling (“sea trout”), flounder (excluding Pacific halibut), sole, cabezon and other marine fish species not listed in the **2006 Oregon Sport Fishing Regulations** in the Marine Zone, located under the category of Species Name, Marine Fish: 6 fish daily catch limit in aggregate (total sum or number). Retention of yelloweye rockfish and canary rockfish is prohibited. Effective 12:01 a.m. July 24, 2006, retention of vermilion rockfish is prohibited in the ocean and estuary boat fisheries. Shore-based angling for and retention of vermilion rockfish is permitted.

(c) Retention of all marine fish, except sablefish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species, is prohibited when Pacific halibut is retained on the vessel during open days for the all-depth sport fishery for Pacific halibut north of Humboldt Mountain. North of Cape Falcon, retention of Pacific cod

also is allowed when Pacific halibut is retained on the vessel during open days for the all-depth sport fishery for Pacific halibut. Persons must also consult the Pacific Council Decisions; Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996); and the annual Pacific Halibut Fishery Regulations as published by IPHC to determine all rules applicable to the taking of halibut.

(d) Harvest methods and other specifications for marine fish in subsections (6)(a) and (6)(b) including the following:

(A) Minimum length for lingcod, 24 inches.

(B) Minimum length for cabezon, 16 inches.

(C) Minimum length for greenling, 10 inches.

(D) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.

(E) Mutilating the fish so the size or species cannot be determined prior to landing or transporting mutilated fish across state waters is prohibited.

(e) Sport fisheries for species in subsections (6)(a) and (6)(b) are open January 1 through December 31, twenty-four hours per day, except that ocean waters are closed for these species during June 1 through September 30, outside of the 40-fathom curve (defined by latitude and longitude) as shown on Title 50 Code of Federal Regulations Part 660 section 391 subsection (h). A 20-fathom curve (Table 1) and a 30-fathom curve, as shown on Title 50 Code of Federal Regulations Part 660 section 391 subsection (h), may be implemented as the management line as in-season modifications necessitate.

[ED. NOTE: Tables referenced are available from the agency.]

[Publications: Publications referenced are available from the agency.]

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

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

Hist.: FWC 82-1993, f. 12-22-93, cert. ef. 1-1-94; FWC 22-1994, f. 4-29-94, cert. ef. 5-2-94; FWC 29-1994(Temp), f. 5-20-94, cert. ef. 5-21-94; FWC 31-1994, f. 5-26-94, cert. ef. 6-20-94; FWC 43-1994(Temp), f. & cert. ef. 7-19-94; FWC 83-1994(Temp), f. 10-28-94, cert. ef. 11-1-94; FWC 95-1994, f. 12-28-94, cert. ef. 1-1-95; FWC 22-1995, f. 3-7-95, cert. ef. 3-10-95; FWC 25-1995, f. 3-29-95, cert. ef. 4-1-95; FWC 26-1995, f. 3-29-95, cert. ef. 4-2-95; FWC 36-1995, f. 5-3-95, cert. ef. 5-5-95; FWC 43-1995(Temp), f. 5-26-95, cert. ef. 5-28-95; FWC 46-1995(Temp), f. & cert. ef. 6-2-95; FWC 58-1995(Temp), f. 7-3-95, cert. ef. 7-5-95; FWC 77-1995, f. 9-13-95, cert. ef. 1-1-96; FWC 28-1996(Temp), f. 5-24-96, cert. ef. 5-26-96; FWC 30-1996(Temp), f. 5-31-96, cert. ef. 6-2-96; FWC 72-1996, f. 12-31-96, cert. ef. 1-1-97; FWC 75-1997, f. 12-31-97, cert. ef. 1-1-98; DFW 100-1998, f. 12-23-98, cert. ef. 1-1-99; DFW 68-1999(Temp), f. & cert. ef. 9-17-99 thru 9-30-99; administrative correction 11-17-99; DFW 96-1999, f. 12-27-99, cert. ef. 1-1-00; DFW 83-2000(Temp), f. 12-28-00, cert. ef. 1-1-01 thru 1-31-01; DFW 1-2001, f. 1-25-01, cert. ef. 2-1-01; DFW 118-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 26-2002, f. & cert. ef. 3-21-02; DFW 130-2002, f. 11-21-02, cert. ef. 1-1-03; DFW 35-2003, f. 4-30-03, cert. ef. 5-1-03; DFW 114-2003(Temp), f. 11-18-03, cert. ef. 11-21-03 thru 12-31-03; DFW 125-2003, f. 12-11-03, cert. ef. 1-1-04; DFW 128-2003, f. 12-15-03, cert. ef. 1-1-04; DFW 83-2004(Temp), f. 8-17-04, cert. ef. 8-18-04 thru 12-31-04; DFW 91-2004(Temp), f. 8-31-04, cert. ef. 9-2-04 thru 12-31-04; DFW 97-2004(Temp), f. 9-22-04, cert. ef. 9-30-04 thru 12-31-04; DFW 117-2004, f. 12-13-04, cert. ef. 1-1-05; DFW 34-2005(Temp), f. 4-29-05, cert. ef. 5-1-05 thru 10-27-05; DFW 75-2005(Temp), f. 7-13-05, cert. ef. 7-16-05 thru 12-31-05; DFW 87-2005(Temp), f. 8-8-05, cert. ef. 8-11-05 thru 12-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; DFW 129-2005(Temp), f. & cert. ef. 11-29-05 thru 12-31-05; DFW 136-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 138-2005, f. 12-7-05, cert. ef. 1-1-06; DFW 141-2005(Temp), f. 12-12-05, cert. ef. 12-30-05 thru 12-31-05; Administrative correction 1-19-06; DFW 61-2006, f. 7-13-06, cert. ef. 10-1-06; DFW 65-2006(Temp), f. 7-21-06, cert. ef. 7-24-06 thru 12-31-06; DFW 105-2006(Temp), f. 9-21-06, cert. ef. 9-22-06 thru 12-31-06

PRIVATE SALMON HATCHERIES

DIVISION 40

HATCHERIES — PRIVATE

635-040-0000

Definitions and Purpose

This rule describes the definitions to be used by the Oregon Fish and Wildlife Commission and the Oregon Department of Fish and Wildlife in interpreting the statutes and the rules, and provides a description of the purpose of the rules:

(1) Definitions in OAR 635-007-0501 and the following definitions apply to this Division:

(a) “Annual production program limit” means the number of fish annually authorized by the Department to be released;

(b) “Naturally adapted stocks” means stocks which have adapted to the local environment such that they are capable of reproducing and surviving under local conditions;

(c) “Principal” means any person or entity owning five percent or more of a company; general partners, president, vice-president, chief executive officer and directors;

(d) “Private salmon hatchery” means the location from which anadromous fish may be released for migration to the ocean and at which returning adult salmon are captured for processing or retention as brood stock. Such location, also known as the “release/recapture site,” shall be designated in the private salmon hatchery permit;

(e) “Release limits” means the maximum number of fish authorized to be released annually. This number, specified in a permit or in writing by the Department, does not entitle permittee to make annual releases of this number but rather functions as a ceiling on the number allowed to be released in the annual production program.

(2) The purpose of these rules is to describe policies, standards and procedures concerning:

(a) Application for private salmon hatchery permits;

(b) Evaluation of applications for private salmon hatchery permits;

(c) Permitting of private salmon hatcheries;

(d) Operation of private salmon hatcheries, including changes in operation and termination;

(e) Transfer of private salmon hatchery permits;

(f) Monitoring of private salmon hatchery operations.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 25-1984, f. 6-21-84, ef. 7-1-84; FWC 5-1990, f. 1-24-90, cert. ef. 1-26-90

635-040-0001

Private Salmon Hatchery Policy

(1) The Commission recognizes the intent of the Legislature (ORS 508.700 through 508.745) to permit the establishment and operation of private salmon hatcheries. Oregon law provides that the role of private hatcheries is to optimize the long-term contribution to Oregon’s salmon resource under regulations which shall prevent the deterioration of any natural run of anadromous fish or populations of resident fish.

(2) These rules are not intended to prevent or eliminate any currently active permitted operation. Where a proposed operation has met the statutory criteria and been issued a permit, the Commission intends that the private salmon hatchery be operated in a manner consistent with Oregon law.

(3) Private salmon hatcheries shall use or develop stocks that are, to the fullest extent possible, compatible with naturally adapted stocks in accordance with OAR 635-007-0521 through 635-007-0529 and fish management plans of the Department, and as they may be amended.

(4) Private salmon hatcheries shall be limited in numbers of fish permitted to be released, based on:

(a) The technical and financial capabilities of the permittee;

(b) The Department’s evaluation of the permittee’s proposed program; and

(c) The consistency of the proposed program with the goals and guidelines of the Land Conservation and Development Commission and fish management plans of the Department.

(5) Private salmon hatcheries shall be regularly monitored to insure compliance with ORS 508.700 through 508.745 and all applicable regulations.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 25-1984, f. 6-21-84, ef. 7-1-84; FWC 5-1990, f. 1-24-90, cert. ef. 1-26-90

635-040-0007

Moratorium on Private Salmon Hatchery Permits and Revisions to Permits

This section describes the moratorium which currently exists for new permits for private salmon hatcheries, as well as for revisions to existing permits which increase release limits specified in those permits or otherwise specified by the Department:

(1) No applications for private coho, chinook, or chum salmon hatchery permits shall be accepted, nor shall any permits be issued, through December 31, 1995, by which time this rule shall be reviewed by the Commission to determine if the moratorium should be continued. In addition, no revisions shall be made through December 31, 1995, to increase limits specified in existing permits or specified by the Department subsequent to issuance of the permit.

(2) Existing permits may be transferred pursuant to OAR 635-040-0025.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 69-1980, f. & ef. 12-15-80; FWC 67-1982(Temp), f. & ef. 9-28-82; FWC 78-1982(Temp), f. & ef. 11-4-82; FWC 80-1982, f. & ef. 11-4-82; FWC 80-1985, f. 12-16-85, ef. 1-1-86; FWC 5-1990, f. 1-24-90, cert. ef. 1-26-90; FWC 127-1990, f. 12-24-90, cert. ef. 1-1-91

635-040-0009

Application Requirements and Hearing Procedures for New Permits to Construct and Operate Private Salmon Hatcheries

This rule describes the information which shall be contained in permit applications, as well as the process which the Department shall use in processing applications:

(1) Applications for new private salmon hatchery permits shall be processed in accordance with the Attorney General's Model Rules of Procedure adopted by the Department as OAR 635-001-0005, and as these rules may be subsequently revised.

(2) The hearing on the proposed issuance of a new private salmon hatchery permit shall be conducted as a contested case hearing. However, the Commission or hearings officer may allow members of the public to testify at the hearing.

(3) Applications for new private salmon hatchery permits shall contain the following information, at a minimum:

(a) Name of applicant(s);

(b) Address and telephone number;

(c) Name, address and telephone number of the person designated by applicant to receive service of documents during the course of the proceedings;

(d) A description of the location of the operation;

(e) A clear and concise statement of the operation proposed by applicant;

(f) A clear and concise statement of why the applicant believes that none of the grounds for denial of a permit set forth in ORS 508.710 are relevant to the application;

(g) An assessment of the impact of the proposed operation on natural runs of anadromous fish, including potential competition problems; and

(h) An assessment of the economic benefit to the State of Oregon of the proposed operation.

(4) All applications shall contain, as exhibits, the following:

(a) All reports, technical documents, articles and data or information of any kind on which applicant intends to rely at the hearing;

(b) A copy of all leases, options, easements, or other instruments by which applicant purports to have sufficient property rights in the proposed site to conduct the proposed operation;

(c) A map of the proposed private salmon hatchery site or release site, indicating the geographic relationship of the hatchery and the release site to the surrounding area;

(d) Information documenting the private salmon hatchery's compliance with the Statewide Planning Goals and compatibility with the applicable acknowledged comprehensive plan(s) and land use regulations. Such documentation shall include one of the following:

(A) Information affirming that the private salmon hatchery has received specific land use approval from the affected city or county; or

(B) Information demonstrating that the private salmon hatchery is permitted under the city or county's acknowledged comprehensive plan, but does not require specific land use approval by the jurisdiction; or

(C) Written declaration by the permit applicant acknowledging that final Department approval of the private salmon hatchery shall not be issued until the permit applicant provides the Department with the appropriate land use compatibility information as described in either paragraph (4)(d)(A) or (B) of this rule.

(e) Where more than one unit of local government has land use approval authority over the site of the proposed private salmon hatchery, documentation shall be submitted to the Department in the manner described in subsection (4)(d) of this section demonstrating land use compatibility with each of the affected jurisdiction's comprehensive plans.

(5) The meaning of the land use terms used in this rule shall be the same as defined in OAR 635-405-0005.

(6) The applicant shall file ten copies of the application and all supporting information and exhibits with the Department, and shall submit such additional copies as may be required by the Department or hearings officer.

(7) A separate application is required for each fish species proposed to be propagated, including a \$100 fee for processing of each application.

(8) The Department shall begin processing of an application when it is deemed complete. An application shall be deemed complete only when the information required under sections (3) and (4) of this rule is completed in full; and the application is signed by the applicant or the applicant's legally authorized representative, and is accompanied by all required exhibits and fee.

(9) If the Department determines that additional information is needed, it shall promptly request the needed information from the applicant. The application shall not be considered complete for processing until the requested information is received. The application shall be considered to be withdrawn if the applicant fails to submit the requested information within 90 days of the request.

(10) When an application is deemed complete, the applicant shall be so notified. Processing of the application may require a minimum of six months from the date on which an application is deemed complete.

(11) Applications shall not be considered by the Commission unless the Department has determined that adequate seed stock from sources approved by the Department will be available within two years of approval of permits by the Commission. The Department, in its discretion, shall determine which seed stock is acceptable for use at a particular site.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 5-1990, f. 1-24-90, cert. ef. 1-26-90

635-040-0012

Release Limits

Each permit shall specify release limits. If limits were not specified in permits already issued, the Department has specified, in writing, applicable release limits for those permits, and any transferee is bound by those specified limits.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 5-1990, f. 1-24-90, cert. ef. 1-26-90

635-040-0014

Permits, Licenses and Reports Required of Private Salmon Hatchery Operators

This rule cross-references and lists other permits, licenses, and reports required of private salmon hatchery operators. Private salmon hatchery operators shall obtain the following permits and provide the following reports:

(1) Wholesale Fish Dealer License. Each private salmon hatchery operator who harvests salmon pursuant to permits issued under ORS 508.700 shall first obtain a wholesale fish dealer license. Monthly reports and payment of poundage fees are required as provided in OAR 635-006-0200 through 635-006-0220 on all fish harvested upon return to the private hatchery. No poundage fees are required for those returning fish which are released alive in waters of the state.

(2) Fish Propagation License. Fish propagation licenses are required for private hatcheries and support facilities which propagate, rear for sale, or sell live fish which are not released. Regulations governing fish propagation licenses are found in OAR 635-007-0650 through 635-007-0670. A fish propagation license is not required for incubation and rearing for release of permitted species at the authorized private salmon hatchery site.

(3) Fish Transport Permit. Fish transport permits are required as provided in OAR 635-007-0600.

(4) Release Permits. Separate release permits are required for each group or period in which fish are released from the release-recapture sites. It is expected that such period shall generally be on a two-week basis.

(5) Reports of Disease Examinations. Reports of disease examinations, indicating disease status, are required prior to release, in accordance with ORS 508.715(2). Disease examinations conducted within six weeks prior to release meet the requirements of this section.

(6) Monthly Reports. Reports of all fish released are required. Such reports shall include: Species, number, number marked, tag loss, size, and dates of release. Each operator shall verify the data contained in monthly reports as shown in the annual Department summary report of all releases.

(7) Biological Data. The Department may require reports showing biological data from salmon returning to private hatchery facilities for the monitoring and evaluation of hatchery operations. The mark recovery information from these reports shall be provided to the regional Mark Processing Center by the Department.

(8) Monthly Reports of Fish on Hand. Monthly reports of fish on hand at each facility, whether operated by the permittee or by a contractor on the permittee's behalf, shall be submitted to the Department.

(9) Fish Loss Report. A report of any fish loss which exceeds 0.1 percent per week in any one pond shall be immediately made to Fish Propagation Section of the Department by telephone and by written report as provided in OAR 635-007-0580.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 5-1990, f. 1-24-90, cert. ef. 1-26-90

635-040-0015

Purchase of Salmon Eggs from the Department

This section describes salmon eggs, fry or fingerlings which may be made available by the state to private hatchery permittees, as well as the Department's priority list for purchase of eggs, fry and fingerlings:

(1) Chinook, chum, or coho (silver) salmon eggs, fry or fingerlings which are surplus to the needs of the state and the STEP program may be made available for sale to private salmon hatchery permittees through state fish culture facilities, based on the criteria set forth in OAR 635-007-0825.

(2) Upon written request, a permittee shall be placed on a list, in order of priority based on OAR 635-007-0830, to purchase salmon eggs, fry and fingerlings. Salmon eggs, fry, or fingerlings shall be made available for purchase based on the priority set forth in OAR 635-007-0830.

(3) Refusal to pick up eggs when offered shall result in a permittee being moved to the bottom of the priority list, and behind other private salmon hatchery permittees.

(4) In determining a reasonable fee for salmon eggs as provided in ORS 508.730, the Department shall consider all costs in providing such eggs and the market value of viable salmon eggs and carcasses. Payment in full at the time of order shall be required if fish shall be held for maturation for a period longer than 30 days.

Stat. Auth.: ORS 506 & 508

Stats. Implemented: ORS 506 & 508

Hist.: FC 266(73-9), f. 8-1-73, ef. 8-15-73; FC 271(74-3), f. 1-30-74, ef. 2-25-74; FWC 66, f. 7-30-76, ef. 8-2-76, Renumbered from 625-030-0110; FWC 44-1981, f. & ef. 12-21-81; FWC 5-1990, f. 1-24-90, cert. ef. 1-26-90

635-040-0018

Use of Wild Salmon for Private Salmon Hatchery Seed Stock

This section describes the prohibition on the taking of wild chinook or coho as seed stock by private salmon hatchery permittees, as well as the circumstances in which wild chum salmon seed stock may be authorized to be taken by private hatchery permittees:

(1) Wild chinook or coho shall not be taken as a source of seed stock by a private salmon hatchery permittee. Wild chinook, coho, or chum may be taken by the Department to establish a seed stock at any hatchery, whether public or private, provided that sufficient fish are returned to the donor stream to compensate fully for native smolts which might have resulted from eggs removed from the donor stock in accordance with ORS 496.455.

(2) Upon request, the Department may authorize a private salmon hatchery permittee to take wild chum salmon as a source of initial seed stock. The Department shall approve such request only if the quantity of chum salmon to be removed from a stream shall not adversely affect natural chum salmon production in such stream and the requirements of ORS 496.455 are met. The terms and conditions under which such native chum salmon may be taken from a stream and the fee to be charged for such chum shall be included in and made a part of the permit granted by the Commission pursuant to ORS 508.700 through 508.745.

(3) Salmon eggs may also be collected by the Department and provided to a permittee in accordance with ORS 496.455 to meet specific Department management objectives.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 5-1990, f. 1-24-90, cert. ef. 1-26-90

635-040-0020

Areas Closed to Private Salmon Hatchery Release and Recapture Sites

This rule describes the streams and locations which are closed for siting of private salmon hatcheries facilities:

(1) No permits shall be issued for any private salmon hatchery to be located above the head of tidewater, except sites may be located a short distance above the mouth of small direct tributaries to the ocean. Sites shall not be located in the freshwater portion (above tide-water) of any stream which has the potential for natural production of significant numbers of anadromous fish.

(2) The following streams, their tributaries and included tidal reaches are closed to siting of private salmon hatcheries:

(A) Major streams:

(A) Columbia:

(i) Columbia system above Tongue Point;

(ii) Youngs River including Klaskanine River above Battle Creek Slough;

(iii) Lewis and Clark River above Johnson Slough;

(iv) Skipanon River above Taylor Lake outlet.

(B) Necanicum River above Neawanna Creek;

(C) Elk Creek and estuary;

(D) Nehalem:

(i) Nehalem system above Foley Creek;

(ii) North Fork Nehalem River above Anderson Creek.

(E) Tillamook:

(i) Miami River above Illingsworth Creek;

(ii) Kilchis River above Neilson Slough;

(iii) Wilson River above Hall Slough;

(iv) Trask River above its confluence with Tillamook River;

(v) Tillamook River above Fagan Creek.

(F) Netarts — Netarts Bay and its entire drainage;

(G) Nestucca:

(i) Nestucca system above Cannery Point;

(ii) Little Nestucca River above Meda bridge.

(H) Neskowin Creek in its entirety;

(I) Salmon River System and estuary;

(J) Siletz:

(i) Schooner Creek in its entirety;

(ii) Drift Creek in its entirety;

(iii) Siletz River above Skunk Creek.

(K) Yaquina River system above Babcock Creek;

(L) Alsea River system and estuary;

(M) Yachats River system and estuary;

(N) Big Creek (Lane County system);

(O) Siuslaw:

(i) Siuslaw system above Hadsall Creek;

(ii) North Fork Siuslaw River above Lindsley Creek.

(P) Siltcoos system;

(Q) Tahkenitch Creek system;

(R) Umpqua:

(i) Smith system above Noel Creek;

(ii) Umpqua system above Mill Creek.

(S) Tenmile Creek system (Tenmile Lakes);

(T) Coos:

(i) Coos system above the Millicoma (the Forks);

(ii) Millicoma system above South Coos (the Forks).

(U) Coquille:

(i) Ferry Creek in its entirety;

(ii) Coquille system above Beaver Slough.

(V) Floras Creek/New River system;

(W) Sixes River system and estuary;

(X) Elk River system and estuary;

(Y) Euchre Creek system and estuary;

(Z) Rogue River system and estuary;

(AA) Hunter Creek System and estuary;

(BB) Pistol River system and estuary;

(CC) Chetco River system and estuary;

(DD) Winchuck River system and estuary.

(b) Miscellaneous small streams as may be specified by the Department which enter the ocean through tourist facilities such as state parks and waysides or are contiguous to wild, scenic, or wilderness areas.

Stat. Auth.: ORS 508

Stats. Implemented: ORS 508

Hist.: FWC 66, f. 7-30-76, ef. 8-2-76, Renumbered from 625-030-0115; FWC 1-1980, f. & ef. 1-7-80; FWC 5-1990, f. 1-24-90, cert. ef. 1-26-90

635-040-0022**Annual Production Program Review**

This rule describes the requirement of an annual general plan for fish releases, and the criteria by which the Department shall review and approve or disapprove the plan. This rule also describes the requirement of an annual detailed salmon production program:

(1) An annual general plan for fish proposed to be released during the calendar year showing species, stock and numbers of each shall be submitted to the Department prior to collection of broodstock, or by July 20 of the preceding year, whichever is the earlier date. The Department shall review and approve or disapprove the plan in accordance with the criteria set forth in OAR 635-007-0810 et seq. In the event that the Department disapproves the plan, the Department and the permittee shall consult on changes to be made to the plan in order to satisfy the Department that the criteria have been met, based on consideration of the financial and technical capability of the permittee and on estimated biological impacts of such releases.

(2) A detailed salmon production program, including proposed fin marking and release size and time, shall be submitted to the Department in January of each year, to be applicable to that year. The Department shall review and approve or disapprove the program in accordance with the criteria set forth in OAR 635-007-0810 et seq. In the event that the Department disapproves the program, the Department and the permittee shall consult on changes to be made to the program in order to satisfy the Department that the criteria have been met.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 5-1990, f. 1-24-90, cert. ef. 1-26-90

635-040-0025**Changes in Operation or Ownership**

This rule describes the requirements for notification and/or requests for approval for changes in operation or ownership of a private salmon hatchery. This rule provides that while all of the decisions shall normally be made in the first instance by the Department, a permittee may request review of the Department's decision by the Commission and, in addition, the Commission may choose to consider a request for a change in the first instance:

(1) Permittees shall advise the Department in writing within two weeks of any change in address. In addition, in the event of a change in any of the following persons or entities the Department shall be notified in writing within two weeks and provided with names and addresses:

(a) Principals of the permittee, operating company, parent company or any other entity active in operations of the permittee under the permit;

(b) The individual(s) designated by the permittee as the contact person for the Department.

(2) The Department shall be promptly notified in writing of any change in the personnel listed in subsections (2)(a) through (d) of this rule. In addition, permittee shall provide to the Department information as to the credentials of such personnel:

(a) General manager, production manager, and/or operations manager of the operating company;

(b) Technical fisheries consultant(s);

(c) Operations manager or supervisor at each rearing and release site;

(d) Pathologist(s).

(3) The Department shall be notified in writing prior to any proposed change in operating methods and/or releases within the number specified in the permit and as shown in the annual production program. The Department shall approve or deny a request for a change based on the Department's assessment of potential biological impacts.

(4)(a) The Department shall be notified of any proposed acquisition of a controlling interest in the hatchery and/or permit, regardless of method of acquisition. Such notification shall be provided in writing by the current permittee and confirmed in writing by the entity proposing to acquire a controlling interest in the operation of the private salmon hatchery;

(b) The Department shall be provided, at the time of such notification, with information sufficient in the judgment of the Department to enable the Department to assess:

(A) The financial and technical capability of the proposed new entity to successfully construct or operate the hatchery; and

(B) The biological impact and economic benefit to the State of Oregon of any proposed changes in operating methods.

(c) The Department shall also be provided with ten (10) copies of the proposed general production plan, including species and stocks; expected release size and times; and numbers to be produced;

(d) The Department shall approve or disapprove the proposed change in controlling interest based on the criteria set forth in subsection (b) of this section, and shall notify both the current permittee and the proposed new entity, in writing, of its decision. Such notification shall be made within 60 days from the date on which complete information as set forth in subsection (b) of this section is provided to the Department.

(5) Any permittee, or in the case of a proposed change in controlling interest, any proposed new entity, whose request for a change under sections (3) or (4) of this rule has been disapproved by the Department may petition the Commission for review of the decision. Such petition shall be in writing and shall set forth the reasons why the petitioner believes that the decision should be reviewed. The Commission shall, within 60 days of receipt of such petition, schedule the matter for the next regularly scheduled Commission meeting, and shall consider the request for a change under sections (3) or (4) of this rule *de novo* (as though it had not been heard before). The Commission shall hear the matter in a contested case proceeding.

(6) The Department and/or the Commission may determine that the Commission should consider a request for a change under sections (3) or (4) of this rule in the first instance. In that event, the matter shall be placed on the agenda of the next regularly scheduled Commission meeting at which time is available, and shall be heard in a proceeding other than a contested case. Both the permittee (and/or proposed new entity) and the public shall be invited to testify on the matter. The Commission shall advise the permittee of its decision, including any decision on whether to proceed with a contested case hearing on the matter, within 30 days after the meeting at which the matter is considered.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 66, f. 7-30-76, ef. 8-2-76, Renumbered from 625-030-0120; FWC 44-1981, f. & ef. 12-21-81; FWC 25-1984, f. 6-21-84, ef. 7-1-84; FWC 90-1988(Temp), f. & cert. ef. 9-16-88; FWC 5-1990, f. 1-24-90, cert. ef. 1-26-90

635-040-0030**Alteration or Termination of Permits**

This rule describes certain circumstances in which the Commission may alter or terminate a permit. This rule also describes the consequences of: failure to comply with statute, regulations, any term or condition of a permit; or any unauthorized change in operation; or the removal of facilities:

(1) If the Commission finds that a private hatchery operation is not in the best public interest, it shall alter the conditions of the permit to mitigate such adverse effects or may terminate the permit. Proceedings to cause such alteration or termination shall be conducted in accordance with ORS 183.310 to 183.550. In addition, if the Commission finds the operation has caused deterioration of the natural run of anadromous fish or any population of resident game fish in the waters covered by the permit, it may require the permittee to return the fish populations to the same condition that existed prior to issuance of the permit. If the permittee fails to take appropriate action, the Commission shall take such action and the permittee shall bear any cost incurred by the Commission.

(2) Failure to comply with statute, these regulations, or any term or condition of a permit; or making any unauthorized change in the operation; or removal of facilities shall be grounds for the Department to require changes in operating methods or for the Department to alter the terms of a permit or to terminate a permit. In the event that any such action becomes necessary, the Department shall so notify the permittee by registered or certified mail of its intent to require changes in operating methods or to alter or terminate the permit. Notification shall include the proposed action and the reasons for the proposed action. Such action shall become effective 30 days from the date of mailing such notice unless within that time the permittee request a

hearing before the Commission. A request for a hearing shall be made in writing to the Director and shall state the grounds for the request. Any hearing held shall be in accordance with ORS Chapter 183.

(3) Abandonment of a permit shall be grounds for termination of a permit. A permittee shall be presumed to have voluntarily abandoned a permit where no fish releases have occurred at the private hatchery for a period of five years. In the event that termination based on abandonment becomes necessary, the Department shall notify the permittee by registered or certified mail of its intent to terminate the permit. Such termination shall become effective 30 days from the date of mailing such notice unless within that time the permittee requests a hearing before the Commission or the mailed notice is not accepted. In the latter situation, the Department shall cause notice to be published in a newspaper of general circulation in the location of the permitted site once a week for a period of four weeks, advising permittee of its intent to terminate the permit and of permittee's right to request a hearing. Such termination shall, in that case, become effective at the close of the four-week publication period. A request for a hearing shall be made in writing to the Director and shall state the grounds for the request. Any hearing held shall be in accordance with ORS Chapter 183.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 66, f. 7-30-76, ef. 8-2-76, Renumbered from 625-030-0125; FWC 44-1981, f. & ef. 12-21-81; FWC 90-1988(Temp), f. & cert. ef. 9-16-88; FWC 5-1990, f. 1-24-90, cert. ef. 1-26-90

635-040-0101

Marking Requirements and Stray Rates

(1) This rule applies to private salmon hatcheries that release coho or chinook salmon. The following terms are used in this rule:

(a) "Mark" means a removed fin and/or characteristic scale pattern; in some cases, a coded-wire tag imbedded in the fish in addition to a removed adipose fin; or some other less stressful method of marking approved by the Department for the purpose of identifying the origin of the fish;

(b) "Critical Stray Prevalence" means the percentage of the total number of naturally spawning fish that may originate from a private salmon hatchery.

(2) It is *unlawful* for any private salmon hatchery to release coho or chinook salmon that have been marked at a rate less than that required in **Tables 1** through **3** of this rule.

(3) Each private salmon hatchery permittee shall submit to the Department for approval, a sampling plan for examining for marks those adult salmon returning to the locations listed in the private salmon hatchery's respective table. Each sampling plan shall be designed such that if the prevalence of strays were to reach the critical level listed in **Tables 1** through **3**, then the plan would result in an expected recovery of at least three marked fish. The Department shall approve a sampling plan if, in its judgment, the plan would result in recovery of at least three marked fish if the number of strays reaches critical stray prevalence.

(4) Each private salmon hatchery permittee shall fund and implement its approved sampling plan in accordance with section (5) of this rule. The Department may require any permittee to execute a security agreement in accordance with ORS Chapter 79 covering agreed upon collateral, including fish and eggs, to fully cover estimated costs of such marking and sampling plan.

(5) The following requirements apply, by hatchery:

(a) Anadromous, Inc.:

(A) Beginning in 1993, if Anadromous, Inc., exceeds the critical stray prevalence listed in **Table 1, lines A** or **C**, in two years out of five, Anadromous, Inc., shall advance the latest date of broodstock selection and spawning to a date approved by the Department in order to achieve greater reproductive isolation between their spring chinook salmon and the local fall chinook salmon;

(B) Beginning in 1993, if Anadromous, Inc., exceeds the critical stray prevalence listed in **Table 1, Lines B, D**, or **E**, in two years out of five, Anadromous, Inc., shall reduce the number of spring chinook salmon released in the next subsequent brood year to a level determined by the Department to meet the critical stray prevalence, until such time as it is feasible, in the judgment of the Department, to achieve a reduction in straying rate through alteration of rearing or release practices;

(C) Beginning in 1990, if Anadromous, Inc., exceeds the critical stray prevalence listed in **Table 1, lines F** or **G**, in two years out of

five, Anadromous, Inc., shall reduce the number of coho salmon released in the next subsequent brood year to a level determined by the Department to meet the critical stray prevalence, until such time as it is feasible, in the judgment of the Department, to achieve a reduction in straying rate through alteration of rearing or release practices.

(b) OreAqua, Inc.:

(A) Beginning in 1993, if OreAqua, Inc., exceeds the critical stray prevalence listed in **Table 2, lines A** or **C**, in two years out of five, OreAqua, Inc., shall advance the latest date of broodstock selection and spawning to a date approved by the Department in order to achieve greater reproductive isolation between their spring chinook salmon and the local fall chinook salmon;

(B) Beginning in 1993, if OreAqua, Inc., exceeds the critical stray prevalence listed in **Table 2, Lines B, D**, or **E**, in two years out of five, OreAqua, Inc., shall reduce the number of spring chinook salmon released in the next subsequent brood year to a level determined by the Department to meet the critical stray prevalence, until such time as it is feasible, in the judgment of the Department, to achieve a reduction in straying rate through alteration of rearing or release practices;

(C) Beginning in 1990, if OreAqua, Inc., exceeds the critical stray prevalence listed in **Table 2, lines F** or **G**, in two years out of five, OreAqua, Inc., shall reduce the number of coho salmon released in the next subsequent brood year to a level determined by the Department to meet the critical stray prevalence, until such time as it is feasible, in the judgment of the Department, to achieve a reduction in straying rate through alteration of rearing or release practices.

(c) Oregon Pacific Salmon Ranch, Inc.: Beginning in 1993, if Oregon Pacific Salmon Ranch, Inc., exceeds the critical stray prevalence listed in **Table 3** in two years out of five, Oregon Pacific Salmon Ranch, Inc., shall reduce the number of spring chinook salmon released in the next subsequent brood year to a level determined by the Department to meet the critical stray prevalence, until such time as it is feasible, in the judgment of the Department, to achieve a reduction in straying rate through alteration of rearing or release practices.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 496, 498, 506 & 508

Stats. Implemented: ORS 496, 498, 506 & 508

Hist.: FWC 124-1989, f. 12-19-89, cert. ef. 1-1-90; FWC 3-1991, f. & cert. ef. 1-18-91

635-040-0107

Hatchery Operational Plans

(1) The hatchery operational plans listed in section (2) of this rule have been adopted by the Oregon Fish and Wildlife Commission on the dates specified and are incorporated here by reference. Copies are available from the office of the Oregon Department of Fish and Wildlife.

(2) The hatchery operational plans referenced in section (1) of this rule are for the following:

(a) Anadromous, Inc., adopted January 19, 1990, as amended on April 17, 1991, by the Commission;

(b) Oregon Pacific Salmon Ranch adopted September 19, 1990;

(c) OreAqua, Inc., adopted March 6, 1991.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 7-1990, f. & cert. ef. 1-29-90; FWC 108-1990, f. & cert. ef. 10-1-90; FWC 29-1991, f. & cert. ef. 3-15-91; FWC 45-1991, f. 5-1-91, cert. ef. 5-6-91

Fish Production Facilities and Areas

Net Pens

635-040-0200

Definitions

For the purpose of OAR 635, divisions 007 and 040:

(1) "Net Pens" means facilities constructed of floats and nets for the purpose of holding fish for propagation in open water areas of waterways.

(2) "Cage-Culture" means the use of enclosed containers suspended in the water column for the purpose of containing fish for propagation.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 5-1990, f. 1-24-90, cert. ef. 1-26-90

635-040-0202

Purpose

The purpose of these rules is to:

(1) Provide for the orderly development of fish production in suitable areas of waterways and in quantities acceptable for those areas.

(2) Recognize that limited suitability of Oregon's small, shallow estuaries for extensive net pen culture or cage culture will prevent extensive production with net pens.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 5-1990, f. 1-24-90, cert. ef. 1-26-90

635-040-0205

Policy

It is the policy of the Oregon Fish and Wildlife Commission to provide for the development of fish production in net pens where such operations meet the standards set by the Department of Fish and Wildlife for fish propagation and fish transfer; by the Department of Environmental Quality for waste discharge; and by the Division of State Lands for siting and use of surface area and installation of facilities.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 5-1990, f. 1-24-90, cert. ef. 1-26-90

635-040-0210

Areas of Department Concern

The Department of Fish and Wildlife may comment on applications for net pen facilities to other state, county, and federal agencies. In determining whether to grant permits and in commenting on permit applications to other state, county, and federal agencies, the Department shall consider, but not be limited to:

(1) Protection of natural fish production in surrounding waters and nearby submerged areas.

(2) Continued availability of recreational areas of state waters for public use.

(3) Compatibility with state and local land use plans and documented in accordance with OAR 635-040-0009(4)(d).

(4) Control of fish introduction, fish health and general operations through the fish propagation license, fish transport permits and other applicable regulations.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 5-1990, f. 1-24-90, cert. ef. 1-26-90

COLUMBIA RIVER FISHERIES

DIVISION 41

COLUMBIA RIVER SYSTEM TREATY INDIAN FISHERY

635-041-0005

Applicability of Regulations

(1) The right to fish in accordance with OAR 635-041-0005 through 635-041-0075 is restricted to those individuals possessing Indian treaty fishing rights pursuant to the **Yakima Treaty** (12 Stat. 951), the **Warm Springs Treaty** (12 Stat. 963), the **Umatilla Treaty** (12 Stat. 945), or the **Nez Perce Treaty** (12 Stat. 957).

(2) The fishing activities authorized by the aforementioned treaties for the Columbia River and its tributaries above Bonneville Dam are hereinafter referred to as the Treaty Indian Fishery.

(3) Nothing in these regulations shall prevent any individual having Indian treaty fishing rights from participating equally with other citizens in any other commercial fishery in Oregon so long as such individual complies with the commercial fishing laws and rules of the Commission applicable to such fishery.

(4) The taking of fish from the Columbia River or its tributaries above Bonneville Dam for commercial purposes is prohibited except by the persons, during the times, with the fishing gear, and in the areas specified in OAR 635-041-0005 through 635-041-0075.

(5) It is *unlawful* for any individual to take fish pursuant to the authority of any of the aforementioned treaties and OAR 635-041-0005 through 635-041-0075 who does not have in his possession an Indian tribal identification card which identifies him as a duly enrolled member of the Yakima, Warm Springs, Umatilla, or Nez Perce Tribe.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 506 & 507

Stats. Implemented: ORS 506 & 507

Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79; FWC 13-1979(Temp), f. & ef. 3-30-79, Renumbered from 635-035-0005; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 4-1984, f. & ef. 1-31-84; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87

Definitions

635-041-0010

Definitions

In addition to the definitions provided in the commercial fishing laws and other rules of the Department, the following definitions shall apply to the Treaty Indian Fishery:

(1) "Subsistence Fishing" means taking fish for Indians' personal use, including the sale or exchange with other treaty Indians, but not sale or trade with non-Indians.

(2) "Fishway" means any structure or facility made to facilitate or provide passage for fish over a natural or artificial barrier or obstruction.

Stat. Auth.: ORS 183, 506 & 507

Stats. Implemented: ORS 183, 506 & 507

Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0010; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 4-1984, f. & ef. 1-31-84; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87

Subsistence Fishing

635-041-0015

Subsistence Fishing Authorized

Subject to the closed area restrictions specified in OAR 635-041-0020, and to the gear restrictions specified in OAR 635-041-0025, subsistence fishing is permitted the year round in the main Columbia River and its Oregon tributaries above Bonneville Dam.

Stat. Auth.: ORS 506 & 507

Stats. Implemented: ORS 506 & 507

Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0015; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 31-1982(Temp), f. & ef. 5-21-82; FWC 17-1983 (Temp), f. & ef. 5-10-83; FWC 4-1984, f. & ef. 1-31-84; FWC 21-1984(Temp), f. & ef. 5-2-84; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 27-1994(Temp), f. 5-12-94, cert. ef. 5-15-94; FWC 33-1995(Temp), f. & cert. ef. 4-28-95; FWC 47-1995(Temp), f. & cert. ef. 6-5-95

635-041-0020

Areas Closed to Subsistence Fishing

It is *unlawful* to engage in subsistence fishing at any time in:

(1) Those waters of the main stem Columbia River near Bonneville Dam westerly and downstream of a line from Light "4" on the Oregon shore, located approximately 200 yards upstream of the mouth of Eagle Creek, thence northerly to Light "5" located on Boat Rock in midriver, thence perpendicular to the thread of the river to a marker on the Washington shore.

(2) Those waters of the main stem Columbia River near The Dalles Dam easterly and upstream from a line at marker on Covington Point on the Oregon shore, thence in a westerly direction to a marker on the Washington shore beneath the Interstate Bridge to a point 200 feet above The Dalles Dam. Subsistence fishing for salmon and steelhead is allowed within this closed area except within 600 feet of fishway entrances, within 600 feet of the mouth of Fifteenmile Creek, and above The Dalles Dam.

(3) Those waters of the main stem Columbia River within a radius of one-quarter mile of the mouths of the Hood River, Deschutes River, Wind River, Little White Salmon River, Spring Creek, and Klickitat River.

(4) Those waters of the main stem Columbia River near John Day Dam from a line at marker on the Oregon shore located 600 feet below the fishway entrance, thence westerly to Light "2" located on the navigation lock wing wall, thence to a marker on the Washington shore easterly and upstream to 200 feet above John Day Dam.

(5) Those waters of the main stem Columbia River near McNary Dam easterly and upstream from a line at marker on the Oregon shore located 600 feet below the fishway entrance, thence westerly to the end of the navigation lock wing wall, thence to a marker on the Washington shore.

(6) All fishways in Oregon tributary streams of the Columbia River within 100 feet above and below such fishways. This closure

does not apply to the taking of lamprey eel so long as such taking does not interfere with the migration of salmon or steelhead through such fishways.

(7) Those waters of Eagle Creek from its mouth to 100 feet above the Department intake dam.

(8) Those waters of Herman Creek from its mouth to 100 feet above the Department holding ponds.

Stat. Auth.: ORS 506 & 507

Stats. Implemented: ORS 506 & 507

Hist.: FWC 89, f. & ef. 1-28-77; FWC 133, f. & ef. 8-4-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0020; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1991, f. & ef. 1-19-81; FWC 12-1981(Temp), f. & ef. 3-31-81; FWC 6-1982, f. & ef. 1-28-82; FWC 4-1984, f. & ef. 1-31-84; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 90-1989, f. & cert. ef. 9-6-89

635-041-0025

Subsistence Fishing Gear

(1) It is lawful at all times to take fish for subsistence purposes by dip net or bag net of a mesh size not exceeding five inches attached to a hoop 26 feet or less in circumference, or by spear, gaff, club, or fouling-hook. All such fishing gear must be tended at all times.

(2) It is lawful to use angling gear as defined by the Oregon Wildlife Laws and regulations of the Department.

(3) It is *unlawful* to use gill nets, set nets, hoop nets, setlines, or dip nets or bag nets of a mesh size exceeding five inches, or any other type of fishing gear not otherwise specifically authorized in section (1) of this rule, except during the times and in the areas where such gear is authorized for commercial fishing.

(4) Notwithstanding the provisions of this rule a treaty subsistence fishing season with gillnets for salmon may occur provided rules for ceremonial fishing and notice requirement (OAR 635-041-0040) are followed.

Stat. Auth.: ORS 183, 506, 507 & 509

Stats. Implemented: ORS 183, 506, 507 & 509

Hist.: FWC 89, f. & ef. 1-28-77; FWC 133, f. & ef. 8-4-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0025; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 4-1984, f. & ef. 1-31-84; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 90-1989, f. & cert. ef. 9-6-89

635-041-0030

Subsistence Fishing Activities

(1) It is *unlawful* to utilize any fish taken by subsistence fishing for other than subsistence purposes as defined in OAR 635-041-0010 with the exception of shad which may be sold commercially, and with the exception of dip-net-caught fish from main stem Columbia and Klickitat River subsistence areas taken during open commercial fishing seasons.

(2) Only sturgeon between 48–60” in overall length from between The Dalles and McNary dams and between 45–60” in overall length from between the Bonneville dam and The Dalles dam may be taken for subsistence purposes.

Stat. Auth.: ORS 183.325 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0030; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 4-1984, f. & ef. 1-31-84; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 12-1997(Temp), f. 2-27-97, cert. ef. 3-1-97; DFW 26-2000(Temp), f. 5-4-00, cert. ef. 5-6-00 thru 5-28-00; DFW(Temp), 37-2000, f. 6-30-00, cert. ef. 7-1-00 thru 7-10-00; DFW 22-2003(Temp), f. & cert. ef. 3-25-03 thru 9-20-03; DFW 3-2005(Temp), f. & cert. ef. 1-20-05 thru 2-28-05; DFW 6-2005, f. & cert. ef. 2-14-05

Ceremonial Fishing

635-041-0040

Ceremonial Fishing and Notice Requirement

(1) It is *unlawful* for any Indian or group of Indians to conduct ceremonial fishing on the Columbia River or in Oregon Columbia River tributaries outside an Indian reservation without first providing at least two working days advanced written notification to the Director of the Department or his designee.

(2) All notices must contain the following information:

(a) Name, place, and time of ceremony for which fish will be used;

(b) Name of individuals and helpers who will be fishing and transporting fish. Only these individuals will be allowed to fish on the occasion covered by the notice;

(c) Exact location(s) of fishing and the amount of gear to be used at each location;

(d) Exact beginning and ending dates of ceremonial fishing;

(e) The type of gear to be used in ceremonial fishing;

(f) Estimated number of fish needed for ceremony;

(g) If fish are to be stored prior to a ceremony, the location of storage must be identified. If they are not to be stored, it must be so indicated;

(h) The signature of the designated tribal official certified to the Department in advance.

(3) It is *unlawful* to:

(a) Fish for ceremonial purposes with commercial fishing gear except in those areas where such fishing gear is authorized for commercial fishing;

(b) Sell or barter, offer for sale or barter, buy, or for a commercially licensed fish buyer or wholesale fish dealer to have in his possession fish taken for ceremonial purposes;

(c) Engage in ceremonial fishing unless done in compliance with all provisions contained in the advance notice to the states.

(4) Any individual engaged in ceremonial fishing must have in his possession a signed copy or duplicate copy of the written tribal notification to the Director of the Department that such fishing was to be conducted.

(5) Set nets and other commercial fishing gear shall be marked and identified at all times while fishing for ceremonial or other fishing purposes.

(6) A record of the numbers of fish taken for ceremonial purposes will be made available to the Department by the designated tribal official who authorized ceremonial fishing. The report must be sent promptly upon conclusion of each ceremonial fishing activity.

Stat. Auth.: ORS 183.325 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0040; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 4-1984, f. & ef. 1-31-84; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; DFW 33-2003(Temp), f. 4-23-03, cert. ef. 4-24-03 thru 10-1-03

Commercial Fishing Area and Gear Restrictions

635-041-0045

Closed Commercial Fishing Areas

Unless otherwise specified in this rule and OAR 635-041-0063, the following waters are closed to commercial fishing:

(1) All Oregon tributaries of the Columbia River.

(2) The Columbia River westerly and downstream of the Bridge of the Gods.

(3) The Columbia River easterly and upstream of a line extending at a right angle across the thread of the river from a deadline marker one mile downstream of the McNary Dam.

(4) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at the west end of 3-Mile Rapids located approximately 1.8 miles below the dam, upstream to a line from a deadline marker on the Oregon shore located approximately 3/4 mile above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, thence downstream to Light “1” on the Washington shore; except that dip nets, bag nets, and hoop nets are permitted during commercial salmon and shad fishing seasons at the Lone Pine Indian fishing site located immediately above The Dalles Interstate Bridge.

(5) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at Preachers Eddy light below the John Day Dam and a line approximately 4.3 miles upstream extending from a marker on the Oregon shore approximately 1/2 mile above the upper easterly bank of the mouth of the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, thence turning downstream to a marker located on the Washington shore approximately opposite the mouth of the John Day River.

(6) The Columbia River within areas at and adjacent to the mouths of the Deschutes River and the Umatilla River. The closed areas are along the Oregon side of the Columbia River and extend out

to the midstream from a point 1/2 mile above the intersection of the upper bank of the tributary with the Columbia River to a point one mile downstream from the intersection of the lower bank of the tributary with the Columbia River. All such points are posted with deadline markers.

(7) The Columbia River within an area and adjacent to the mouth of the Big White Salmon River. The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

(8) The Columbia River within an area at and adjacent to the mouth of Drano Lake (Little White Salmon River). The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upriver of the outlet of Drano Lake.

(9) The Columbia River within an area and adjacent to the mouth of the Wind River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located 1-1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(10) The Columbia River within areas at and adjacent to the mouth of Hood River. The closed area is along the Oregon side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at end of the breakwall at the west end of the Port of Hood River and 1/2 mile upriver from the east bank.

(11) The Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway, except that during the period of August 25–September 20 inclusive the closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between a marker located 1-1/2 miles downriver of the Spring Creek Hatchery fishway up to the downstream marker of the Big White Salmon sanctuary located approximately 1/2 mile upriver of the Spring Creek Hatchery fishway.

(12) Herman Creek upstream from a line between deadline markers near mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(13) The Columbia River within an area and adjacent to the mouth of the Klickitat River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1-1/8 miles downstream from the west bank.

Stat. Auth.: ORS 183, 506, 507 & 509
Stats. Implemented: ORS 183, 506, 507 & 509
Hist.: FWC 89, f. & ef. 1-28-77; FWC 133, f. & ef. 8-4-77; FWC 149(Temp), f. & ef. 9-21-77 thru 1-18-78; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0045; FWC 6-1980, f. & ef. 1-28-80; FWC 44-1980(Temp), f. & ef. 8-22-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 49-1983(Temp), f. & ef. 9-26-83; FWC 4-1984, f. & ef. 1-31-84; FWC 55-1985(Temp), f. & ef. 9-6-85; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 25-1986(Temp), f. & ef. 6-25-86; FWC 42-1986, f. & ef. 8-15-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 90-1989, f. & cert. ef. 9-6-89; FWC 80-1990(Temp), f. & 8-7-90, cert. ef. 8-8-90

635-041-0047

Commercial Fishing in Subsistence Areas

Salmon and steelhead taken with subsistence fishing gear from subsistence fishing areas of the main stem Columbia River during commercial fishing seasons shall be considered, as having been taken for commercial purposes.

Stat. Auth.: ORS 506 & 507
Stats. Implemented: ORS 506 & 507
Hist.: FWC 133, f. & ef. 8-4-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0047; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 4-1984, f. & ef. 1-31-84; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87

635-041-0050

Commercial Fishing Gear

It is *unlawful* to:

(1) Take fish for commercial purposes by any means other than setnets, gill nets, dip nets, bag nets, hoop nets, or any gear expressly authorized for subsistence fishing by OAR 635-041-0025.

(2) Fish a setnet or gill net which is more than 400 feet in length.

(3) Fish more than one setnet at any one location.

(4) Fish more than five setnets at any one time.

(5) Use or operate any gill net, setnet, or hoop net which does not have the tribal affiliation and tribal enrollment number of the owner of the net placed upon or adjacent to each end cork or float of the gill net or setnet and upon the upper side of the hoop net.

(6) Have spoiled fish in any fishing gear.

Stat. Auth.: ORS 506 & 507
Stats. Implemented: ORS 506 & 507
Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0050; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 4-1984, f. & ef. 1-31-84; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87

635-041-0053

Measurement of Net Mesh Size

The mesh size of any gill net or setnet is determined only after the meshes are wet from soaking in water not less than one hour. Three consecutive meshes are then placed under ten pounds of vertical tension and the measurement is taken from the inside of one vertical knot to the outside of the opposite vertical knot of the center mesh.

Stat. Auth.: ORS 506 & 507
Stats. Implemented: ORS 506 & 507
Hist.: FWC 23-1978, f. & ef. 5-4-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0053; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 13-1981, f. & ef. 4-3-81; FWC 6-1982, f. & ef. 1-28-82; FWC 4-1984, f. & ef. 1-31-84; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87

Treaty Indian Commercial Fishing Seasons

635-041-0055

Closed Season

It is *unlawful* to take any fish for commercial purposes from the Treaty Indian Fishery of the Columbia River except during the times, in the areas, with the gear, and for the species as provided in these rules.

Stat. Auth.: ORS 506 & 507
Stats. Implemented: ORS 506 & 507
Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0055; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 4-1984, f. & ef. 1-31-84; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87

635-041-0060

Sturgeon Season

(1) Sturgeon may be taken for commercial purposes during commercial salmon, steelhead, sturgeon, or shad fishing seasons with the commercial fishing gear authorized for the taking of salmon, steelhead, sturgeon, or shad.

(2) Sturgeon must be delivered to wholesale fish dealers, canners, or fish buyers undressed (in the round).

(3) It is *unlawful* to:

(a) Take sturgeon from any setline with the intent of depriving the rightful owner of such sturgeon;

(b) Steal or otherwise molest or disturb any lawful fishing gear;

(c) Remove the head or tail of any sturgeon taken for commercial purposes prior to being received at the premises of a wholesale fish dealer or canner;

(d) Remove the head or tail of any sturgeon while in transit;

(e) Remove eggs from the body cavity of sturgeon until the fish is sold;

(f) Purchase from commercial fishermen sturgeon eggs which have been removed from the body cavity prior to sale.

(4) Sturgeon between four and five feet in overall length, walleye, and carp may be taken for commercial purposes beginning 6:00a.m., Monday, December 1, 2003 to 6:00p.m., Sunday, December 14, 2003 from the Bonneville Pool.

(a) Gear is restricted to gillnets with 8 1/2 -inch minimum mesh size.

(b) Closed areas are set forth in OAR 635-041-0045.

(c) Salmon and steelhead may not be sold but may be retained for subsistence purposes.

(d) Setline fisheries set forth in OAR 635-041-0063 remain unchanged.

Stat. Auth.: ORS 496.118 & 506.119
Stats. Implemented: ORS 506.129 & 507.030
Hist.: FWC 89, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0060; FWC 6-1980,

f. & cf. 1-28-80; FWC 1-1981, f. & cf. 1-19-81; FWC 6-1982, f. & cf. 1-28-82; FWC 20-1982(Temp), f. & cf. 3-25-82; FWC 2-1983, f. 1-21-83, cf. 2-1-83; FWC 4-1984, f. & cf. 1-31-84; FWC 79-1986(Temp), f. & cf. 12-22-86; FWC 2-1987, f. & cf. 1-23-87; FWC 48-1988, f. & cf. 6-21-88; FWC 95-1988(Temp), f. 9-27-88, cert. ef. 9-28-88; FWC 9-1994, f. 2-14-94, cert. ef. 2-15-94; FWC 15-1995, f. & cf. 2-15-95; DFW 108-2001(Temp), f. & cf. 11-14-01 thru 11-20-01; DFW 109-2001(Temp), f. 11-21-01, cert. ef. 11-23-01 thru 12-31-01; DFW 115-2003(Temp), f. 11-20-03, cert. ef. 12-1-03 thru 12-31-03

635-041-0061 Sturgeon Size

(1) Sturgeon may be taken for commercial purposes by treaty Indian fishers during commercial fishing seasons in which sales of sturgeon are authorized.

(2) Sales are limited to sturgeon between 48-60" in overall length taken from between The Dalles and McNary dams and between 45-60" in overall length from between the Bonneville dam and The Dalles dam.

(3) It is *unlawful* to mutilate or disfigure a sturgeon in any manner which extends or shortens its length to the legal limit, or to possess such sturgeon.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 2-1985, f. & cf. 1-30-85; FWC 79-1986(Temp), f. & cf. 12-22-86; FWC 2-1987, f. & cf. 1-23-87; FWC 15-1995, f. & cf. 2-15-95; FWC 12-1997(Temp), f. 2-27-97, cert. ef. 3-1-97; DFW 8-1998(Temp), f. & cf. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cf. 3-3-98; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 6-2005, f. & cf. 2-14-05

635-041-0063

Sturgeon Setline Fishery

(1) Sturgeon may be taken by setline for commercial purposes from 12 Noon January 1 through 12 Noon January 31.

(2) Sturgeon may be taken by setline for commercial purposes from 6:00 a.m. July 31, 2006 through 6:00 p.m. August 15, 2006 or when guidelines are reached, whichever comes first.

(3) Open fishing area includes Bonneville and The Dalles pools only. Closed areas are set forth under OAR 635-041-0045.

(4) During the sturgeon setline season it shall be unlawful to:

(a) Operate any fishing gear other than setlines except as provided in OAR 635-041-0060;

(b) Operate any setline having more than 100 hooks;

(c) Use other than single hooks size 9/0 or larger;

(d) Operate any setline on which the buoy or marker does not have the tribal identification number of the individual operating the line clearly marked on it and which is attached in a manner that will not allow it to float visibly on the surface at all times.

(5) Notwithstanding OAR 635-041-0045(6)-(11), it is lawful during the open season to fish for sturgeon by means of set lines in the Columbia River within areas at and adjacent to the mouths of rivers.

(6) Allowable sales: Sturgeon between 45-60 inches in length from Bonneville Pool and 48-60 inches in length from The Dalles Pool may be sold or kept for subsistence use. Platform hook and line caught sturgeon between 45-60 inches in length from Bonneville Pool and 48-60 inches in length from The Dalles Pool may be sold during the open setline fishery. John Day Pool remains closed, but sturgeon between 48-60 inches in John Day Pool may be kept for subsistence purposes only.

Stat. Auth.: ORS 183.325, 506.119

Stats. Implemented: ORS 506.129, 507.030

Hist.: FWC 89, f. & cf. 1-28-77; FWC 2-1978, f. & cf. 1-31-78; FWC 7-1978, f. & cf. 2-21-78; FWC 2-1979, f. & cf. 1-25-79, Renumbered from 635-035-0063; FWC 6-1980, f. & cf. 1-28-80; FWC 12-1980, f. & cf. 2-29-80; FWC 64-1980(Temp), f. & cf. 11-7-80; FWC 1-1981, f. & cf. 1-19-81; FWC 6-1982, f. & cf. 1-28-82; FWC 2-1983, f. 1-21-83, cf. 2-1-83; FWC 9-1983(Temp), f. & cf. 3-1-83; FWC 4-1984, f. & cf. 1-31-84; FWC 2-1985, f. & cf. 1-30-85; FWC 4-1986(Temp), f. & cf. 1-28-86; FWC 79-1986(Temp), f. & cf. 12-22-86; FWC 2-1987, f. & cf. 1-23-87; FWC 10-1988, f. & cf. 3-4-88; FWC 48-1988, f. & cf. 6-21-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 12-1989(Temp), f. & cf. 3-21-89; FWC 54-1989(Temp), f. & cf. 8-7-89; FWC 9-1991, f. & cf. 1-31-91; FWC 37-1991(Temp), f. & cf. 4-3-91; FWC 4-1992, f. 1-30-92, cert. ef. 2-1-92; FWC 13-1992(Temp), f. & cf. 3-5-92; FWC 41-1992(Temp), f. 6-30-92, cert. ef. 7-1-92; FWC 107-1992(Temp), f. & cf. 10-9-92; FWC 7-1993, f. & cf. 2-1-93; FWC 15-1996(Temp), f. & cf. 4-1-96; FWC 25-1996(Temp), f. 5-14-96, cert. ef. 5-15-96; FWC 23-1997(Temp), f. 4-4-97, cert. ef. 4-7-97; FWC 35-1997(Temp), f. & cf. 6-13-97; FWC 40-1997(Temp), f. 6-20-97, cert. ef. 6-23-97; DFW 23-1998(Temp), f. & cf. 3-20-98 thru 6-30-98; DFW 50-1998(Temp), f. 6-25-98, cert. ef. 6-26-98 thru 7-24-98; DFW 57-1998(Temp), f. & cf. 7-24-98 thru 12-31-98; DFW 22-1999(Temp), f. & cf. 4-1-99 thru 4-23-99; DFW 28-1999(Temp), f. & cf. 4-23-99 thru 7-31-99; DFW 41-1999(Temp), f. & cf. 6-7-99 thru 7-31-99; DFW 79-1999(Temp), f. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 14-2000(Temp), f. 3-17-00, cert. ef. 3-20-00 thru 7-31-00; DFW 31-2000(Temp), f. 6-9-00, cert. ef. 6-10-00 thru 7-31-00; DMV 43-2000(Temp), f. 8-7-00, cert. ef. 8-8-00 thru 8-20-00; DFW 66-2000(Temp), f. 9-29-00, cert. ef. 10-2-00

thru 12-31-00; DFW 43-2001(Temp), f. 5-23-01, cert. ef. 5-24-01 thru 11-20-01; DFW 65-2001(Temp), f. & cf. 7-24-01 thru 12-31-01; DFW 94-2001(Temp), f. 9-26-01, cert. ef. 9-27-01 thru 12-31-01; DFW 114-2001(Temp), f. & cf. 12-13-01 thru 12-31-01; DFW 51-2002(Temp), f. & cf. 5-22-02 thru 9-1-02; DFW 104-2002(Temp), f. & cf. 9-19-02 thru 12-31-02; DFW 121-2002(Temp), f. 10-24-02, cert. ef. 10-27-02 thru 12-31-02; DFW 49-2003(Temp), f. & cf. 6-5-03 thru 9-1-03; DFW 58-2003(Temp), f. & cf. 7-9-03 thru 12-31-03; DFW 67-2003(Temp), f. 7-18-03, cert. ef. 7-21-03 thru 12-31-03; DFW 104-2003(Temp), f. 10-10-03, cert. ef. 10-11-03 thru 12-31-03; DFW 120-2005(Temp), f. & cf. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 69-2006(Temp), f. 7-28-06, cert. ef. 7-31-06 thru 12-31-06

635-041-0065

Winter Salmon Season

Salmon, steelhead, shad, sturgeon, walleye and carp may be taken for commercial purposes from the Columbia River Treaty Indian Fishery from 12 noon February 1, 2002 to 4 p.m. March 21, 2002.

Stat. Auth.: ORS 183.325 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 89, f. & cf. 1-28-77; FWC 2-1978, f. & cf. 1-31-78; FWC 7-1978, f. & cf. 2-21-78; FWC 2-1979, f. & cf. 1-25-79; FWC 13-1979(Temp), f. & cf. 3-30-1979, Renumbered from 635-035-0065; FWC 6-1980, f. & cf. 1-28-80; FWC 1-1981, f. & cf. 1-19-81; FWC 6-1982, f. & cf. 1-28-82; FWC 2-1983, f. 1-21-83, cf. 2-1-83; FWC 4-1984, f. & cf. 1-31-84; FWC 2-1985, f. & cf. 1-30-85; FWC 4-1986(Temp), f. & cf. 1-28-86; FWC 79-1986(Temp), f. & cf. 12-22-86; FWC 2-1987, f. & cf. 1-23-87; FWC 3-1988(Temp), f. & cf. 1-29-88; FWC 10-1988, f. & cf. 3-4-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 13-1989(Temp), f. & cf. 3-21-89; FWC 15-1990(Temp), f. 2-8-90, cert. ef. 2-9-90; FWC 20-1990, f. 3-6-90, cert. ef. 3-15-90; FWC 13-1992(Temp), f. & cf. 3-5-92; FWC 7-1993, f. & cf. 2-1-93; FWC 12-1993(Temp), f. & cf. 2-22-93; FWC 18-1993(Temp), f. & cf. 3-2-93; FWC 7-1994, f. & cf. 2-1-94; FWC 11-1994(Temp), f. & cf. 2-28-94; FWC 9-1995, f. & cf. 2-1-95; FWC 19-1995(Temp), f. & cf. 3-3-95; FWC 5-1996, f. & cf. 2-7-96; FWC 4-1997, f. & cf. 1-30-97; DFW 8-1998(Temp), f. & cf. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cf. 3-3-98; DFW 20-1998(Temp), f. & cf. 3-13-98 thru 3-20-98; DFW 23-1998(Temp), f. & cf. 3-20-98 thru 6-30-98; DFW 2-1999(Temp), f. & cf. 2-1-99 through 2-19-99; DFW 9-1999, f. & cf. 2-26-99; DFW 14-1999(Temp), f. 3-5-99, cert. ef. 3-6-99 thru 3-20-99; Administrative correction 11-17-99; DFW 6-2000(Temp), f. & cf. 2-1-00 thru 2-29-00; DFW 9-2000, f. & cf. 2-25-00; DFW 19-2000, f. 3-18-00, cert. ef. 3-18-00 thru 3-21-00; DFW 26-2000(Temp), f. 5-4-00, cert. ef. 5-6-00 thru 5-28-00; Administrative correction 5-22-00; DFW 3-2001, f. & cf. 2-6-01; DFW 14-2001(Temp), f. 3-12-01, cert. ef. 3-14-01 thru 3-21-01; Administrative correction 6-20-01; DFW 9-2002, f. & cf. 2-1-02; DFW 11-2002(Temp), f. & cf. 2-8-02 thru 8-7-02; DFW 17-2002(Temp), f. 3-7-02, cert. ef. 3-8-02 thru 9-1-02; DFW 18-2002(Temp), f. 3-13-02, cert. ef. 3-15-02 thru 9-11-02; DFW 134-2002(Temp), f. & cf. 12-19-02 thru 4-1-03; DFW 20-2003(Temp), f. 3-12-03, cert. ef. 3-13-03 thru 4-1-03; DFW 131-2003(Temp), f. 12-26-03, cert. ef. 1-1-04 thru 4-1-04; DFW 5-2004(Temp), f. 1-26-04, cert. ef. 2-2-04 thru 4-1-04; DFW 15-2004(Temp), f. 3-8-04, cert. ef. 3-10-04 thru 4-1-04; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 4-2005(Temp), f. & cf. 1-31-05 thru 4-1-05; DFW 18-2005(Temp), f. & cf. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 3-2006(Temp), f. & cf. 1-27-06 thru 3-31-06; Administrative correction 4-19-06

635-041-0068

Sockeye Season

(1) Sockeye salmon, shad, sturgeon, steelhead, coho salmon, and chinook salmon may be taken for commercial purposes from the Columbia River Treaty Indian Fishery from 6 a.m. June 25, 2001 to 6 p.m. June 26, 2001, and from 6 a.m. June 30, 2001 to 6 p.m. July 1, 2001, in the area between Bonneville Dam and McNary Dam.

(2) It is *unlawful* to use gill nets or set nets with a mesh size greater than 4-1/2 inches during the season provided in section (1) of this rule.

(3) Closed areas are set forth in OAR 635-041-0045.

(4) Sockeye salmon, shad, steelhead, walleye, coho salmon, and chinook salmon may be taken for commercial purposes from main-stem Columbia River waters open to subsistence fishing (see OAR 635-041-0015) from 6 a.m. June 25, 2001 to 6 p.m. June 26, 2001, from 6 a.m. June 30, 2001 to 6 p.m. July 15, 2001, and from 6 a.m. July 20, 2001 to 6 p.m. July 25, 2001. Subsistence catch from Klickitat River may also be sold during these time periods. Legal size sturgeon caught in the Bonneville and John Day pools may also be taken for commercial purposes from 6 a.m. July 20, 2001 to 6 p.m. July 25, 2001.

(a) Gear is restricted to subsistence fishing gear including dipnets, hoopnets, setbag nets, and hook-and-line with bait and lures allowed.

(b) Fish taken using subsistence gear from these open subsistence areas may be sold to licensed fish dealers and directly to members of the general public during these open commercial periods. Commercial sales will close July 25, 2001 at 6 p.m.

(c) Subsistence areas in the Klickitat River are open to fishing as enacted by the State of Washington.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 29-1983(Temp), f. & cf. 7-11-83; FWC 30-1983(Temp), f. & cf. 7-12-83; FWC 31-1983(Temp), f. & cf. 7-15-83; FWC 26-1984(Temp), f. & cf. 6-22-84; FWC

28-1984 (Temp), f. & cert. 6-29-84; FWC 28-1985(Temp), f. & cert. 6-21-85; FWC 31-1985(Temp), f. & cert. 7-1-85; FWC 33-1985 (Temp), f. & cert. 7-3-85; FWC 26-1986, f. & cert. 6-25-86; FWC 30-1987, f. & cert. 6-19-87; FWC 32-1987(Temp), f. & cert. 6-23-87; FWC 35-1987(Temp), f. & cert. 6-29-87; FWC 38-1987 (Temp), f. & cert. 7-2-87; FWC 48-1988, f. & cert. 6-21-88; FWC 49-1988(Temp), f. & cert. 6-23-88; FWC 51-1988 (Temp), f. & cert. 6-28-88; FWC 54-1988(Temp), f. & cert. 6-28-88; DFW 37-2000(Temp), f. & cert. 6-30-00, cert. 6-30-00 thru 7-10-00; DFW 50-2001(Temp), f. & cert. 6-22-01, cert. 6-25-01 thru 6-26-01; DFW 53-2001(Temp), f. & cert. 6-27-01 thru 7-15-01; DFW 60-2001(Temp), f. & cert. 7-19-01, cert. 7-20-01 thru 7-25-01

635-041-0070

Walleye Taken Incidentally to Commercial Season

(1) Walleye taken by net during any authorized commercial fishing season may be sold in accordance with OAR 635-006-0225.

(2) Notwithstanding OAR 635-011-0100, walleye may be retained for personal use.

Stat. Auth.: ORS 496, 506 & 507

Stats. Implemented: ORS 496, 506 & 507

Hist.: FWC 5-1980(Temp), f. & cert. 1-28-80; FWC 29-1980, f. & cert. 6-23-80; FWC 1-1981, f. & cert. 1-19-81; FWC 6-1982, f. & cert. 1-28-82; FWC 4-1984, f. & cert. 1-31-84; FWC 79-1986 (Temp), f. & cert. 12-22-86; FWC 2-1987, f. & cert. 1-23-87; FWC 5-1989, f. & cert. 2-6-89, cert. 2-7-89

635-041-0072

Carp and Other Nongame Fish

It is *unlawful* to fish for or possess carp and other nongame fish from the Columbia River for commercial purposes except:

(1) As authorized by ORS 508.106 (Permit to take carp or other foodfish).

(2) During open commercial fishing periods with gear authorized for those open commercial fishing periods.

Stat. Auth.: ORS 183.325 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: DFW 2-1999(Temp), f. & cert. 2-1-99 thru 2-19-99; DFW 9-1999, f. & cert. 2-26-99

635-041-0075

Fall Salmon Season

(1) Chinook, coho, steelhead, walleye, carp, and shad may be taken with gill net for commercial purposes in the mainstem Columbia River in all of Zone 6.

(2) The open fishing periods are:

(a) 6:00 a.m. Monday August 21, 2006 through 6:00 p.m. Thursday August 24, 2006 (84 hours);

(b) 6:00 a.m. Monday August 28, 2006 through 6:00 p.m. Friday September 1, 2006 (108 hours);

(c) 6:00 a.m. Tuesday September 5, 2006 through 6:00 p.m. Saturday September 9, 2006 (108 hours);

(d) 6:00 a.m. Monday September 11, 2006 through 6:00 p.m. Friday September 15, 2006 (108 hours);

(e) 6:00 a.m. Monday September 18, 2006 through 6:00 p.m. Friday September 22, 2006 (108 hours);

(f) 6:00 a.m. Monday September 25, 2006 through 6:00 p.m. Friday September 29, 2006 (108 hours);

(g) 6:00 a.m. Tuesday October 3, 2006 through 6:00 p.m. Friday October 6, 2006 (84 hours).

(3) Through September 1, 2006 there is no mesh size restriction. Beginning September 5, 2006 there is an 8-inch minimum mesh size restriction.

(4) Closed areas are set forth in OAR 635-041-0045, including the closure at the mouth of Spring Creek which is the larger area described in OAR 635-041-0045(11).

(5) Sturgeon may not be sold. However, sturgeon between 48 inches and 60 inches in length from The Dalles and John Day Pools and sturgeon between 45 inches and 60 inches from the Bonneville Pool may be kept for subsistence use.

(6) Commercial sale of platform and hook-and-line caught fish from Zone 6 of the mainstem Columbia River is allowed beginning 12:01 a.m., Tuesday August 1, 2006 through 6:00 p.m. Sunday October 15, 2006.

(a) Gear is restricted to: hoopnets, dipnets, and rod and reel with hook-and-line.

(b) Allowable sales include chinook, coho, steelhead, walleye, carp, and shad. Sockeye may be kept for subsistence use but not sold.

(c) Sturgeon may not be sold. However, sturgeon between 4 feet and 5 feet in length from The Dalles and John Day pools and sturgeon from the Bonneville Pool between 45 inches and 60 inches in length may be kept for subsistence use.

(7) Fish caught during Yakama Indian Nation's scheduled open tributary fishing periods in Drano Lake, the Klickitat and Big White Salmon river may be sold when accompanied by a Yakama Indian Nation fish transport permit.

Stat. Auth.: ORS 183.325, 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: FWC 25-1979, f. & cert. 8-2-79; FWC 36-1979(Temp), f. & cert. 8-22-79; FWC 47-1979(Temp), f. & cert. 9-21-79; FWC 44-1980(Temp), f. & cert. 8-22-80; FWC 46-1980(Temp), f. & cert. 9-13-80; FWC 33-1981(Temp), f. & cert. 9-15-81; FWC 58-1982(Temp), f. & cert. 8-27-82; FWC 62-1982(Temp), f. & cert. 9-7-82; FWC 63-1982(Temp), f. & cert. 9-14-82; FWC 75-1982 (Temp), f. & cert. 10-29-82; FWC 36-1983, f. & cert. 8-18-83; FWC 49-1983(Temp), f. & cert. 9-26-83; FWC 51-1983(Temp), f. & cert. 9-30-83; FWC 55-1983(Temp), f. & cert. 10-4-83; FWC 46-1984, f. & cert. 8-30-84; FWC 55-1984(Temp), f. & cert. 9-10-84; FWC 58-1984(Temp), f. & cert. 9-17-84; FWC 61-1984 (Temp), f. & cert. 9-21-84; FWC 70-1984(Temp), f. & cert. 10-9-84; FWC 47-1985, f. & cert. 8-23-85; FWC 60-1985(Temp), f. & cert. 9-13-85; FWC 63-1985(Temp), f. & cert. 9-24-85; FWC 42-1986, f. & cert. 8-15-86; FWC 53-1986(Temp), f. & cert. 9-4-86; FWC 54-1986(Temp), f. & cert. 9-5-86; FWC 57-1986(Temp), f. & cert. 9-11-86; FWC 60-1986(Temp), f. & cert. 9-26-86; FWC 62-1986(Temp), f. & cert. 10-2-86; FWC 63-1987, f. & cert. 8-7-87; FWC 74-1987(Temp), f. & cert. 9-4-87; FWC 75-1987(Temp), f. & cert. 9-1-87; FWC 78-1987(Temp), f. & cert. 9-15-87; FWC 80-1987(Temp), f. & cert. 9-18-87; FWC 87-1987(Temp), f. & cert. 10-9-87; FWC 89-1987(Temp), f. & cert. 10-12-87; FWC 67-1988, f. & cert. 8-15-88; FWC 72-1988(Temp), f. & cert. 8-19-88; FWC 77-1988(Temp), f. & cert. 9-2-88; FWC 91-1988(Temp), f. & cert. 9-16-88; FWC 95-1988 (Temp), f. & cert. 9-27-88, cert. 9-28-88; FWC 54-1989(Temp), f. & cert. 8-7-89; FWC 87-1989(Temp), f. & cert. 9-1-89; FWC 95-1989(Temp), f. & cert. 9-19-89; FWC 96-1989 (Temp), f. & cert. 9-21-89; FWC 99-1989(Temp), f. & cert. 9-27-89; FWC 100-1989(Temp), f. & cert. 9-28-89; FWC 80-1990(Temp), f. & cert. 8-7-90, cert. 8-8-90; FWC 90-1990, f. & cert. 8-31-90; FWC 96-1990(Temp), f. & cert. 9-7-90, cert. 9-10-90; FWC 98-1990(Temp), f. & cert. 9-14-90, cert. 9-17-90; FWC 85-1991, f. & cert. 8-7-91, cert. 8-12-91; FWC 96-1991, f. & cert. 9-9-91; FWC 101-1991(Temp), f. & cert. 9-10-91; FWC 103-1991(Temp), f. & cert. 9-17-91, cert. 9-18-91; FWC 110-1991(Temp), f. & cert. 9-27-91; FWC 73-1992(Temp), f. & cert. 8-10-92; FWC 86-1992(Temp), f. & cert. 9-2-92; FWC 87-1992(Temp), f. & cert. 9-4-92, cert. 9-7-92; FWC 91-1992(Temp), f. & cert. 9-16-92, cert. 9-17-92; FWC 96-1992(Temp), f. & cert. 9-22-92, cert. 9-23-92; FWC 105-1992(Temp), f. & cert. 10-2-92, cert. 10-5-92; FWC 107-1992 (Temp), f. & cert. 10-9-92; FWC 47-1993, f. & cert. 8-6-93, cert. 8-9-93; FWC 52-1993, f. & cert. 8-30-93; FWC 57-1993(Temp), f. & cert. 9-13-93; FWC 59-1993(Temp), f. & cert. 9-17-93, cert. 9-20-93; FWC 61-1993(Temp), f. & cert. 9-24-93; FWC 55-1994(Temp), f. & cert. 8-26-94, cert. 8-29-94; FWC 61-1994(Temp), f. & cert. 9-7-94, cert. 9-8-94; FWC 74-1994(Temp), f. & cert. 10-12-94; FWC 68-1995(Temp), f. & cert. 8-25-95, cert. 8-29-95; FWC 72-1995(Temp), f. & cert. 9-1-95; FWC 75-1995(Temp), f. & cert. 9-12-95, cert. 9-13-95; FWC 46-1996, f. & cert. 8-23-96; FWC 48-1996(Temp), f. & cert. 8-29-96, cert. 9-2-96; FWC 51-1996(Temp), f. & cert. 9-6-96, cert. 9-9-96; FWC 53-1996(Temp), f. & cert. 9-26-96; FWC 54-1996(Temp), f. & cert. 9-23-96; FWC 48-1997, f. & cert. 8-25-97; FWC 52-1997(Temp), f. & cert. 9-29-97, cert. 9-2-97; FWC 57(Temp), f. & cert. 9-9-97; FWC 60-1997(Temp), f. & cert. 9-16-97, cert. 9-17-97; FWC 68-1998(Temp), f. & cert. 9-8-97, cert. 8-25-98 thru 9-25-98; DFW 76-1998(Temp), f. & cert. 9-8-98 thru 9-25-98; DFW 79-1998(Temp), f. & cert. 9-14-98, cert. 9-15-98 thru 9-25-98; DFW 79-1998(Temp), f. & cert. 9-21-98, cert. 9-22-98 thru 9-25-98; DFW 80-1998(Temp), f. & cert. 9-23-98, cert. 9-24-98 thru 9-25-98; DFW 59-1999(Temp), f. & cert. 8-23-99 thru 9-11-99; DFW 62-1999(Temp), f. & cert. 9-2-99, cert. 9-3-99 thru 9-11-99; DFW 65-1999(Temp), f. & cert. 9-14-99, cert. 9-15-99 thru 9-17-99; DFW 69-1999(Temp), f. & cert. 9-17-99 thru 9-18-99; DFW 72-1999(Temp), f. & cert. 9-21-99, cert. 9-22-99 thru 10-22-99; DFW 74-1999(Temp), f. & cert. 9-28-99, cert. 9-29-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. & cert. 8-18-00, cert. 8-21-00 thru 9-9-00; DFW 60-2000(Temp), f. & cert. 9-11-00, cert. 9-12-00 thru 12-31-00; DFW 61-2000(Temp), f. & cert. 9-15-00, cert. 9-19-00 thru 12-31-00; Administrative correction 6-19-01; DFW 75-2001(Temp), f. & cert. 8-20-01 thru 9-8-01; DFW 87-2001(Temp), f. & cert. 9-10-01, cert. 9-11-01 thru 9-15-01; DFW 91-2001(Temp), f. & cert. 9-19-01 thru 12-31-01; DFW 94-2001(Temp), f. & cert. 9-26-01, cert. 9-27-01 thru 12-31-01; DFW 100-2001(Temp), f. & cert. 10-16-01, cert. 10-17-01 thru 12-31-01; DFW 89-2002(Temp), f. & cert. 8-16-02, cert. 8-18-02 thru 12-31-02; DFW 98-2002(Temp), f. & cert. 8-30-02 thru 12-31-02; DFW 102-2002(Temp), f. & cert. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. 9-19-02 thru 12-31-02; DFW 113-2002(Temp), f. & cert. 10-14-02, cert. 10-15-02 thru 12-31-02; DFW 77-2003(Temp), f. & cert. 8-13-03 thru 12-31-03; DFW 81-2003(Temp), f. & cert. 8-25-03, cert. 8-26-03 thru 12-31-03; DFW 91-2003(Temp), f. & cert. 9-12-03, cert. 9-16-03 thru 12-31-03; DFW 97-2003(Temp), f. & cert. 9-22-03, cert. 9-24-03 thru 12-31-03; DFW 101-2003(Temp), f. & cert. 9-26-03, cert. 10-1-03 thru 12-31-03; DFW 103-2003(Temp), f. & cert. 10-8-03 thru 12-31-03; DFW 104-2003(Temp), f. & cert. 10-10-03, cert. 10-11-03 thru 12-31-03; DFW 88-2004(Temp), f. & cert. 8-23-04 thru 12-31-04; DFW 95-2004(Temp), f. & cert. 9-17-04, cert. 9-19-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. 9-24-04 thru 12-31-04; DFW 104-2004(Temp), f. & cert. 10-12-04, cert. 10-13-04 thru 12-31-04; DFW 110-2004(Temp), f. & cert. 10-29-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 96-2005(Temp), f. & cert. 8-22-05 thru 12-31-05; DFW 104-2005(Temp), f. & cert. 9-12-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. 9-19-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. 9-28-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. 10-11-05 thru 12-31-05; Administrative correction 1-19-06; DFW 71-2006(Temp), f. & cert. 7-31-06, cert. 8-1-06 thru 12-31-06; DFW 86-2006(Temp), f. & cert. 8-18-06, cert. 8-21-06 thru 12-31-06; DFW 94-2006(Temp), f. & cert. 9-8-06, cert. 9-11-06 thru 12-31-06; DFW 101-2006(Temp), f. & cert. 9-15-06, cert. 9-18-06 thru 12-31-06; DFW 107-2006(Temp), f. & cert. 9-28-06, cert. 10-3-06 thru 12-31-06; DFW 115-2006(Temp), f. & cert. 10-13-06, cert. 10-15-06 thru 12-31-06

635-041-0076

Summer Salmon Season

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030

Hist.: DFW 5-2006, f. & cert. 2-15-06; DFW 39-2006(Temp), f. & cert. 6-8-06 thru 7-31-06; DFW 46-2006(Temp), f. & cert. 6-20-06 thru 7-31-06; DFW 49-2006(Temp), f. & cert. 6-26-06, cert. 6-27-06 thru 7-31-06; DFW 56-2006(Temp), f. & cert. 6-30-

06, cert. ef. 7-3-06 thru 7-31-06; DFW 58-2006(Temp), f. 7-6-06, cert. ef. 7-10-06 thru 7-31-06; Administrative correction 8-22-06

Confederated Tribes of Siletz Indian Cultural Salmon Fishery

635-041-0500

Definitions

In addition to the definitions provided in other rules of the Department, the following definitions shall apply to OAR 635-041-0500 through 635-041-0520:

(1) "Agreement" means the Agreement Among the State of Oregon, United States of America and the Confederated Tribes of Siletz Indians of Oregon to Permanently Define Tribal Hunting, Fishing, Trapping, and Gathering Rights of the Siletz Tribe and its Members, signed by the parties to the Agreement and dated April 22, 1980, and referred to in United States Public Law 96-340 (see **Exhibit 1** in OAR 635-041-0600).

(2) "Dip Net" means a net with a mesh size no larger than five inches (measured from the inside of one vertical knot to the outside of the opposite vertical knot), attached to a hoop no larger than four (4) feet in diameter and attached directly to a handle; dip nets shall be attended at all times.

(3) "Spear" means a hand-propelled barbed single or multiple point device attached directly to a long shaft; no multiple pointed spear shall have an overall width greater than eight inches.

(4) "Gaffhook" means a large, strong, single point hook attached directly to a handle.

[ED. NOTE: Exhibits referenced are available from the agency.]

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 50-1980(Temp), f. & ef. 9-22-80; FWC 35-1981 (Temp), f. & ef. 9-22-81; FWC 52-1982, f. & ef. 8-9-82

635-041-0510

Applicability of Regulations

(1) The right to fish in accordance with OAR 635-041-0500 through 635-041-0520 is restricted to those members of the Confederated Tribes of Siletz Indians of Oregon, referred to in Public Law 95-195, 91 Stat. 1415 (currently codified at **25 USC 711-711F**), and all tribal members, present and future, and applies only to the cultural fishery described in the Agreement. All other fishing by tribal members must be in accordance with state laws or rules. The attached Agreement is hereby made a part of these rules.

(2) The taking of salmon prescribed in the Agreement and by OAR 635-041-0500 through 635-041-0520 is prohibited except by persons, during times, with the fishing gear, and in the areas specified.

(3) Tribal fishermen must have a valid tribal license in their possession at all times when fishing pursuant to the Agreement.

(4) Violation of any of the provisions of the Agreement or any of these rules is prohibited.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 50-1980(Temp), f. & ef. 9-22-80; FWC 35-198 (Temp), f. & ef. 9-22-81; FWC 52-1982, f. & ef. 8-9-82

635-041-0515

Cultural Fishery Gear

It is lawful to take salmon during the open seasons, prescribed in OAR 635-041-0520 for cultural fishery purposes by dipnets, spears, and gaffhooks.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 50-1980(Temp), f. & ef. 9-22-80; FWC 35-1981 (Temp), f. & ef. 9-22-81; FWC 52-1982, f. & ef. 8-9-82

635-041-0520

Cultural Fishery Seasons and Areas

(1) Salmon may be taken for cultural fishery purposes from October 1 through November 30 in those areas described in the Agreement and more specifically:

(a) Euchre Creek Falls, a single falls located approximately between stream mile 2.8 and 3.0 in Section 11, T9S R10W. Upstream boundary designated by an orange-painted 18-20 inch oval area located on the rock face on the right side of the stream approximately 94 feet above the base of the falls. The downstream boundary is designated by an orange painted area on a large boulder on the left side of the stream approximately 280 feet below the base of the falls;

(b) Dewey Creek Falls, a series of three small falls located approximately between stream mile 0.4 and 0.5 in Section 8, T10S, R10W. The upstream boundary designated by an orange-colored 12 inch triangular piece of aluminum attached to an alder tree on the right side of the stream approximately 53 feet above the base of the upper falls. The downstream boundary designated by an orange-painted 18-20 inch area on a rock ledge on the right side of the stream approximately 290 feet below the base of the upper falls;

(c) Little Rock Creek, in portions flowing through the NE 1/4 and NW 1/4 of Section 7, T10S, R8W, W.M. on land owned by the Confederated Tribes of the Siletz Indians of Oregon. The upstream boundary is designated by a yellow Siletz Tribal marker at Survey Boundary Stake LS1901 located between Little Rock Creek and the Siletz-Nashville Road at approximately stream mile 0.9. The downstream boundary is designated by a yellow Siletz Tribal marker located on a fir Bearing Tree located between Little Rock Creek and the Siletz-Nashville Road at approximately stream mile 0.3;

(d) Within the cultural fishing site on Little Rock Creek, fishing is additionally regulated as follows:

(A) No fishing is allowed within an area 200 feet upstream or downstream of the fish trap operated by the Oregon Department of Fish and Wildlife and designated by Siletz Tribal markers;

(B) Fishing in the section of Little Rock Creek beginning at the Tribal marker 200 feet downstream from the ODFW fish trap and extending downstream 300 feet to a Siletz Tribal marker must occur from platforms or other devices raised above the water surface. Such platforms or devices shall not extend more than one half the width of the stream.

(2) Salmon may be taken for cultural fishery purposes from one hour before sunrise until one hour after sunset.

(3) Salmon taken during the open season set forth in section (1) of this rule shall be tagged immediately upon landing by inserting one of the 200 salmon tags provided to the Confederated Tribe of Siletz by permanently affixing the tag around the lower jaw of the fish. It is *unlawful* to possess salmon taken during the open season set forth in section (1) of this rule which have not been so tagged.

Stat. Auth.: ORS 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.138, 496.146 & 496.162

Hist.: FWC 50-1980(Temp), f. & ef. 9-22-80; FWC 35-1981 (Temp), f. & ef. 9-22-81; FWC 52-1982, f. & ef. 8-9-82; FWC 54-1983, f. & ef. 9-30-83; FWC 92-1988(Temp), f. & cert. ef. 9-6-88; FWC 121-1991, f. 10-17-91, cert. ef. 10-18-91

635-041-0600

Confederated Tribes of the Grand Ronde Community of Oregon

The Oregon Fish and Wildlife Commission adopts the "Agreement among the State of Oregon, the United States of America and the Confederated Tribes of the Grand Ronde Community of Oregon to permanently define tribal hunting, fishing, trapping, and animal gathering rights of the Tribe and its members" (see **Exhibit 2**), signed by the Commission Chairman, Don Barth, 11-29-86, and further provided that no angling license is required for Grand Ronde members when fishing from jetties and the surf in the Pacific Ocean within the Trask unit.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 33-1987, f. & ef. 6-25-87

EXHIBIT 1

(635-041-0500)

AGREEMENT

AMONG THE STATE OF OREGON, THE UNITED STATES OF AMERICA AND THE CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON TO PERMANENTLY DEFINE TRIBAL HUNTING, FISHING, TRAPPING, AND GATHERING RIGHTS OF THE SILETZ TRIBE AND ITS MEMBERS

1. Parties. The following entities are the parties to the agreement and they shall be defined for the purpose of this agreement as follows:

a. "Tribe" shall mean the Confederated Tribes of Siletz Indians of Oregon, as referred to in Public Law 95-195, 91 Stat. 1415 (currently codified at 25 USC S § 711-711f), and all tribal members, present and future.

b. "State" shall mean the State of Oregon acting through the Oregon Department of Fish and Wildlife, and administrative agency of the State of Oregon; the Department of Justice of the State of Oregon; the Oregon State Police; and any successor agencies or officials of the State of Oregon that may have regulatory jurisdiction over the harvest of fish or wildlife within the State of Oregon.

c. "Department" shall mean the Oregon Department of Fish and Wildlife and any successor agencies that may have regulatory jurisdiction over the harvest of fish or wildlife within the State of Oregon.

d. "The United States" shall mean the United States of America; the United States

Department of the Interior and agencies within that department; and the United States Department of Justice and agencies within that department. The United States is a party to this agreement solely in its capacity as trustee for the Tribe and its members.

2. Statement of Purpose. This agreement has been negotiated because of the following factors:

a. The nature and extent of tribal hunting, fishing, gathering, and trapping rights are presently unknown. They have not been defined by any court. The question is exceedingly complex, involving numerous acts of Congress, executive orders, and treaties. Siletz hunting and fishing rights have been and are now the subject of significant controversy. The Tribe contends that it possesses tribal hunting, fishing, trapping and gathering rights. The State, on the other hand, disagrees and presently enforces state law whenever the Tribe or its members hunt, fish, trap, or gather, contrary to any provision of the law.

b. Thus, in order to resolve this controversy and to promote sound and orderly management and conservation of fish and wildlife resources, it is the desire of the parties to define, specifically and permanently, the nature and extent of the Tribe's rights.

3. Controlling Principles. This agreement shall be construed in accordance with the following principles:

a. This agreement shall fully and completely define the tribal hunting, fishing, trapping, and gathering rights, and no special tribal rights shall hereafter exist except those which are specifically set forth in this agreement.

b. Any hunting, fishing, trapping, and gathering, including method, time, and place, which is conducted by the Tribe or its members and which is not specifically permitted by this agreement shall be subject to regulation under applicable state laws.

c. The parties are determined to implement this agreement in a cooperative and positive manner. The parties intend to assist each other in the implementation of this agreement and to exchange among themselves all documents and other information concerning the implementation of this agreement.

d. All of the parties have negotiated this agreement voluntarily; have signed it free of any pressure, coercion or duress of any kind; and have been extensively advised by counsel, all of whom are intimately familiar with the legal issues addressed by this agreement. The parties have all had full access to all of the relevant facts, legislative history, and judicial precedent. The parties, therefore, intend this agreement to be the sole, exclusive statement of any special hunting, fishing, trapping, and gathering rights which the Tribe does possess and of those which it does not possess. The parties expressly intend that this agreement shall not be contested or reopened at any time.

e. The Tribe is a sovereign government and is legally empowered to represent its members in this agreement. This agreement, therefore, shall be permanently binding on all tribal members, present and future.

f. The parties agree that the State shall retain the sovereign authority to manage fish and wildlife resources, both on and off Tribe's reservation, subject to the provisions of this agreement.

g. This agreement is based on the special circumstances surrounding the relationships of the parties and does not affect the rights of any persons, tribes, or groups who are not parties to this agreement.

4. Fishing Rights. In addition to those fishing rights or privileges accorded to citizens or licensees of the State under state law, the Tribe shall have the rights set forth in this paragraph.

a. The Cultural Fishery.

(1) The Tribe shall have the opportunity to harvest 200 salmon, regardless of size, per year from sites on tributaries of the Siletz River according to the provisions of this agreement. The parties acknowledge that actual annual salmon harvest may be less than 200 salmon because of water conditions, varying run sizes, and fishing effort. Furthermore, the parties agree that there shall be no makeup of salmon harvest in subsequent years if harvest is less than 200 salmon in any single year. No state license shall be required for salmon taken pursuant to this section.

(2) The only permissible means of harvest shall be dip nets, spears, and gaffhooks. "Dip net" shall mean a net with a mesh size no larger than 5 inches (measured from the inside of one vertical knot to the outside of the opposite vertical knot), attached to a hoop no larger than 4 feet in diameter and attached directly to a handle; dip nets shall be attended at all times. "Spear" shall mean a hand-propelled barbed single or multiple point device attached directly to long shaft; no multiple pointed spear shall have an overall width greater than 8 inches. "Gaffhook" shall mean a large, strong, single point hook attached directly to a handle.

(3) Harvesting by the Tribe shall occur only during salmon runs as set forth herein. The tribal fishing season, up to but not to exceed 60 days, shall be established by the Department after consultation with the Tribe each calendar year during the period of the more active part of the fall salmon run. All tribal salmon fishing shall occur during those regular hours set for salmon angling by the Commission. The establishment of any special tribal fishing season is subject to the State's authority to regulate for conservation purposes and for protection of steelhead.

(4) The harvest of salmon shall be permitted only at the following specific tributary locations:

(a) Euchre Creek Falls, which is a single falls, and a site located approximately between river mile 2.8 and 3.0 in Section 11, T9S, R10W, W.M.;

(b) Dewey Creek Falls, which is a series of falls located approximately between river mile 0.4 and 0.5 in Section 7, T10S, R10W, W.M.; and

(c) A single site on Rock Creek, as agreed upon in writing by the Tribe and the Department.

The Tribe and the Department may agree in writing upon replacement sites on tributaries of the Siletz River if fishing or management at any of the above sites becomes impractical. The Department shall manage, and where appropriate, enhance the salmon resource in each designated stream, consistent with sound principles of fishery science.

(5) All tribal fishing pursuant to this agreement shall be subject to all of the rights of private landowners and tenants under state trespass laws and other applicable provisions.

(6) All harvesting of salmon shall be in accordance with the licensing and tagging

procedures set forth in section 7, below.

b. The Subsistence Supply. In addition to the right to harvest salmon from tributaries of the Siletz River as set forth above, the Tribe shall have the right to receive, at its option, 4000 pounds annually of surplus salmon carcasses from a source to be determined by the Department. These fish shall be fit for human consumption and grade one fish shall be supplied if available. After the State has sorted the surplus salmon and has determined which fish are available for consumption, the Tribe may at its option participate in the final selection of these fish. An authorized agent of the Tribe shall be responsible for pickup of salmon carcasses at an appropriate location or locations designated by the Department and reasonably convenient to the Tribe. The Tribe shall make all arrangements for the consumption of such fish, but such fish shall not be used for any commercial purpose.

c. Prohibited Acts. The following acts shall not be included within the Tribe's special fishing rights and are subject to regulation under applicable state or federal law:

(1) The taking of steelhead or game fish other than salmon.

(2) Net fishing, including gill netting, except that dip netting will be permitted as defined in this agreement.

(3) The use of fish, or parts thereof, for commercial purposes.

(4) The taking of fish in a geographic area other than those established pursuant to this agreement.

(5) The taking of fish in excess of the number specified in this agreement.

(6) The taking of fish in violation of any of the limitations set forth in this section 4 or of the licensing and tagging provisions as set forth in section 7 below.

5. Hunting Rights. In addition to those hunting rights or privileges accorded to citizens or licensees of the State under state law, the Tribe shall have the rights set forth in this paragraph.

(a) Cultural Hunting.

(1) The Tribe shall have the opportunity to harvest a total of 400 deer and elk per year (which total shall not include more than 25 elk) within the following two units, as those units were defined as of the date at this agreement: The Stott Mountain Management Unit and that portion of the Alsea Management Unit which lies north of Oregon Highway 34 and west of Oregon Highway 223. The parties acknowledge that the annual harvest may be less than 400 animals and that there shall be no makeup of deer or elk harvest in subsequent years. No state license shall be required for game taken pursuant to this section. Tribal hunting shall be subject to the State's right to regulate for conservation purposes.

(2) All hunting pursuant to this agreement shall occur only during deer and elk seasons prescribed by the State for all citizens in the geographic area described in section 5(a)(1), above. If the State prescribes a controlled deer or elk season in the described geographical area whereby participants must draw for permits, the State shall provide permits to the Tribe, at the Tribe's option, for the controlled hunt of up to 10 percent of the total controlled tags authorized for all citizens. Such permits for controlled hunts shall be valid only when used with an unused tribal tag and shall be counted as part of the 400 total tags issued pursuant to section 5. Weapons, antler regulations, methods, and other regulations for tribal hunting shall be the same as established by the State for all citizens.

(3) All tribal hunting pursuant to this agreement shall be subject to all of the rights of private landowners and tenants under state trespass laws and other applicable provisions.

(4) All hunting pursuant to this section shall be in accordance with the licensing and tagging procedures set forth in section 7 below.

b. The Subsistence Supply. In addition to the Tribe's right to harvest deer and elk as set forth above, the State shall make available to the Tribe, at the Tribe's option, a substantial portion of the deer and elk carcasses received by State agencies in Lincoln County. The State shall promptly advise the Tribe of available carcasses. The Tribe shall be responsible for pickup and any costs for processing.

c. Prohibited Acts. The following acts shall not be included within the Tribe's special hunting and trapping rights and are subject to regulation under applicable state or federal law:

(1) The hunting or trapping of animals other than deer and elk.

(2) The use of deer or elk meat for commercial purposes.

(3) The taking of deer or elk in a geographic area other than that described in section 5(a)(1), above.

(4) The taking of deer or elk in excess of the number specified in this agreement.

(5) The taking of deer or elk in violation of any of the limitations set forth in this section 5 or of the licensing and tagging provisions, as set forth in section 7 below.

6. Trapping and Cultural Gathering. The Tribe shall have no special trapping rights. The Tribe and its members shall have the right to gather eels (lampreys), seaweed, and fresh water mussels within Lincoln County for non-commercial uses subject to the State's right to regulate for conservation purposes. Gathering of sea anemones, rock oysters (piddocks), and saltwater mussels by tribal members shall be subject to all applicable state laws, except that upon request of the Tribe, the Department may issue special gathering permits which will provide the Tribe an opportunity to gather these animals within Lincoln County for ceremonial and subsistence purposes. The Department shall designate the number of special gathering permits to be issued annually, the quantity of animals to be harvested, size limits, gear, degree of allowable removal, and area of harvest. A valid tribal license issued pursuant to this agreement may be used in lieu of any personal use state license that may be required for such gathering of the above listed species and clams.

7. Licensing and Tagging System. The Tribe and its members shall not exercise any of the special rights provided for in this agreement to harvest salmon, deer, or elk (referred to as "animals" in this section), except pursuant to the terms of this section. Any person who has not complied fully with the provisions of this section shall be subject to prosecution under state law. Except for the provisions of this section, no state licenses or tags shall be required for animals taken pursuant to this agreement.

a. Every tribal member exercising tribal fishing or hunting rights shall have in possession a valid tribal license (containing at a minimum the member's name, photograph, and enrollment number) and a valid tag issued pursuant to this section for the type of animal being sought.

b. The State shall annually issue without charge to the Tribe 200 salmon tags, 375 deer tags, and 25 combination tags valid for taking either one deer or one elk. The Tribe shall control the issuance of such tags to its members.

c. Whenever an animal is taken, the tag shall be promptly filled out by the tribal member and promptly affixed to the animal. The information listed on the tag shall be provided to the tribal office within a time period prescribed by the Tribe.

d. The Tribe shall keep accurate, current records concerning the number of animals taken and the persons to whom tags have been issued.

e. Any tribal member shall be subject to state regulation under state law if (1) the tribal member does not have a valid tribal license and a valid applicable tag in possession, (2) a tribal member has not properly filled out a tag and affixed it to the animal, or (3) a tribal member has not complied with all other state tagging, possession, and transportation regulations, so long as they are not inconsistent with this agreement.

f. All tribal records kept pursuant to this section shall be complete and current in all respects, and shall be subject to inspection by the State upon reasonable notice.

g. If the State believes that the tribal licensing and tagging system is inadequate in whole or in part, the State shall so notify the Tribe. The Tribe shall take necessary corrective measures. If the State believes that such corrective measures are inadequate, the State shall negotiate with the Tribe for the assumption of licensing and tagging responsibilities by the State. If agreement is not reached by the parties, the State may petition the United States District Court for an order directing that full control of licensing and tagging be assumed by the State until necessary corrective measures have been taken by the Tribe.

8. Relationship of this Agreement to the Establishment of a Tribal Reservation. This agreement shall contain the exclusive definition of tribal hunting, fishing, trapping, and gathering rights. The creation of a tribal reservation, or the addition of lands to an existing reservation, shall not in any way add to or detract from the provisions of this agreement. All hunting, fishing, trapping, and gathering by the Tribe, on or off any tribal reservation or lands of any tribal member, shall be in accordance with the terms of this agreement.

b. The State shall have the right, subject to the specific provisions of this agreement, to manage all fish and wildlife resources on the tribal reservation, in accordance with applicable provisions of Oregon law.

c. The Tribe intends to leave its reservation open to the public for hunting and fishing and general recreation. The Tribe does not, however, waive any of its rights to close all or part of the reservation when necessary in the future. If there is to be any closure, or partial closure, the Tribe shall consult with the Department before taking action. If the Tribe acquires any land containing any watercourse on which there is now a public right to float or fish from a boat, such public right shall be unaffected by the acquisition of such lands.

d. Whenever the Tribe plans to engage in any activity for which a permit would normally be required from the Department, the Tribe shall consult with the Department and meet the minimum standards established by the Department for such activities.

e. The Tribe agrees that it will meet minimum standards established by state and local laws for resource development activities including but not limited to water development, fill and removal, and timber harvesting. The parties recognize that the Tribe intends to use most of its reservation for the purpose of harvesting timber. The Tribe shall conduct land use planning in an environmentally sound manner generally consistent with state and local land use planning goals.

9. Effective Date of Agreement. No part of this agreement shall be effective until this agreement is approved by the United States District Court and merged into a final and permanent injunction issued by such Court. If such action is taken by the Court, the provisions relating to subsistence fish (section 4(b), above) and subsistence game (section 5(b), above) shall go into effect immediately; the provisions relating to the cultural fishery (section 4(a), above), cultural hunting (section 5(a), above), and cultural gathering (section 6, above) shall go into effect 30 days after the Tribe notifies the State in writing of the establishment of its licensing and tagging procedures (section 7, above).

DATE SIGNED: April 22, 1980.

BY:

Beverly Hall
Assistant Attorney General
State of Oregon

Sharon Gordon
Charles F. Wilkinson
Don B. Miller
Attorneys, Confederated Tribes
of Siletz Indians of Oregon

George D. Dysart, Attorney
United States Department of Justice

Arthur S. Bensell, Chairman
Confederated Tribes of Siletz
Indians of Oregon

Herbert Lundy, Chairman
Oregon Fish and Wildlife
Commission

Doyce L. Waldrip
for Department of Interior
United States of America

EXHIBIT 2
(635-041-0600)
AGREEMENT

AMONG THE STATE OF OREGON, THE UNITED STATES
OF AMERICA AND THE CONFEDERATED TRIBES OF GRAND RONDE
COMMUNITY OF OREGON TO PERMANENTLY DEFINE TRIBAL

**HUNTING, FISHING, TRAPPING, AND ANIMAL GATHERING
RIGHTS OF THE TRIBE AND ITS MEMBERS**

1. Parties and Definitions.

a. The following entities are the parties to the agreement and they shall be defined for the purposes of this agreement as follows:

i. "Tribe" shall mean the Confederated Tribes of the Grand Ronde Community of Oregon, as referred to in Public Law 95-165, 97 Stat. 1064 (currently codified at 25 USC § 713-713g), and all tribal members, present and future.

ii. "State" shall mean the State of Oregon acting through the Oregon Department of Fish and Wildlife, and administrative agency of the State of Oregon; the Department of Justice of the State of Oregon; the Oregon State Police; and any successor agencies or officials of the State of Oregon that may have regulatory jurisdiction over the harvest of fish or wildlife within the State of Oregon.

iii. "Department" shall mean the Oregon Department of Fish and Wildlife and any successor agencies that may have regulatory jurisdiction over the harvest of fish or wildlife within the State of Oregon.

iv. "The United States" shall mean the United States of America; the United States Department of the Interior and agencies within that department; and the United States Department of Justice and agencies within that department. The United States is a party to this agreement solely in its capacity as trustee for the Tribe and its members.

b. The term "cultural" shall describe the tribal fishing, hunting, or gathering rights and opportunities set forth in this agreement.

2. Statement of Purpose. This agreement has been negotiated because of the following factors:

a. The nature and extent of tribal hunting, fishing, animal gathering, and trapping rights are presently unknown. They have not been defined by any court. The question is exceedingly complex, involving numerous acts of Congress, executive orders, and treaties. There is disagreement about the Tribe's hunting and fishing rights. The Tribe contends that it possesses tribal hunting, fishing, trapping and animal gathering rights. The State, on the other hand, disagrees and presently enforces state law whenever the Tribe or its members hunt, fish, trap, or gather animals, contrary to any provision of the law.

b. Thus, in order to resolve this controversy and to promote sound and orderly management and conservation of fish and wildlife resources, it is the desire of the parties to define, specifically and permanently, the nature and extent of the Tribe's rights.

3. Controlling Principles. This agreement shall be construed in accordance with the following principles:

a. This agreement shall fully and completely define the tribal hunting, fishing, trapping, and animal gathering rights, and no additional tribal rights shall hereafter exist except those which are specifically set forth in this agreement.

b. Any hunting, fishing, trapping, and animal gathering, including method, time, and place, which is conducted by the Tribe or its members and which is not specifically permitted by this agreement shall be subject to regulation under applicable state laws.

c. Resolution of questions regarding the existence or extent of any tribal right to gather plants is specifically excluded from this agreement.

d. The parties are determined to implement this agreement in a cooperative and positive manner. The parties intend to assist each other in the implementation of this agreement and to exchange among themselves all documents and other information concerning the implementation of this agreement.

e. All of the parties have negotiated this agreement voluntarily; have signed it free of any pressure, coercion or duress of any kind; and have been extensively advised by counsel, all of whom are intimately familiar with the legal issues addressed by this agreement. The parties have all had full access to all of the relevant facts, legislative history, and judicial precedent. The parties, therefore, intend this agreement to be the sole, exclusive statement of any tribal hunting, fishing, trapping, and animal gathering rights which the Tribe does possess and of those which it does not possess. The parties expressly intend that this agreement shall not be contested or reopened at any time.

f. The Tribe is a sovereign government and is legally empowered to represent its members in this agreement. This agreement, therefore, shall be permanently binding on all tribal members, present and future.

g. The parties agree that the State shall retain the sovereign authority to manage fish and wildlife resources under applicable provisions of Oregon law, both on and off any reservation, established for the Tribe, subject to the provisions of this agreement.

h. This agreement is based on the special circumstances surrounding the relationships of the parties and does not affect the rights of any persons, tribes, or groups who are not parties to this agreement.

4. Fishing Rights. In addition to those fishing rights or privileges accorded to citizens or licensees of the State under state law, the Tribe shall have the rights set forth in this paragraph.

a. The Cultural Fishery.

(1) Fishing by Tribal members shall be subject to all applicable state laws, except that a valid tribal license issued pursuant to this agreement may be used in lieu of a state fishing license within the following area:

Beginning at McMinnville; southwest on State Highway 18 to Salmon River; west along Salmon River to Pacific Ocean; north along Pacific Ocean coastline to the south shoreline at mouth of Tillamook Bay; east along south shoreline of Tillamook Bay; east along Wilson River to State Highway 6 at Lee's Camp; northeast on State Highway 6 to State Highway 8 near Gales Creek; southeast on State Highway 8 to State Highway 47 at Forest Grove; south on State Highway 47 to State Highway 99W; southeast on State Highway 99W to the McMinnville point of beginning. Cultural fishing is permitted in the Salmon River and its estuary to the Pacific Ocean, and in the Wilson River to Tillamook Bay.

(2) All fishing pursuant to this agreement shall occur only during the fishing seasons prescribed for all citizens in the geographic area described in section 4(a)1 above.

(3) All tribal fishing pursuant to this agreement shall be subject to all the rights of landowners and tenants under state trespass laws and other applicable provisions of law.

b. The Subsistence Supply. In addition to the cultural right to fish as set forth

above, the Tribe shall have the right to receive, at its option, 4000 pounds annually of surplus salmon carcasses from a source to be determined by the Department. These fish shall be fit for human consumption and grade one fish shall be supplied if available. After the Department has sorted the surplus salmon and has determined which fish are available for consumption, the Tribe at its option may participate in the final selection of these fish. An authorized agent of the Tribe shall be responsible for pickup of salmon carcasses at an appropriate location or locations designated by the Department and reasonably convenient to the Tribe. The Tribe shall make all arrangements for the consumption of such fish, but such fish shall not be used for any commercial purpose.

c. Prohibited Acts. The following acts shall not be included within the Tribe's cultural fishing rights and are subject to regulation under applicable state or federal law:

(1) The taking of salmon, steelhead, or other game fish that require, now or in the future, a state tag, stamp or similar control over and above a state fishing license.

(2) Net fishing, including gill netting, and dip netting.

(3) The use of fish, or parts thereof, for commercial purposes.

(4) The taking of fish in a geographic area other than that established pursuant to this agreement.

(5) The taking of fish in violation of any of the limitations set forth in this section 4 or of the licensing and tagging provisions as set forth in section 7 below.

5. Hunting Rights. In addition to those hunting rights or privileges accorded to citizens or licensees of the State under state law, the Tribe shall have the rights set forth in this paragraph.

(a) Cultural Hunting.

(1) The Tribe shall have the opportunity to harvest a total of 395 deer and elk (which total shall not include more than 45 elk) and 5 bear per year within the area described in section 4(a)(1) above. The parties acknowledge that the annual harvest may be less than 395 deer and elk and 5 bear and that there shall be no makeup of deer or elk or bear harvest in subsequent years. No state license shall be required for game taken pursuant to this section. Tribal hunting shall be subject to the State's right to regulate for conservation purposes.

(2) All hunting pursuant to this agreement shall occur only during deer and elk and bear seasons prescribed by the Department for all citizens in the geographic area described in section 4(a)(1), above. If the Department prescribes a controlled deer or elk season in the described geographical area whereby participants must draw for permits, and all of the hunt will be within the geographic area described in section 4(a)(1), the Department shall provide permits to the Tribe, at the Tribe's option, for the controlled hunt of up to 10 percent of the total controlled permits authorized for all citizens. If the section 4(a)(1) geographic area is only a percentage of a larger controlled hunt area, the Tribe shall be entitled to 10 percent of that percentage of the total permits issued. For instance, if the portion of the 4(a)(1) geographic area included in a controlled hunt is determined to be 47 percent of the total area designated for the controlled hunt, and 100 permits are available for the total hunt area, the Tribe's allocation will be calculated on 47 percent of 100, or 47, permits. Ten percent of 47 permits would yield five (5) controlled permits allocated to the Tribe (rounding 4.7 to the nearest whole number).

(3) The Tribe shall have no right to additional deer or elk permits under the landowner preference provisions of ORS 496.146(4).

(4) Permits issued to the Tribe for controlled hunts shall be valid only when used with an unused tribal tag. Thus, total harvest of deer and elk cannot exceed 395 animals, as provided for in section 5(a)(1). Weapons, antler regulations, methods, and other regulations for tribal hunting shall be the same as established by the State for all citizens.

(5) All tribal hunting pursuant to this agreement shall be subject to all of the rights of landowners and tenants under state trespass laws and other applicable provisions of law.

(6) All hunting pursuant to this section shall be in accordance with the licensing and tagging procedures set forth in section 7 below.

b. Prohibited Acts. The following acts shall not be included within the Tribe's cultural hunting rights and are subject to regulation under applicable state or federal law.

(1) The hunting or trapping of animals other than deer and elk and bear.

(2) The use of deer or elk or bear meat for commercial purposes.

(3) The taking of deer or elk or bear in a geographic area other than that described in section 4(a)(1), above.

(4) The taking of deer or elk or bear in excess of the number specified in this agreement.

(5) The taking of deer or elk or bear in violation of any of the limitations set forth in this section 5 or of the licensing and tagging provisions, as set forth in section 7 below.

6. Trapping and Cultural Animal Gathering. In addition to those trapping and animal gathering rights or privileges accorded to citizens or licensees of the state under state law, the Tribe shall have the rights set forth in this paragraph. The Tribe shall have no tribal trapping rights. The Tribe and its members shall have the right to gather eels (lampreys) and fresh water mussels for non-commercial uses subject to the State's right to regulate for conservation purposes, within the area described in section 4(a)(1), above. Gathering of sea anemones, rock oysters (piddocks), crawfish, and saltwater mussels by tribal members within, or in the ocean adjacent to, the area described in section 4(a)(1) shall be subject to all applicable state laws, except that upon request of the Tribe, the Department may issue special gathering permits which will provide the Tribe an opportunity to gather these animals for ceremonial and subsistence purposes. The Department shall designate the number of special gathering permits to be issued annually, the quantity of animals to be harvested, size limits, gear, degree of allowable removal, and area of harvest. A valid tribal license issued pursuant to this agreement may be used in lieu of any personal use state license that may be required for such gathering of the above listed species and clams.

7. Licensing and Tagging System. The Tribe and its members shall not exercise any of the tribal rights provided for in this agreement to harvest fish, deer, elk or bear (referred to as "animals" in this section), except pursuant to the terms of this section. Any person who has not complied fully with the provisions of this section shall be subject to prosecution under state law. Except for the provisions

of this section, no state licenses or tags shall be required for animals taken pursuant to this agreement.

a. Every tribal member exercising tribal fishing or hunting rights shall have in possession a valid tribal license (containing at a minimum the member's name, photograph, and enrollment number). Every tribal member exercising tribal hunting rights shall also have in possession a valid tag issued pursuant to this section for the type of animal being sought.

b. The Department shall annually issue without charge to the Tribe 350 deer tags, 45 combination tags valid for taking either one deer or one elk, and 5 bear tags. The Tribe shall control the issuance of such tags to its members.

c. Whenever an animal is taken, the tag shall be promptly filled out by the tribal member and promptly affixed to the animal. The information listed on the tag shall be provided to the tribal office within a time period prescribed by the Tribe.

d. The Tribe shall keep accurate, current records concerning the number and the persons to whom tags have been issued.

e. Any tribal member shall be subject to state regulation under state law if (1) the tribal member does not have a valid tribal license and a valid applicable tag in possession, (2) a tribal member has not properly filled out a tag and affixed it to the animal, or (3) a tribal member has not complied with all other state tagging, possession, and transportation regulations, so long as they are not inconsistent with this agreement.

f. All tribal records kept pursuant to this section shall be complete and current in all respects, and shall be subject to inspection by the State upon reasonable notice.

g. If the State believes that the tribal licensing and tagging system is inadequate in whole or in part, the State shall so notify the Tribe. The Tribe shall take necessary corrective measures. If the State believes that such corrective measures are inadequate, the State shall negotiate with the Tribe for the assumption of licensing and tagging responsibilities by the State. If agreement is not reached by the parties, the State may petition the United States District Court for an order directing that full control of licensing and tagging be assumed by the State until necessary corrective measures have been taken by the Tribe.

8. Relationship of this Agreement to the Establishment of a Tribal Reservation.

a. This agreement shall contain the exclusive definition of tribal hunting, fishing, trapping, and animal gathering rights. The creation of a tribal reservation, or the addition of lands to an existing reservation, shall not in any way add to or detract from the provisions of this agreement. All hunting, fishing, and trapping by the Tribe, on or off any tribal reservation or lands of any tribal member, shall be in accordance with the terms of this agreement.

b. This agreement does not imply any state position on proposals for designation of particular lands as a reservation. If a reservation is created, the State shall have the right, subject to the specific provisions of this agreement, to manage all fish and wildlife resources on the tribal reservation, in accordance with applicable provisions of Oregon law.

c. The Tribe intends to leave any reservation established open to the public for hunting and fishing and general recreation. The Tribe does not by this agreement waive any rights it may have to close all or part of such reservation when necessary in the future. If there is to be any closure, or partial closure, the Tribe shall consult with the Department before taking action. If the Tribe acquires any land containing any watercourse on which there is now a public right to float or fish from a boat, such public right shall be unaffected by the acquisition of such lands.

d. The Tribe reserves the right to regulate or prohibit the public's gathering of plants on any reservation established.

e. Whenever the Tribe plans to engage in any activity for which a permit would normally be required from the Department, the Tribe shall consult with the Department and meet the minimum standards established by the Department for such activities.

f. The Tribe agrees that it will meet minimum environmental standards established by state and local laws for resource development activities which may impact fish and wildlife habitat, including but not limited to water development, fill and removal, and timber harvesting. The parties recognize that the Tribe intends to use most of its lands identified in the Grand Ronde Reservation Plan dated November, 1985, for the purpose of harvesting timber. The Tribe shall conduct land use planning in an environmentally sound manner generally consistent with state and local land use goals as they relate to fish and wildlife habitat.

9. Effective Date of Agreement. No part of this agreement shall be effective until this agreement is approved by the United States District Court and merged into a final and permanent decree and order issued by such Court. If such action is taken by the Court, the provisions of the agreement shall go into effect immediately except that the provisions relating to the cultural fishery (section 4(a), above) and cultural hunting (section 5(a), above), and cultural animal gathering (section 6, above) shall go into effect 30 days after the Tribe notifies the State in writing of the establishment of its licensing and tagging procedures (section 7, above).

DATE SIGNED: November 29, 1986.

BY:

Don Barth, Chairman,
Oregon Fish and Commission
Wildlife Commission

DATE SIGNED: December 1, 1986.

BY:

Anne W. Squier
Assistant Attorney General
State of Oregon
Of Attorneys for Oregon
Department of Fish and Wildlife

George d. Dysart
Special Assistant United States Attorney
United States Department of Justice

DATE SIGNED: December 1, 1986.

BY:

Mark Mercier, Chairman
Confederated Tribes of
the Grand Ronde Community of Oregon

DATE SIGNED: December 1, 1986.

BY:

Sande Schmidt, Attorney
Confederated Tribes of the
Grand Ronde Community of Oregon

DATE SIGNED: December 2, 1986.

BY:

Stanley Speaks
Portland Area Director
Bureau of Indian Affairs
Department of the Interior
United States of America

DIVISION 42

COLUMBIA RIVER COMMERCIAL FISHERY BELOW BONNEVILLE DAM

Commercial Fishing Area and Gear Restrictions

635-042-0001

Management and Catch Reporting Areas

Management and Catch Reporting Zones shall include those waters of the Columbia River defined as follows:

(1) Zone 1 is easterly of a line projected from the knuckle of the south jetty on the Oregon bank to the inshore end of the north jetty on the Washington bank, and westerly of a line projected from a beacon light at Grays Point on the Washington bank to the flashing four-second red buoy "44" off the easterly tip of Tongue Point on the Oregon bank.

(2) Zone 2 is easterly of a line projected from a beacon light at Grays Point on the Washington bank to the flashing four-second red buoy "44" off the easterly tip of Tongue Point on the Oregon bank, and westerly of a line projected from the four-second flashing green light "81" on the Washington bank to a boundary marker on the easterly end of the Beaver Terminal Pier in Oregon, including all waters of Grays Bay, those waters of Deep River downstream of the Highway 4 Bridge, all waters of Seal Slough, those waters of Grays River downstream of a line projected between fishing boundary markers on both banks at the Leo Reisticka farm, and those waters of Elokomín Slough and Elokomín River downstream of the Highway 4 Bridge.

(3) Zone 3 is easterly of a line projected from the four-second flashing green light "81" on the Washington bank to a boundary marker on the easterly end of the Beaver Terminal Pier in Oregon, and westerly of a line projected true west from the east or upstream bank of the Lewis River mouth in Washington.

(4) Zone 4 is easterly of a line projected true west from the east or upstream bank of the Lewis River in Washington, and westerly of a line projected true north from Rooster Rock on the Oregon bank, and those waters of Camas Slough downstream of the western most powerline crossing at the Crown Zellerbach Mill.

(5) Zone 5 is easterly of a line projected true north from Rooster Rock on the Oregon bank, and westerly of a line projected from a deadline marker on the Oregon bank to a deadline marker on the Washington bank, both such deadline markers located approximately five miles downstream from Bonneville Dam.

(6) Area 2S is from a downstream boundary of a true north/south line through flashing red four-second light "50" near the Oregon bank to an upstream boundary of a straight line from a deadline marker on the Oregon bank to a deadline marker on the Washington bank, both such deadline markers located approximately five miles downstream from Bonneville Dam.

Stat. Auth.: ORS 183, 506, 507 & 509

Stats. Implemented: ORS 183, 506, 507 & 509

Hist.: FWC 10-1988, f. & cert. ef. 3-4-88; FWC 54-1989 (Temp), f. & cert. ef. 8-7-89; FWC 90-1989, f. & cert. ef. 9-6-89

635-042-0005

Closed Areas

(1) Unless otherwise specified, the following waters of the Columbia River including all Oregon Columbia River tributaries are closed to the taking of fish for commercial purposes:

(2) The Columbia River from the ends of the jetties to a line projected from the knuckle of the south jetty on the Oregon bank to the inshore end of the north jetty on the Washington bank.

(3) An area at Grays Bay northerly of a line projected from the flashing green 4-second light at Rocky Point easterly to Harrington Point.

(4) In September an area at the mouth of Big Creek from the Oregon bank across Knappa Slough to Karlson Island which is about one-quarter of a mile above the east bank of Big Creek, downstream to the east end of Minaker Island which is about three-quarters of a mile below the west bank at the mouth of Big Creek.

(5) The Columbia River within an area at the mouth of the Sandy River which is one-quarter mile in width extending out into the Columbia River from the Oregon bank at a right angle to the thread of the river between a point one mile below and a point at the upper easterly bank at the mouth of the Sandy River.

(6) An area near Elokomín Slough and Steamboat Slough to be described in-season as "Elokomín-A sanctuary" or "Elokomín-B sanctuary."

(a) "Elokomín-A sanctuary" means those waters of Elokomín Slough and the Columbia River lying northerly and easterly of a straight line from light "37" on the Washington shore to light "39" on Hunting Island.

(b) "Elokomín-B sanctuary" means those waters of Elokomín Slough, Steamboat Slough and the Columbia River lying inside, northerly and easterly of a straight line from light "35" (group flashing green) located on Price Island to light "39" (flashing green) on Hunting Island and northerly and easterly of a line between flashing light "33" on Price Island and quick flashing green light "31" on the Washington shore.

(7) An area at the mouth of Abernathy Creek extending out into the Columbia River from the Washington bank at a right angle to the thread of the Columbia River to midstream of the ship channel between points one-half mile above the upper easterly bank at the mouth of Abernathy Creek and 1,300 yards below Abernathy Creek at the 4-second flashing green light "81".

(8) The Columbia River and Carrolls Channel lying inside the center of the shipping channel between a fishing boundary marker at the junction of the Port of Longview docks and international paper docks on the Washington shore approximately one mile downstream from the Cowlitz River mouth and flashing green light "29A" on Cottonwood Island and also those waters of Carrolls Channel downstream of a line between a fishing boundary marker approximately 3,000 feet upstream of the Cowlitz River mouth and a fishing boundary marker on Cottonwood Island.

(9) An area at the mouth of the Kalama River to be described in-season as "Kalama-A sanctuary" or "Kalama-B sanctuary":

(a) "Kalama-A sanctuary" means those waters of the Columbia River between a fishing boundary marker on the Washington shore approximately one mile downstream and a point one-half mile upstream of the mouth of the Kalama River and lying within one-quarter mile of the Washington shore;

(b) "Kalama-B sanctuary" means those waters of the Columbia River between a fishing boundary marker on the Washington shore approximately one mile downstream and a point one-half mile upstream of the mouth of the Kalama River and extending completely across the Columbia River, excepting those waters west of a line projected from Coffin Rock Light "42" in Oregon to the Kalama Range Light "47A" on the Washington shore.

(10) An area at the mouth of the Lewis River to be described in-season as "Lewis-A sanctuary" or "Lewis-B sanctuary":

(a) "Lewis-A sanctuary" means those waters of the Columbia River between a point one mile downstream and a point one-half mile upstream of the mouth of the Lewis River and lying within one-quarter mile of the Washington shore;

(b) "Lewis-B sanctuary" means those waters of the Columbia River near the mouth of the Lewis River lying easterly of lines projected from light "79" (flashing green) to the Red Buoy No. 4 thence to a fishing boundary marker on Bachelor Island.

(11) The Columbia River and Camas Slough north of Lady Island within the area enclosed by a line from the Washington bank due south to the west end of Lady Island, upstream along the shoreline of Lady Island to the highway bridge at the east end of Lady Island, across such bridge to the Washington bank.

(12) The Columbia River upstream of a line projected from a deadline marker on the Oregon bank to a deadline marker on the

Washington bank, both such deadline markers located approximately five miles downstream from Bonneville Dam.

Stat. Auth.: ORS 183.325, 496.118 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 85, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0100; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 4-1984, f. & ef. 1-31-84; FWC 64-1986(Temp), f. & ef. 10-3-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 86-1988(Temp), f. & cert. ef. 9-12-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 90-1989, f. & cert. ef. 9-6-89; FWC 94-1989 (Temp), f. 9-15-89, cert. ef. 9-17-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; DFW 6-2005, f. & cert. ef. 2-14-05

635-042-0007

Columbia River Gill-Net Salmon Fishery Defined

For the purpose of Chapter 679, Oregon Laws 1979, "Columbia River gill-net salmon fishery" means commercial salmon gill-net fishing in the Columbia River below Bonneville Dam and all tributaries thereof, including Youngs Bay, wherein commercial salmon gill-net seasons are authorized by Department rules.

Stat. Auth.: ORS 506

Stats. Implemented: ORS 506

Hist.: FWC 15-1980, f. & ef. 4-16-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 4-1984, f. & ef. 1-31-84; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87

635-042-0010

Fishing Gear

(1) As used in these Columbia River fishing rules, gill net includes drift gill net, floater gill net, diver gill net, and is mesh net with a cork and lead line which is in a position to drift with the tide or current at all times while it is being fished. There must be sufficient buoyancy in the corks and/or floats on the cork line so the net is free to drift with the current. The lead or weight on the lead line of a gill net shall not exceed two pounds in total weight on any one fathom, measurement to be taken along the cork line of the net. However, should extra or added weights appear necessary to operate a net, permission to use in excess of two pounds weight per fathom of net may be granted by the Director upon written application which includes adequate justification for the additional leads or weights.

(2) It is *unlawful* for a gill net in whole or in part to be anchored, tied, staked, fixed, or attached to the bottom, shore, or a beached boat; left unattended at any time it is fished; or attended by more than one boat while being fished.

(3) It is *unlawful* to:

(a) Take any species of salmon from the Columbia River for commercial purposes by any means other than by gill net;

(b) Fish more than one gill net from a licensed commercial fishing boat at any one time;

(c) Fish with or have on the boat while fishing a gill net which exceeds 1,500 feet in length;

(d) Fish with or have on the boat while fishing any species, except shad and except smelt in the Columbia River, any monofilament gill net webbing of any description;

(e) Fish with or have on the boat while fishing any gill net of a mesh size not authorized for use at that time, except during December 1-March 31 the following applies:

(A) While fishing during open salmon and/or sturgeon seasons, smelt gill nets with a mesh size not more than two inches may be stored on the boat;

(B) While fishing during open smelt seasons, gill nets with a mesh size greater than two inches may be stored on the boat.

(f) Fish with or have on the boat while fishing any gill net of a mesh size greater than 9-3/4 inches, except that snagging nets as described in ORS 509.240 are permitted;

(g) Fish with or have on the boat while fishing a gill net which does not meet the construction requirements for a gill net as set forth in section (1) of this rule, except while fishing during the Tongue Point Select Area Salmon Season (OAR 635-042-0170) gill nets with lead-line in excess of two pounds per fathom may be stored on the boat.

(4) The mesh size of any gill net is determined only after the meshes are wet from soaking in water not less than one hour. Three consecutive meshes are then placed under ten pounds of vertical tension and the measurement is taken from the inside of one vertical knot to the outside of the opposite vertical knot of the center mesh.

(5) As used in these rules, "slackers" means a single piece of material or cord, not webbing or mesh, connected vertically or woven in the mesh of the net between the cork and lead lines. It is used to tie netting in a shortened state to give the net surface flexibility.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 85, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 23-1978, f. & ef. 5-478; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0110; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 13-1981, f. & ef. 4-3-81; FWC 6-1982, f. & ef. 1-28-82; FWC 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. 1-30-85; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 11-1993, f. 2-11-93, cert. ef. 2-16-93; FWC 9-1994, f. 2-14-94, cert. ef. 2-15-94; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 42-2000, f. & cert. ef. 8-3-00

General Commercial Fishing Seasons

635-042-0015

Closed Season

It is *unlawful* to take any fish for commercial purposes from the Columbia River except during the times, in the areas, with the gear, and for the species as provided in these rules.

Stat. Auth.: ORS 506 & 507

Stats. Implemented: ORS 506 & 507

Hist.: FWC 85, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0200; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 4-1984, f. & ef. 1-31-84; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87

635-042-0022

Spring Chinook Gill Net and Tangle Net Fisheries

(1) Adipose fin-clipped chinook salmon, sturgeon and shad may be taken by gill net or tangle net for commercial purposes from the mouth of the Columbia River upstream to Kelley Point (Zones 1-3 and part of Zone 4).

(a) Individual fishing periods will not exceed sixteen hours in length during small mesh fisheries and twenty-four hours in length during large mesh fisheries. Fishing periods may occur on Tuesdays and Thursdays, depending upon results from test fisheries or full fleet fisheries conducted prior to each specified weekday.

(b) White sturgeon possession and sales restrictions by each participating vessel will be determined inseason based on gear type and number of fish remaining on the fish guideline.

(2) An adipose fin clip salmon is defined as a hatchery salmon with a clipped adipose fin and having a healed scar at the location of the fin. The adipose fin is the small fatty fin on salmonids located between the dorsal fin and tail.

(3) During the spring chinook gill net fishery:

(a) It is unlawful to use a gill net having a mesh size less than 8 inches or more than 9-3/4 inches. Use of monofilament nets is allowed.

(b) Mesh size for the fishery is determined as described in OAR 635-042-0010(4).

(4) During the spring chinook tangle net fishery:

(a) It is unlawful to use other than a single-wall multi-filament net. Monofilament tangle nets are not allowed. Maximum mesh size is 4-1/4 inches stretched taut.

(b) Mesh size is determined by placing three consecutive meshes under hand tension and the measurement is taken from the inside of one vertical knot to the outside of the opposite vertical knot of the center mesh. Hand tension means sufficient linear tension to draw opposing knots of meshes into contact.

(5) Nets shall not exceed 900 feet (150 fathoms) in length. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net.

(6) On tangle nets, an optional use of a steelhead excluder panel of mesh may be hung between the corkline and the 4-1/4 inch maximum mesh size tangle net. The excluder panel web must be a minimum mesh size of 12 inches when stretched taut under hand tension. Monofilament mesh is allowed for the excluder panel. The excluder panel (including any associated hangings) must be a minimum of 5 linear feet in depth and not exceed 10 linear feet in depth, as measured from the corkline to the upper margin of the tangle net mesh as the net hangs naturally from a taut corkline. Weedlines or droppers (bobber-type) may be used in place of the steelhead excluder panel. A weedline-type excluder means the net is suspended below the corkline by lines of no less than five feet in length between the corkline and the

upper margin of the tangle net. A dropper-type excluder means the entire net is suspended below the surface of the water by lines of no less than five feet in length extending from individual surface floats to a submersed corkline. The corkline cannot be capable of floating the net in its entirety (including the leadline) independent of the attached floats. Weedlines or droppers must extend a minimum of 5 feet above the 4-1/4 inch maximum mesh size tangle net.

(a) Tangle nets constructed with a steelhead excluder panel, weedlines, or droppers, may extend to a maximum length of 1,050 feet (175 fathoms).

(b) Tangle nets constructed with a steelhead excluder panel, weedlines, or droppers, along with a red cork every 25 fathoms as required in (5) above, must have two red corks at each end of the net.

(7) There are no restrictions on the hang ratio. The hang ratio is used to horizontally add slack to the net. The hang ratio is determined by the length of the web per length of the corkline.

(8) There are no restrictions on the use of slackers or stringers to slacken the net vertically.

(9) Nets shall be fished for no longer than 45 minutes per set. The time of fishing is measured from when the first mesh of the net is deployed into the water until the last mesh of the net is fully retrieved from the water.

(10) It is unlawful for a net in whole or in part to be anchored, tied, staked, fixed, or attached to the bottom, shore, or a beached boat; left unattended at any time it is fished; or attended by more than one boat while being fished.

(11) It is unlawful to fish more than one net from a licensed commercial fishing boat at any one time.

(12) Nets fished from sunset to sunrise shall have lighted buoys on both ends of the net unless the net is attached to the boat then one lighted buoy on the opposite end of the net from the boat is required.

(13) Non-legal sturgeon, nonadipose fin-clipped chinook salmon, and steelhead must be released immediately with care and the least possible injury to the fish to the river without violence or into an operating recovery box.

(a) One operating recovery box with two chambers or two operating recovery boxes with one chamber each to aid survival of released fish must be on board each fishing vessel participating in the fishery. Recovery boxes shall be operating during any time that a net is being retrieved or picked.

(b) All salmon and steelhead that are bleeding, in lethargic condition, or appearing dead must be placed in the recovery box for rehabilitation purposes prior to release to the river.

(c) Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39-1/2 to 48 inches, the inside width measurement must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

(d) Each chamber of the recovery box must include an operating water pumping system capable of delivering a minimum flow of 16 gallons per minute not to exceed 20 gallons per minute of fresh river water into each chamber. The fisher must demonstrate to ODFW and WDFW employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

(e) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1-3/4 inches from the floor of the chamber.

(f) Each chamber of the recovery box must include a water outlet that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber, on either the same or opposite end as the inlet.

(g) All fish placed in recovery boxes must be released to the river prior to landing or docking.

(14) At least one fisher on each boat engaged in the fishery must have in possession a valid certificate issued by a representative of the Oregon Department of Fish and Wildlife (ODFW) or the Washington Department of Fish and Wildlife (WDFW) that indicates the fisher had attended a one-day workshop hosted by ODFW or WDFW to educate fishers on regulations and best methods for conduct of the fishery. No individual may obtain more than one tangle net certificate. The certificate must be displayed to ODFW and WDFW employees, fish and wildlife enforcement officers, or other peace officers upon request.

(15) Nothing in this section sets any precedent for any fishery after the 2006 spring chinook fishery. The fact that an individual may hold a tangle net certificate in spring 2006 does not entitle the certificate holder to participate in any other fishery. If ODFW authorizes a tangle net fishery in spring 2007 or at any other time, ODFW may establish qualifications and requirements that are different from those established for 2006. In particular, ODFW may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future tangle net fisheries.

(16) As authorized by OAR-006-0140 owners or operators of commercial fishing vessels must cooperate with Department fishery observers, or observers collecting data for the Department, when asked by the Department to carry and accommodate an observer on fishing trips for observation and sampling during an open fishery.

(17) Closed waters, as described in OAR 635-042-0005 for Grays River, Elokomin-B sanctuary, Abernathy Creek, Cowlitz River, Kalama-B sanctuary, and Lewis-B sanctuary are in effect during the open fishing periods identified.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: DFW 11-2004, f. & cert. ef. 2-13-04; DFW 12-2004(Temp), f. & cert. ef. 3-1-04, thru 7-31-04; DFW 13-2004(Temp), f. & cert. ef. 3-3-04 thru 7-31-04; DFW 16-2004(Temp), f. & cert. ef. 3-8-04 thru 7-31-04; DFW 18-2004(Temp), f. & cert. ef. 3-10-04 thru 7-31-04; DFW 20-2004(Temp) f. & cert. ef. 3-15-04 thru 7-31-04; DFW 21-2004(Temp), f. & cert. ef. 3-18-04 thru 7-31-04; DFW 25-2004(Temp), f. & cert. ef. 3-22-04, cert. ef. 3-23-04 thru 7-31-04; DFW 26-2004(Temp), f. & cert. ef. 3-25-04 thru 7-31-04; DFW 27-2004(Temp), f. & cert. ef. 3-29-04 thru 7-31-04; Administrative correction 8-19-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 9-2005(Temp), f. & cert. ef. 3-1-05 thru 7-31-05; DFW 11-2005(Temp), f. & cert. ef. 3-3-05 & 7-31-05; DFW 13-2005(Temp), f. & cert. ef. 3-7-05 thru 7-31-05; DFW 14-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; DFW 20-2005(Temp), f. & cert. ef. 3-29-05 thru 3-30-05; DFW 21-2005(Temp), f. & cert. ef. 3-31-05 thru 4-1-05; Administrative correction, 4-20-05; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 7-2006(Temp), f. & cert. ef. 2-23-06 thru 7-31-06; DFW 9-2006(Temp), f. & cert. ef. 3-1-06, cert. ef. 3-2-06 thru 7-31-06; DFW 10-2006(Temp), f. & cert. ef. 3-6-06, cert. ef. 3-7-06 thru 7-31-06; DFW 11-2006(Temp), f. & cert. ef. 3-9-06 thru 7-31-06; DFW 12-2006(Temp), f. & cert. ef. 3-13-06, cert. ef. 3-14-06 thru 7-31-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 30-2006(Temp), f. & cert. ef. 5-18-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; Administrative correction 8-22-06

635-042-0025

Sockeye Season

(1) Sockeye, adipose fin-clipped chinook and coho, shad and sturgeon may be taken for commercial purposes from the mouth of the Columbia River upstream to the Longview Bridge from 6 a.m. to 6 p.m. on Wednesday, June 30, 2004 and from 6 a.m. to 6 p.m. on Friday, July 2, 2004.

(2) Gear is restricted to a single-wall floater gill net. Mesh size will not exceed 4-1/2 inches. Gill nets may not exceed 175 fathoms in length.

(3) There are no restrictions on the hang ratio. The hang ratio is used to horizontally add slack to the net. The hang ratio is determined by the length of the web per length of the corkline.

(4) There are no restrictions on the use of slackers or stringers to slacken the net vertically.

(5) Nets shall be fished for no longer than 45 minutes per set. The time of fishing is measured from when the first mesh of the net is deployed into the water until the last mesh of the net is fully retrieved from the water.

(6) It is unlawful for a net in whole or in part to be anchored, tied, staked, fixed, or attached to the bottom, shore, or a beached boat; left unattended at any time it is fished; or attended by more than one boat while being fished.

(7) It is unlawful to fish more than one net from a licensed commercial fishing boat at any one time.

(8) Nonlegal sturgeon, nonadipose fin-clipped chinook salmon, coho salmon and all steelhead must be released immediately with care and the least possible injury to the fish to the river without violence or into an operating recovery box.

(a) One operating recovery box with two chambers or two operating recovery boxes with one chamber each to aid survival of released fish must be on board each fishing vessel participating in the fishery. Recovery boxes shall be operating during any time that a net is being retrieved or picked.

(b) All salmon and steelhead that are bleeding or in lethargic condition must be placed in the recovery box for rehabilitation purposes prior to release to the river.

(c) Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39-1/2 to 48 inches, the inside width measurement must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

(d) Each chamber of the recovery box must include an operating water pumping system; pumping system must be capable of delivering a minimum flow of 16 gallons per minute not to exceed 20 gallons per minute of fresh river water into each chamber. The fisher must demonstrate to ODFW and WDFW employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

(e) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1-3/4 inches from the floor of the chamber.

(f) Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber.

(g) All fish placed in recovery boxes must be released to the river prior to landing or docking.

(9) At least one fisher on each boat engaged in the fishery must have in possession a valid certificate issued by a representative of the Oregon Department of Fish and Wildlife (ODFW) or the Washington Department of Fish and Wildlife (WDFW) that indicates the fisher had attended a one-day workshop hosted by ODFW or WDFW to educate fishers on regulations and best methods for conduct of the fishery. A tangle net certificate shall expire on December 31, 2004. No individual may obtain more than one tangle net certificate between January 1, 2004 and December 31, 2004.

(a) The certificate must be displayed to ODFW and WDFW employees, fish and wildlife enforcement officers, or other peace officers upon request.

(b) Nothing in this section sets any precedent for any fishery after the 2004 sockeye fishery. The fact that an individual may hold a tangle net certificate in 2004 does not entitle the certificate holder to participate in any other fishery. If ODFW authorizes a tangle net fishery in 2005 or at any other time, ODFW may establish qualifications and requirements that are different from those established for 2004. In particular, ODFW may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future tangle net fisheries.

(10) Closed waters, as described in OAR 635-042-0005, for Grays River, Elokomina-A, Big Creek and Gnat Creek, are in effect during the open fishing period as described.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 27-1984(Temp), f. & cert. ef. 6-22-84; FWC 28-1985 (Temp), f. & cert. ef. 6-21-85; FWC 24-1986, f. & cert. ef. 6-20-86; FWC 30-1987, f. & cert. ef. 6-19-87; FWC 32-1987(Temp), f. & cert. ef. 6-23-87; FWC 35-1987(Temp), f. & cert. ef. 6-29-87; FWC 48-1988, f. & cert. ef. 6-21-88; FWC 49-1988(Temp), f. & cert. ef. 6-23-88; DFW 36-2000(Temp), f. 6-28-00, cert. ef. 6-28-00 thru 7-1-00; Administrative correction 6-21-01; DFW 51-2001(Temp), f. 6-22-01, cert. ef. 6-25-01 thru 6-28-01; DFW 54-2001(Temp), f. & cert. ef. 6-27-01 thru 6-28-01; DFW 63-2004(Temp), f. 6-29-04, cert. ef. 6-30-04 thru 7-3-04

635-042-0027

Summer Salmon Season

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: DFW 5-2006, f. & cert. ef. 2-15-06; DFW 47-2006(Temp), f. 6-20-06, cert. ef. 6-26-06 thru 7-31-06; DFW 51-2006(Temp), f. & cert. ef. 6-29-06 thru 7-31-06; DFW 57-2006(Temp), f. 7-5-06, cert. ef. 7-6-06 thru 7-31-06; DFW 63-2006(Temp), f. 7-14-2006, cert. ef. 7-16-06 thru 7-31-06; DFW 68-2006(Temp), f. 7-28-06, cert. ef. 7-30-06 thru 7-31-06; Administrative correction 8-22-06

635-042-0031

Early Fall Salmon Season

(1) Salmon and white sturgeon may be taken for commercial purposes in the waters of the Columbia River:

(a) Zones 1-5 upstream of the Astoria-Megler Bridge though August 14, 2006; and Zones 2-5 from August 15th through 18th, 2006, as identified in OAR 635-042-0001.

(b) Zones 3-5 from August 21st through 22nd, 2006, as identified in OAR 635-042-0001.

(c) Zones 4 upstream of the I-205 Bridge and all of Zone 5 August 25th, 2006, as identified in OAR 635-042-0001.

(2) It is *unlawful* to use a gill net having a mesh size less than 8 inches or more than 9-3/4 inches (as described in OAR 635-042-0010(4)) through August 20, 2006. Beginning August 21, 2006 there is a 9-inch minimum mesh size restriction. Monofilament gill nets are allowed.

(3) The open fishing periods are:

(a) 7:00 p.m. Wednesday August 2, 2006 to 7:00 a.m. Thursday August 3, 2006 (12 hours);

(b) 7:00 p.m. Monday August 7, 2006 to 7:00 a.m. Tuesday August 8, 2006 (12 hours);

(c) 7:00 p.m. Wednesday August 9, 2006 to 7:00 a.m. Thursday August 10, 2006 (12 hours);

(d) 7:00 p.m. Sunday August 13, 2006 to 7:00 a.m. Monday August 14, 2006 (12 hours);

(e) 7:00 p.m. Tuesday August 15, 2006 to 7:00 a.m. Wednesday August 16, 2006 (12 hours);

(f) 7:00 p.m. Thursday August 17, 2006 to 7:00 a.m. Friday August 18, 2006 (12 hours);

(g) 8:00 p.m. Monday August 21, 2006 to 7:00 a.m. Tuesday August 22, 2006 (11 hours);

(h) 12:01 a.m. to 6:00 a.m. Friday August 25, 2006 (6 hours).

(4) A maximum of five white sturgeon through August 12, 2006, and a maximum of 7 white sturgeon beginning August 13, 2006, may be possessed or sold by each participating vessel during each calendar week (Sunday through Saturday). Sturgeon possession and sales limit includes both mainstem and Select Area fisheries combined. Retention of green sturgeon is prohibited.

(5) Closed waters, as described in OAR 635-042-0005 for Grays River sanctuary, Elokomina-A sanctuary, Cowlitz River, Kalama-A sanctuary, Lewis-A sanctuary, Washougal River sanctuary and Sandy River sanctuary are in effect during the open fishing periods identified.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 63-1987, f. & cert. ef. 8-7-87; FWC 67-1988, f. & cert. ef. 8-15-88; FWC 68-1988(Temp), f. & cert. ef. 8-15-88; FWC 54-1989(Temp), f. & cert. ef. 8-7-89; FWC 56-1989(Temp), f. & cert. ef. 8-11-89; FWC 58-1989(Temp), f. & cert. ef. 8-14-89; FWC 80-1989(Temp), f. 8-28-89, cert. ef. 8-29-89; FWC 80-1990(Temp), f. 8-7-90, cert. ef. 8-8-90; FWC 85-1991, f. 8-7-91, cert. ef. 8-12-91; FWC 91-1991(Temp), f. & cert. ef. 8-29-91; FWC 73-1992(Temp), f. & cert. ef. 8-10-92; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 53-1996(Temp), f. & cert. ef. 9-16-96; FWC 49-1997, f. 8-20-97, cert. ef. 8-24-97; DFW 74-1998(Temp), f. & cert. ef. 8-25-98 thru 8-26-98; DFW 59-1999(Temp), f. & cert. ef. 8-23-99 thru 9-11-99; DFW 75-1999(Temp), f. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; Administrative correction 11-17-99; DFW 50-2000(Temp), f. 8-18-00, cert. ef. 8-21-00 thru 9-9-00; DFW 52-2000(Temp), f. 8-23-00, cert. ef. 8-23-00 thru 8-24-00; Administrative correction 6-20-01; DFW 68-2001(Temp), f. 8-7-01, cert. ef. 8-8-01 thru 8-9-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 79-2001(Temp), f. & cert. ef. 8-22-01 thru 12-31-01; DFW 80-2001(Temp), f. & cert. ef. 8-24-01 thru 12-31-01; DFW 86-2001(Temp), f. & cert. ef. 9-4-01 thru 12-31-01; DFW 81-2002(Temp), f. 8-2-02, cert. ef. 8-4-02 thru 8-9-02; DFW 87-2002(Temp), f. & cert. ef. 8-9-02 thru 8-12-02; DFW 89-2002(Temp), f. 8-16-02, cert. ef. 8-18-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 77-2003(Temp), f. & cert. ef. 8-13-03 thru 12-31-03; DFW 82-2003(Temp), f. & cert. ef. 8-25-03 thru 12-31-03; DFW 87-2003(Temp), f. & cert. ef. 8-27-03 thru 12-31-03; DFW 81-2004(Temp), f. & cert. ef. 8-12-04 thru 12-31-04; DFW 82-2004(Temp), f. & cert. ef. 8-16-04 thru 12-31-04; DFW 86-2004(Temp), f. 8-19-04 thru 12-31-04; DFW 88-2004(Temp), f. & cert. ef. 8-23-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 88-2005(Temp), f. 8-11-05, cert. ef. 8-14-05 thru 12-31-05; DFW 90-2005(Temp), f. & cert. ef. 8-17-05 thru 12-31-05; DFW 96-2005(Temp), f. & cert. ef. 8-22-05 thru 12-31-05; DFW 98-2005(Temp), f. 8-24-05, cert. ef. 8-25-05 thru 12-31-05; Administrative correction 1-19-06; DFW 72-2006(Temp), f. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 82-2006(Temp), f. 8-11-06, cert. ef. 8-13-06 thru 12-31-06; DFW 88-2006(Temp), f. 8-18-06, cert. ef. 8-21-06 thru 12-31-06; DFW 89-2006(Temp), f. 8-24-06, cert. ef. 8-25-06 thru 12-31-06

635-042-0032

Coho Target Fishery

(1) Salmon may be taken in the Columbia River for commercial purposes in all of, or portions of Zones 1-5 (described in OAR 635-042-0001). This is a target fishery for coho; however, chinook may at times be taken.

(2) The open fishing period and areas are determined annually.

(3) Nets are to be hung even with no strings, slackers, trammels, or riplines used to slacken nets. Riplines are allowed providing they do not slacken the net. Maximum mesh size is six inches.

(4) Closed areas are set forth in OAR 635-042-0005 and include the larger (B) sanctuary at Elokomina River and the (B) Lewis River sanctuary. Furthermore, the Big Creek sanctuary is enlarged to incorporate the terminal fishing area described as Calendar and Big Creek sloughs east from boundary markers at the west end of Minaker Island, upstream to boundary markers at the mouth of Blind Slough.

Stat. Auth.: ORS 496.118, 506.109 & 506.129

Stats. Implemented: ORS 506.119 & 507.030

Hist.: FWC 96-1991, f. & cert. ef. 9-9-91; FWC 101-1991 (Temp), f. & cert. ef. 9-10-91; FWC 102-1991, f. & cert. ef. 9-17-91; Suspended by FWC 92-1992(Temp), f. & cert. ef. 9-16-92; FWC 46-1996, f. & cert. ef. 8-23-96; DFW 71-1999(Temp), f. & cert. ef. 9-20-99 thru 10-22-99; DFW 75-1999(Temp), f. 9-29-99, cert. ef. 9-30-99 thru 10-22-99; DFW 79-1999(Temp), f. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 83-1999(Temp), f. 10-26-99, cert. ef. 10-27-99 thru 12-31-99; DFW 62-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; DFW 65-2000(Temp), f. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; DFW 66-2000(Temp), f. 9-29-00, cert. ef. 10-2-00 thru 12-31-00; DFW 68-2000(Temp), f. 10-6-00, cert. ef. 10-9-00 thru 12-31-00; DFW 71-2000(Temp), f. 10-20-00, cert. ef. 10-23-00 thru 12-31-00; DFW 74-2000(Temp), f. 10-27-00, cert. ef. 10-30-00 thru 12-31-00; Administrative correction 6-20-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 92-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 93-2001(Temp), f. 9-21-01, cert. ef. 9-24-01 thru 12-31-01; DFW 102-2002(Temp), f. & cert. ef. 9-13-02 thru 12-31-02; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 106(Temp), f. & cert. ef. 9-24-02 thru 12-31-02; DFW 92-2003(Temp), f. 9-12-03 cert. ef. 9-15-03 thru 12-31-03; Administrative correction, 2-23-05

635-042-0060

Late Fall Salmon Season

(1) Salmon may be taken by gill nets for commercial purposes from the Columbia River in the following areas and during the open fishing periods as identified.

(2) In Zones 1–5, from the mouth of the Columbia River upstream to a line projected from deadline markers on the Oregon and Washington banks, both such deadline markers located approximately five miles downstream from Bonneville Dam, the open fishing periods are:

(a) 8:00 p.m. Tuesday September 19, 2006 to 8:00 a.m. Wednesday September 20, 2006 (12 hours);

(b) 7:00 p.m. Thursday October 19, 2006 through 7:00 a.m. Friday October 20, 2006 (12 hours);

(c) 7:00 p.m. Tuesday October 24, 2006 through 7:00 a.m. Wednesday October 25, 2006 (12 hours);

(A) The Elokom-B, Abernathy, Cowlitz, Kalama-A, Lewis-A, Sandy and Washougal river sanctuaries are in effect.

(B) During the open fishing periods identified in (2)(b) and (2)(c) above gear is restricted to gill nets with an 8-inch minimum and 9 3/4-inch maximum mesh size.

(b) 7:00 a.m. to 7:00 p.m. Monday September 25, 2006 (12 hours);

(A) The Elokom-B, Abernathy, Cowlitz, Kalama-B, Lewis-B, Sandy and Washougal river sanctuaries are in effect.

(B) During the open fishing periods identified in (2)(b) above gear is restricted to gill nets with an 9-inch minimum and 9 3/4 inch maximum mesh size.

(c) 7:00 p.m. Sunday October 8 to 7:00 p.m. Monday October 9, 2006 (24 hours);

(A) The Elokom-B, Abernathy, Cowlitz, Kalama-A, Lewis-A, Sandy and Washougal river sanctuaries are in effect.

(B) During the open fishing periods identified in (2)(c) above gear is restricted to gill nets with a 9 3/4 inch maximum mesh size.

(d) 7:00 p.m. Monday October 16, 2006 to 7:00 a.m. Tuesday October 17, 2006 (12 hours);

(A) The Elokom-B, Abernathy, Cowlitz, Kalama-A, Lewis-A, Sandy and Washougal river sanctuaries are in effect.

(B) During the open fishing periods identified in (2)(d) above gear is restricted to gill nets with an 9-inch minimum and 9 3/4 inch maximum mesh size.

(3) In Zones 1–3, from the mouth of the Columbia River upstream to a line projected true west from the east or upstream bank of the Lewis River mouth in Washington, the open fishing periods are:

(a) 7:00 a.m. to 7:00 p.m. Wednesday September 27, 2006 (12 hours).

(A) The Elokom-B, Abernathy, Cowlitz, Kalama-B, and Lewis-B sanctuaries are in effect.

(B) During the open fishing periods identified in (3)(a) above gear is restricted to 6-inch maximum mesh size, unslackened floater gillnet restriction in effect.

(4) In Zones 4–5, from a line projected true west from the east or upstream bank of the Lewis River in Washington upstream to a line projected from deadline markers on the Oregon and Washington banks, both such deadline markers located approximately five miles downstream from Bonneville Dam.

(a) 9:00 p.m. Wednesday September 27, 2006 to 2:00 a.m. Thursday September 28, 2006 (5 hours).

(A) The Lewis-B, Sandy and Washougal river sanctuaries are in effect.

(B) During the open fishing periods identified in (4)(a) above gear is restricted to 8-inch minimum and 9 3/4 inch maximum mesh size.

(b) 7:00 p.m. Thursday October 12, 2006 to 7:00 a.m. Friday October 13, 2006 (12 hours);

(A) The Lewis-A, Sandy and Washougal river sanctuaries are in effect.

(B) During the open fishing periods identified in (4)(b) above gear is restricted to an 8-inch minimum and 9 3/4 inch maximum mesh size.

(5) In Zones 1–5, from the mouth of the Columbia River upstream to a line projected from deadline markers on the Oregon and Washington banks, both such deadline markers located approximately five miles downstream from Bonneville Dam, the open fishing periods are:

(a) 7:00 a.m. Monday October 2, 2006 to 7:00 a.m. Tuesday October 3, 2006 (24 hours);

(A) The Elokom-B, Abernathy, Cowlitz, Kalama-B, Lewis-B, Sandy and Washougal river sanctuaries are in effect.

(B) During the open fishing periods identified in (5)(a) above, gear is restricted to a 9 3/4-inch maximum mesh size in Zones 1-3, and an 8-inch minimum and 9 3/4-inch maximum mesh size in Zones 4-5.

(6) Retention of green sturgeon is prohibited. Sturgeon sales and or retention is prohibited, effective 11:59 p.m. Wednesday October 18, 2006 in the Columbia River mainstem, Youngs Bay, and other open Select Area fisheries.

Stat. Auth.: ORS 496.118, 506.109

Stats. Implemented: ORS 506.119, 506.129 & 507.030

Hist.: FWC 40-1979, f. & ef. 9-10-79; FWC 45-1979(Temp), f. & ef. 9-21-79; FWC 52-1979(Temp), f. & ef. 11-2-79; FWC 48-1980(Temp), f. & ef. 9-19-80; FWC 51-1980(Temp), f. & ef. 9-22-80; FWC 55-1980(Temp), f. & ef. 9-26-80; FWC 56-1980(Temp), f. & ef. 9-29-80; FWC 58-1980(Temp), f. & ef. 10-17-80; FWC 37-1981(Temp), f. & ef. 9-24-81; FWC 38-1981(Temp), f. & ef. 9-29-81; FWC 69-1982(Temp), f. & ef. 9-30-82; FWC 72-1982(Temp), f. & ef. 10-20-82; FWC 56-1983(Temp), f. & ef. 10-5-83; FWC 54-1984(Temp), f. & ef. 9-10-84; FWC 59-1984(Temp), f. & ef. 9-18-84; FWC 66-1984 (Temp), f. & ef. 9-26-84; FWC 68-1984(Temp), f. & ef. 10-2-84; FWC 58-1985(Temp), f. & ef. 9-13-85; FWC 62-1985 (Temp), f. & ef. 9-24-85; FWC 66-1985(Temp), f. & ef. 10-11-85; FWC 54-1986(Temp), f. & ef. 9-5-86; FWC 64-1986 (Temp), f. & ef. 10-3-86; FWC 67-1986(Temp), f. & ef. 10-17-86; FWC 74-1987(Temp), f. & ef. 9-4-87; FWC 75-1987 (Temp), f. & ef. 9-11-87; FWC 80-1987(Temp), f. & ef. 9-18-87; FWC 87-1987(Temp), f. & ef. 10-9-87; FWC 91-1987(Temp), f. & ef. 10-16-87; FWC 85-1988(Temp), f. & cert. ef. 9-9-88; FWC 93-1988(Temp), f. & cert. ef. 9-16-88; FWC 99-1988(Temp), f. & cert. ef. 10-7-88; FWC 100-1988(Temp), f. 10-21-88, cert. ef. 10-24-88; FWC 94-1989(Temp), f. 9-15-89, cert. ef. 9-17-89; FWC 97-1989(Temp), f. & cert. ef. 9-21-89; FWC 109-1989(Temp), f. & cert. ef. 10-6-89; FWC 113-1989 (Temp), f. & cert. ef. 11-9-89; FWC 100-1990(Temp), f. & cert. ef. 9-18-90; FWC 101-1990(Temp), f. & cert. ef. 9-19-90; FWC 102-1990(Temp), f. & cert. ef. 9-20-90; FWC 114-1990, f. & cert. ef. 10-8-90; FWC 105-1991, f. & cert. ef. 9-20-91; FWC 118-1991, f. & cert. ef. 10-4-91; FWC 122-1991(Temp), f. & cert. ef. 10-18-91; FWC 129-1991(Temp), f. 11-1-91, cert. ef. 11-3-91; FWC 97-1992(Temp), f. & cert. ef. 9-22-92; FWC 100-1992(Temp), f. 9-25-92, cert. ef. 9-27-92; FWC 107-1992(Temp), f. & cert. ef. 10-9-92; FWC 109-1992(Temp), f. 10-19-92, cert. ef. 10-20-92; FWC 110-1992(Temp), f. & cert. ef. 10-22-92; FWC 80-1995(Temp), f. 9-27-95, cert. ef. 10-9-95; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 58-1996(Temp), f. 9-27-96, cert. ef. 9-30-96; FWC 60-1996(Temp), f. & cert. ef. 10-7-96; FWC 62(Temp), f. 10-18-96, cert. ef. 10-21-96; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; FWC 62-1997(Temp), f. & cert. ef. 10-6-97; FWC 64-1997(Temp), f. & cert. ef. 10-14-97; FWC 65-1997(Temp), f. & cert. ef. 10-20-97; FWC 68-1997(Temp), f. & cert. ef. 11-3-97; DFW 79-1999(Temp), f. 10-8-99, cert. ef. 10-11-99 thru 12-31-99; DFW 83-1999(Temp), f. 10-26-99, cert. ef. 10-27-99 thru 12-31-99; DFW 87-1999(Temp), f. & cert. ef. 11-4-99 thru 11-5-99; Administrative correction 11-17-99; DFW 62-2000(Temp), f. 9-15-00, cert. ef. 9-19-00 thru 12-31-00; DFW 68-2000(Temp), f. 10-6-00, cert. ef. 10-9-00 thru 12-31-00; DFW 71-2000(Temp), f. 10-20-00, cert. ef. 10-23-00 thru 12-31-00; DFW 74-2000(Temp), f. 10-27-00, cert. ef. 10-30-00 thru 12-31-00; Administrative correction 6-20-01; DFW 89-2001(Temp), 9-14-01 thru 12-31-01; DFW 92-2001(Temp), f. & cert. ef. 9-19-01 thru 12-31-01; DFW 93-2001(Temp), f. 9-21-01, cert. ef. 9-24-01 thru 12-31-01; DFW 98-2001(Temp), f. 10-8-01, cert. ef. 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 104-2002(Temp), f. & cert. ef. 9-19-02 thru 12-31-02; DFW 106-2002(Temp), f. & cert. ef. 9-24-02 thru 12-31-02; DFW 109-2002(Temp), f. & cert. ef. 9-27-02 thru 12-31-02; DFW 112-2002(Temp), f. 10-10-02, cert. ef. 10-14-02 thru 12-31-02; DFW 122-2002(Temp), f. 10-24-02, cert. ef. 10-28-02 thru 12-31-02; DFW 92-2003(Temp), f. 9-12-03 cert. ef. 9-15-03 thru 12-31-03; DFW 95-2003(Temp), f. & cert. ef. 9-17-03 thru 12-31-03; DFW 98-2003(Temp), f. 9-22-03, cert. ef. 9-23-03 thru 12-31-03; DFW 105-2003(Temp), f. 10-10-03, cert. ef. 10-12-03 thru 12-31-03; DFW 107-2003(Temp), f. 10-21-03, cert. ef. 10-26-03 thru 12-31-03; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 98-2004(Temp), f. & cert. ef. 9-22-04 thru 12-31-04; DFW 99-2004(Temp), f. & cert. ef. 9-24-04 thru 12-31-04; DFW 101-2004(Temp), f. & cert. ef. 9-29-04 thru 12-31-04; DFW 102-2004(Temp), f. 10-1-04, cert. ef. 10-4-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; Administrative correction, 2-18-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 113-2005(Temp), f. & cert. ef. 9-28-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-

05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; DFW 126-2005(Temp), f. 10-21-05, cert. ef. 10-23-05 thru 12-31-05; Administrative correction 1-19-06; DFW 102-2006(Temp), f. 9-15-06, cert. ef. 9-19-06 thru 12-31-06; DFW 106-2006(Temp), f. 9-22-06, cert. ef. 9-25-06 thru 12-31-06; DFW 111-2006(Temp), f. 9-29-06, cert. ef. 10-2-06 thru 12-31-06; DFW 112-2006(Temp), f. 10-4-06, cert. ef. 10-8-06 thru 12-31-06; DFW 114-2006(Temp), f. & cert. ef. 10-12-06 thru 12-31-06; DFW 120-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06

Special Commercial Fishing Seasons

635-042-0100

Anchovies and Herring Season

Anchovies and herring may be taken for commercial purposes at any time in the Columbia River seaward of the Megler-Astoria Bridge with purse, lampara, and round haul seines of a mesh size not less than one-half inch and not over 1,400 feet in length. All other species taken in operation of such gear must immediately with care be returned to the water.

Stat. Auth.: ORS 183, 506, 507 & 509

Stats. Implemented: ORS 183, 506, 507 & 509

Hist.: FWC 8, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0260; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 4-1984, f. & ef. 1-31-84; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 10-1988, f. & cert. ef. 3-4-88

635-042-0105

Shad Season

Shad may be taken for commercial purposes from the Columbia River below Bonneville Dam during commercial salmon seasons with the same fishing gear authorized for the taking of salmon.

Stat. Auth.: ORS 506 & 507

Stats. Implemented: ORS 506 & 507

Hist.: FWC 85, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0270; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 4-1984, f. & ef. 1-31-84; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87

635-042-0110

Gary Island to Bonneville Dam Shad Season

(1) Shad may be taken for commercial purposes from the area of the Columbia River described in section (2) daily from 3:00 p.m. to 10:00 p.m. during the following open fishing periods: May 15, 2006 through May 19, 2006; May 22, 2006 through May 26, 2006 and May 30, 2006 through June 2, 2006; June 5, 2006 through June 9, 2006; June 12, 2006 through June 16, 2006 and June 19, 2006 through June 23, 2006.

(2) The area of the Columbia River open to fishing is from a downstream boundary of a true north/south line through the flashing red 4-second Light "50" near the Oregon bank to an upstream boundary of a straight line from a deadline marker on the Oregon bank to a deadline marker on the Washington bank, both such deadline markers located approximately five miles downstream from Bonneville Dam.

(3) It is unlawful to use a gill net having a mesh size less than 5-3/8 inches or more than 6-1/4 inches with a breaking strength greater than a 10-pound pull, or to use a gill net other than a single wall floater net, or to use a gill net having slackers, or to use a gill net of more than 150 fathoms in length or 40 meshes in depth. Rip lines are authorized spaced not closer than 20 corks apart.

(4) All salmon, steelhead, walleye and sturgeon taken in shad nets must be immediately returned unharmed to the water.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 85, f. & ef. 1-28-77; FWC 116(Temp), f. & ef. 6-1-77 thru 6-3-77; FWC 124(Temp), f. & ef. 6-17-77 thru 10-14-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 27-1978(Temp), f. & ef. 5-26-78 thru 9-22-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0275; FWC 6-1980, f. & ef. 1-28-80; FWC 25-1980(Temp), f. & ef. 6-13-80; FWC 1-1981, f. & ef. 1-19-81; FWC 18-1981(Temp), f. & ef. 6-10-81; FWC 6-1982, f. & ef. 1-28-82; FWC 36-1982(Temp), f. & ef. 6-11-82; FWC 2-1983, f. 1-21-83, ef. 2-1-83; FWC 21-1983(Temp), f. & ef. 6-10-83; FWC 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. 1-30-85; FWC 19-1985, f. & ef. 5-1-85; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 16-1986(Temp), f. & ef. 5-23-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 23-1987(Temp), f. & ef. 5-20-87; FWC 10-1988, f. & cert. ef. 3-4-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 15-1990(Temp), f. 2-8-90, cert. ef. 2-9-90; FWC 20-1990, f. 3-6-90, cert. ef. 3-15-90; FWC 10-1991, f. 2-7-91, cert. ef. 2-8-91; FWC 8-1992, f. & cert. ef. 2-11-92; FWC 34-1992(Temp), f. 5-19-92, cert. ef. 5-20-92; FWC 11-1993, f. 2-11-93, cert. ef. 2-16-93; FWC 9-1994, f. 2-14-94, cert. ef. 2-15-94; FWC 15-1995, f. & cert. ef. 2-15-95; FWC 6-1996, f. & cert. ef. 2-7-96; FWC 4-1997, f. & cert. ef. 1-30-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 48-1999(Temp), f. & cert. ef. 6-24-99 thru 7-2-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 36-2000(Temp), f. 6-28-00, cert. ef. 6-28-00 thru 7-1-00; DFW 3-2001, f. & cert.

ef. 2-6-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 39-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 45-2005(Temp), f. 5-17-05, cert. ef. 5-23-05 thru 10-16-05; DFW 63-2005(Temp), f. & cert. ef. 6-29-05 thru 7-31-05; Administrative correction 11-18-05; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; Administrative correction 8-22-06

635-042-0115

Camas-Washougal Reef Shad Season

(1) Shad may be taken for commercial purposes from the area of the Columbia River described in section (2) daily from 8:00 p.m. to 12:00 Midnight during the following open fishing periods: May 15, 2005 through May 19, 2005; May 22, 2005 through May 26, 2005; May 29, 2005 through June 2, 2005; June 5, 2005 through June 9, 2005; June 12, 2005 through June 16, 2005; and June 19, 2005 through June 23, 2005.

(2) The area of the Columbia River open to fishing is from a line commencing at the green 6-second equal-interval light approximately 3/4-mile east of the Washougal Woolen Mill pipeline and projected westerly to the Washougal blinker light; thence continuing westerly to the green 4-second blinker light on the east end of Lady Island; thence easterly and northerly along the shoreline of Lady Island to the State Highway 14 Bridge; thence easterly across State Highway 14 Bridge to the mainland.

(3) It is *unlawful* to use a gill net having a mesh size less than 5-3/8 inches or more than 6-1/4 inches with a breaking strength greater than a 30-pound pull or to use a gill net other than a single wall floater net, or to use a gill net having slackers. Rip lines are authorized spaced no closer than 20 corks apart.

(4) All salmon, steelhead, walleye, and sturgeon taken in shad nets must be immediately returned unharmed to the water.

Stat. Auth.: ORS 183.325 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 85, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 27-1978(Temp), f. & ef. 5-26-78 thru 9-22-78; FWC 2-1979, f. & ef. 1-25-79, Renumbered from 635-035-0280; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 2-1983, f. 1-21-83, ef. 2-1-83; FWC 4-1984, f. & ef. 1-31-84; FWC 2-1985, f. & ef. 1-30-85; FWC 4-1986(Temp), f. & ef. 1-28-86; FWC 16-1986(Temp), f. & ef. 5-23-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 23-1987(Temp), f. & ef. 5-20-87; FWC 1-1988, f. & cert. ef. 3-4-88; FWC 5-1989, f. 2-6-89, cert. ef. 2-7-89; FWC 41-1989(Temp), f. & cert. ef. 6-26-89; FWC 15-1990(Temp), f. 2-8-90, cert. ef. 2-9-90; FWC 20-1990, f. 3-6-90, cert. ef. 3-15-90; FWC 10-1991, f. 2-7-91, cert. ef. 2-8-91; FWC 8-1992, f. & cert. ef. 2-11-92; FWC 11-1993, f. 2-11-93, cert. ef. 2-16-93; FWC 9-1994, f. 2-14-94, cert. ef. 2-15-94; FWC 36-1994(Temp), f. & cert. ef. 6-20-94; FWC 39-1994(Temp), f. 6-24-94, cert. ef. 6-27-94; FWC 15-1995, f. & cert. ef. 2-15-95; FWC 6-1996, f. & cert. ef. 2-7-96; FWC 24-1996, f. & cert. ef. 5-14-96; FWC 4-1997, f. & cert. ef. 1-30-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 6-2005, f. & cert. ef. 2-14-05

635-042-0130

Smelt Season

(1) Smelt may be taken for commercial purposes from the Columbia River from 3 a.m. to 9 p.m. on the following dates: February 1, 2002, February 3, 2002, February 6, 2002, February 8, 2002, February 10, 2002, February 13, 2002, February 15, 2002, February 17, 2002, February 20, 2002, February 22, 2002, February 24, 2002, February 27, 2002, March 1, 2002, March 3, 2002, March 6, 2002, March 8, 2002, March 10, 2002, March 13, 2002, March 15, 2002, March 17, 2002, March 20, 2002, March 22, 2002, March 24, 2002, March 27, 2002, and March 31, 2002.

(2) It is *unlawful* to use other than the following gear for the taking of smelt in the Columbia River:

(a) Gill nets of a mesh size not more than two inches. Nets may consist of, but are not limited to, monofilament webbing;

(b) Dip nets having a bag frame no greater than 36 inches in diameter;

(c) Trawl nets with:

(A) Head rope not to exceed 25 feet in length;

(B) Foot rope or groundline not to exceed 25 feet in length;

(C) Door size not to exceed three feet by four feet;

(D) Mesh size not to exceed two inches;

(E) Bag length from the center of the head rope to the terminal end of the bunt not to exceed 35 feet;

(F) Breast rope not to exceed five feet;

(G) Bridle rope from rear of doors to foot rope and head rope not to exceed eight feet.

(3) No more than one trawl net at a time may be fished from any fishing vessel to take smelt.

(4) In the Columbia River upstream from Zone 1, it is *unlawful* to take smelt from a trawl vessel which exceeds 32 feet in overall length.

(5) For the purposes of this rule, Zone 1 is the area downstream of a straight line from a beacon light at Grays Point on the Washington bank to the flashing 4-second red buoy "44" off the easterly tip of Tongue Point on the Oregon Bank.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 2-1985, f. & ef. 1-30-85; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 9-1994, f. 2-14-94, cert. ef. 2-15-94; FWC 15-1995, f. & cert. ef. 2-15-95; DFW 82-1998(Temp), f. 10-6-98, cert. ef. 10-7-98 thru 10-23-98; DFW 95-1999(Temp), f. 12-22-99, cert. ef. 12-26-99 thru 1-21-00; DFW 3-2000, f. & cert. ef. 1-24-00; DFW 8-2000(Temp), f. 2-18-00, cert. ef. 2-20-00 thru 2-29-00; Administrative correction 3-17-00; DFW 80-2000(Temp), f. 12-22-00, cert. ef. 1-1-01 thru 3-31-01; DFW 10-2001(Temp), f. & cert. ef. 3-6-01 thru 3-31-01; Administrative correction 6-21-01; DFW 115-2001(Temp), f. 12-13-01, cert. ef. 1-1-02 thru 3-31-02; DFW 9-2002, f. & cert. ef. 2-1-02; DFW 11-2002(Temp), f. & cert. ef. 2-8-02 thru 8-7-02; DFW 134-2002(Temp), f. & cert. ef. 12-19-02 thru 4-1-03; DFW 131-2003(Temp), f. 12-26-03, cert. ef. 1-1-04 thru 4-1-04; DFW 21-2004(Temp), f. & cert. ef. 3-18-04 thru 7-31-04; Administrative correction 8-19-04; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 8-2005(Temp), f. & cert. ef. 2-24-05 thru 4-1-05; Administrative correction 4-20-05; DFW 145-2005(Temp), f. 12-21-05, cert. ef. 1-1-06 thru 3-31-06; DFW 11-2006(Temp), f. & cert. ef. 3-9-06 thru 7-31-06; Administrative correction 8-22-06

635-042-0133

Sturgeon Size

(1) White or green sturgeon between 48 inches and 60 inches in overall length may be taken for commercial purposes from the Columbia River below Bonneville Dam during commercial salmon and sturgeon fishing seasons with the same fishing gear authorized for the taking of salmon or sturgeon.

(2) Length of a commercially caught sturgeon shall be defined as the shortest distance between the tip of the nose and the extreme tip of the tail while the fish lies on its side on a flat surface with its tail in a normal position.

(3) It is *unlawful* to:

(a) Mutilate or disfigure a sturgeon in any manner which extends or shortens its length to the legal limit, or to possess such sturgeon;

(b) Remove the head or tail of any sturgeon taken for commercial purposes prior to being received at the premises of a wholesale fish dealer or canner;

(c) Have in possession any white or green sturgeon smaller than 48 inches or larger than 60 inches in overall length.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 2-1985, f. & ef. 1-30-85; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 9-1994, f. 2-14-94, cert. ef. 2-15-94; FWC 15-1995, f. & cert. ef. 2-15-95; DFW 82-1998(Temp), f. 10-6-98, cert. ef. 10-7-98 thru 10-23-98; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 145-2005(Temp), f. 12-21-05, cert. ef. 1-1-06 thru 3-31-06; DFW 5-2006, f. & cert. ef. 2-15-06

635-042-0135

Sturgeon Season

(1) Sturgeon may be taken for commercial purposes from the Columbia River below Bonneville Dam during commercial salmon fishing seasons with the same fishing gear authorized for the taking of salmon.

(2) Sturgeon and adipose fin-clipped salmon may be taken for commercial purposes from the Columbia River below Bonneville Dam during commercial sturgeon/salmon fishing seasons using gill nets with a minimum mesh size of nine inches and a maximum mesh size of 9 3/4 inches. Only sturgeon and adipose fin-clipped salmon may be sold from this fishery. The open fishing periods are:

6:00 p.m. January 10 to 6:00 p.m. January 11, 2006;

6:00 p.m. January 17 to 6:00 p.m. January 18, 2006;

6:00 p.m. January 24 to 6:00 p.m. January 25, 2006;

6:00 p.m. January 31 to 6:00 p.m. February 1, 2006;

6:00 p.m. February 2 to 6:00 a.m. February 3, 2006;

6:00 p.m. February 7 to 6:00 p.m. February 8, 2006;

6:00 p.m. February 9 to 6:00 a.m. February 10, 2006;

6:00 p.m. February 14 to 6:00 p.m. February 15, 2006;

6:00 p.m. February 16 to 6:00 a.m. February 17, 2006; and

6:00 p.m. February 21 to 6:00 p.m. February 22, 2006.

(3) Sturgeon and salmon must be delivered to wholesale fish dealers, canners, or fish buyers undressed (in the round).

(4) It is *unlawful* to:

(a) Take sturgeon and salmon by angling from any vessel that is engaged in commercial fishing (including the period of time the gear is fished) or has been engaged in commercial fishing on that same day or has commercially caught sturgeon or salmon aboard;

(b) Steal or otherwise molest or disturb any lawful fishing gear;

(c) Keep any fish taken under a commercial license for personal use;

(d) Remove the head or tail of any sturgeon taken for commercial purposes prior to being received at the premises of a wholesale fish dealer or canner;

(e) Sell or attempt to sell unprocessed or processed sturgeon eggs that have been taken from the Columbia River below Bonneville Dam;

(f) Purchase from commercial fishermen sturgeon eggs which have been removed from the body cavity prior to sale;

(g) Have in possession any white or green sturgeon smaller than 48 inches or larger than 60 inches in overall length;

(h) Gaff or penetrate sturgeon in any way while landing or releasing it.

(5) The Sandy River closed sanctuary, described in OAR 625-042-0005, is in effect during the fishing periods described in subsection (2) of this rule.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: FWC 85, f. & ef. 1-28-77; FWC 2-1978, f. & ef. 1-31-78; FWC 7-1978, f. & ef. 2-21-78; FWC 2-1979, f. & ef. 1-25-79; Renumbered from 635-035-0320; FWC 6-1980, f. & ef. 1-28-80; FWC 1-1981, f. & ef. 1-19-81; FWC 6-1982, f. & ef. 1-28-82; FWC 20-1982(Temp), f. & ef. 3-25-82; FWC 3-1983, f. & ef. 1-21-83; FWC 4-1984, f. & ef. 1-31-84; FWC 4-1986 (Temp), f. & ef. 1-28-86; FWC 79-1986(Temp), f. & ef. 12-22-86; FWC 2-1987, f. & ef. 1-23-87; FWC 8-1992, f. & cert. ef. 2-11-92; FWC 11-1993, f. 2-11-93, cert. ef. 2-16-93; FWC 9-1994, f. 2-14-94, cert. ef. 2-15-94; FWC 16-1994(Temp), f. & cert. ef. 3-3-94; FWC 3-1997, f. & cert. ef. 1-27-97; FWC 8-1997(Temp), f. & cert. ef. 2-14-97; FWC 42-1997, f. & cert. ef. 8-4-97; DFW 2-1998(Temp), f. 1-9-98, cert. ef. 1-12-98 thru 1-23-98; DFW 58-1998(Temp), f. & cert. ef. 8-4-98 thru 8-21-98; DFW 82-1998(Temp), f. 10-6-98, cert. ef. 10-7-98 thru 10-23-98; DFW 84-1998(Temp), f. & cert. ef. 10-22-98 thru 10-23-98; DFW 86-1998(Temp), f. & cert. ef. 10-28-98 thru 10-30-98; DFW 87-1998(Temp), f. & cert. ef. 11-5-98 thru 11-6-98; DFW 101-1998, f. & cert. ef. 12-24-98; DFW 7-1999(Temp), f. 2-12-99 & cert. ef. 2-15-99 thru 2-19-99; DFW 11-1999(Temp), f. 2-24-99, cert. ef. 2-25-99 thru 2-26-99; DFW 52-1999(Temp), f. & cert. ef. 8-2-99 thru 8-6-99; Administrative correction 11-17-99; DFW 95-1999(Temp), f. 12-22-99, cert. ef. 12-26-99 thru 1-21-00; DFW 3-2000, f. & cert. ef. 1-24-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 80-2000(Temp), f. 12-22-00, cert. ef. 1-1-01 thru 3-31-01; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 115-2001(Temp), f. 12-13-01, cert. ef. 1-1-02 thru 3-31-02; DFW 9-2002, f. & cert. ef. 2-1-02; DFW 11-2002(Temp), f. & cert. ef. 2-8-02 thru 8-7-02; DFW 134-2002(Temp), f. & cert. ef. 12-19-02 thru 4-1-03; DFW 8-2003(Temp), f. 1-27-03, cert. ef. 1-28-03 thru 4-1-03; DFW 10-2003(Temp), f. & cert. ef. 2-3-03 thru 4-1-03; DFW 131-2003(Temp), f. 12-26-03, cert. ef. 1-1-04 thru 4-1-04; DFW 7-2004(Temp), f. & cert. ef. 2-2-04 thru 4-1-04; DFW 130-2004(Temp), f. 12-23-04, cert. ef. 1-1-05 thru 4-1-05; DFW 7-2005(Temp), f. & cert. ef. 2-22-05 thru 4-1-05; Administrative correction 4-20-05; DFW 145-2005(Temp), f. 12-21-05, cert. ef. 1-1-06 thru 3-31-06; DFW 3-2006(Temp), f. & cert. ef. 1-27-06 thru 3-31-06; DFW 5-2006, f. & cert. ef. 2-15-06

635-042-0145

Youngs Bay Salmon Season

(1) Salmon may be taken for commercial purposes in those waters of Youngs Bay.

(a) The open fishing periods are as follows:

(A) 6:00 a.m. Wednesday August 2, 2006 to 6:00 p.m. Thursday August 3, 2006 (36 hours);

(B) 6:00 a.m. Wednesday August 9, 2006 to 6:00 p.m. Thursday August 10, 2006 (36 hours);

(C) 6:00 a.m. Wednesday August 16, 2006 to 12:00 noon Thursday August 17, 2006 (30 hours);

(D) 6:00 a.m. Wednesday August 23, 2006 to 12:00 noon Thursday August 24, 2006 (30 hours);

(E) 6:00 a.m. Tuesday August 29, 2006 to 6:00 a.m. Friday September 1, 2006 (3 days); and

(F) 7:00 p.m. Tuesday September 5, 2006 to noon Tuesday October 31, 2006 (55 days, 17 hours);

(b) The fishing areas for the fall fishery are identified as the waters of Youngs Bay from the Highway 101 Bridge upstream to the upper boundary markers at Battle Creek Slough; except for those waters southerly of the alternate Highway 101 Bridge (Lewis and Clark River).

(2) Gill nets may not exceed 1,500 feet (250 fathoms) in length and weight may not exceed two pounds per any fathom. Use of additional weights or anchors attached directly to the leadline is prohibited in Youngs Bay during fall seasons. A red cork must be placed on the corkline every 25 fathoms as measured from the first mesh of the net. Red corks at 25-fathom intervals must be in color contrast to the corks used in the remainder of the net. Monofilament gillnets are allowed.

(a) It is *unlawful* to use a gill net having a mesh size that is more than 8-inches during the fall season from August 2 through August 24, 2006; and it is unlawful to use a gill net having a mesh size greater than 6-inches after August 24, 2006.

(3) During the open fishing periods identified in (1)(a) above, sturgeon sales and or retention is prohibited, effective 11:59 p.m.

Wednesday October 18, 2006 in the mainstem Columbia River and Select Area fisheries. Retention of green sturgeon is prohibited.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 32-1979, f. & cert. 8-22-79; FWC 28-1980, f. & cert. 6-23-80; FWC 42-1980(Temp), f. & cert. 8-22-80; FWC 30-1981, f. & cert. 8-14-81; FWC 42-1981(Temp), f. & cert. 11-5-81; FWC 54-1982, f. & cert. 8-17-82; FWC 37-1983, f. & cert. 8-18-83; FWC 61-1983(Temp), f. & cert. 10-19-83; FWC 42-1984, f. & cert. 8-20-84; FWC 39-1985, f. & cert. 8-15-85; FWC 37-1986, f. & cert. 8-11-86; FWC 72-1986(Temp), f. & cert. 10-31-86; FWC 64-1987, f. & cert. 8-7-87; FWC 73-1988, f. & cert. 8-19-88; FWC 55-1989(Temp), f. & cert. 8-7-89, cert. ef. 8-20-89; FWC 82-1990(Temp), f. & cert. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. & cert. 8-7-91, cert. ef. 8-18-91; FWC 123-1991(Temp), f. & cert. ef. 10-21-91; FWC 30-1992(Temp), f. & cert. ef. 4-27-92; FWC 35-1992(Temp), f. & cert. ef. 5-25-92; FWC 74-1992(Temp), f. & cert. ef. 8-10-92, cert. ef. 8-16-92; FWC 28-1993(Temp), f. & cert. ef. 4-26-93; FWC 48-1993, f. & cert. ef. 8-6-93, cert. ef. 8-9-93; FWC 21-1994(Temp), f. & cert. ef. 4-25-94; FWC 51-1994, f. & cert. ef. 8-19-94, cert. ef. 8-22-94; FWC 64-1994(Temp), f. & cert. ef. 9-14-94, cert. ef. 9-15-94; FWC 66-1994(Temp), f. & cert. ef. 9-20-94; FWC 72-1995, f. & cert. ef. 3-29-95, cert. ef. 4-1-95; FWC 48-1995(Temp), f. & cert. ef. 6-5-95; FWC 66-1995, f. & cert. ef. 8-22-95, cert. ef. 8-27-95; FWC 69-1995, f. & cert. ef. 8-25-95, cert. ef. 8-27-95; FWC 8-1995, f. & cert. ef. 2-28-96, cert. ef. 3-1-96; FWC 37-1996(Temp), f. & cert. ef. 6-11-96, cert. ef. 6-12-96; FWC 41-1996, f. & cert. ef. 8-12-96; FWC 45-1996(Temp), f. & cert. ef. 8-16-96, cert. ef. 8-19-96; FWC 54-1996(Temp), f. & cert. ef. 9-23-96; FWC 4-1997, f. & cert. ef. 1-30-97; FWC 47-1997, f. & cert. ef. 8-15-97; DFW 8-1998(Temp), f. & cert. ef. 2-5-98 thru 2-28-98; DFW 14-1998, f. & cert. ef. 3-3-98; DFW 18-1998(Temp), f. & cert. ef. 3-9-98, cert. ef. 3-11-98 thru 3-31-98; DFW 60-1998(Temp), f. & cert. ef. 8-7-98 thru 8-21-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 52-1999(Temp), f. & cert. ef. 8-2-99 thru 8-6-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 66-2001(Temp), f. & cert. ef. 8-6-01 thru 8-14-01; DFW 76-2001(Temp), f. & cert. ef. 8-20-01 thru 10-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 82-2002(Temp), f. & cert. ef. 8-7-02 thru 9-1-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 17-2003(Temp), f. & cert. ef. 3-1-03 thru 8-1-03; DFW 32-2003(Temp), f. & cert. ef. 4-23-03 thru 8-1-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. & cert. ef. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 37-2003(Temp), f. & cert. ef. 5-7-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. & cert. ef. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. & cert. ef. 4-8-04, cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. & cert. ef. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. & cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. & cert. ef. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 15-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 46-2005(Temp), f. & cert. ef. 5-17-05, cert. ef. 5-18-05 thru 10-16-05; DFW 73-2005(Temp), f. & cert. ef. 7-11-05 thru 7-31-05; DFW 77-2005(Temp), f. & cert. ef. 7-14-05, cert. ef. 7-18-05 thru 7-31-05; DFW 85-2005(Temp), f. & cert. ef. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. & cert. ef. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. & cert. ef. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 15-2006(Temp), f. & cert. ef. 3-23-06 thru 7-27-06; DFW 17-2006(Temp), f. & cert. ef. 3-29-06, cert. ef. 3-30-06 thru 7-27-06; DFW 29-2006(Temp), f. & cert. ef. 5-16-06 thru 7-31-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 52-2006(Temp), f. & cert. ef. 6-28-06 thru 7-27-06; DFW 73-2006(Temp), f. & cert. ef. 8-1-06, cert. ef. 8-2-06 thru 12-31-06; DFW 103-2006(Temp), f. & cert. ef. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06

635-042-0151

Big Creek Terminal Salmon Season

Salmon and sturgeon may be taken for commercial purposes as follows:

(1) In those waters known as the Big Creek terminal salmon fishing area which is Calendar and Big Creek Sloughs east from boundary markers at the west end of Minaker Island, upstream to a marker on the south bank at the mouth of Blind Slough, across to a marker on the north bank of Blind Slough and then to a marker on Karlson Island, except a 100 foot radius defined by markers at the mouth of Big Creek remains closed.

(2) The open fishing periods are from 7 p.m., September 2, 1997 to 7 p.m., September 4, 1997 and 7 p.m., September 9, 1997 to 7 p.m., September 11, 1997.

(3) Gill nets may not exceed 100 fathoms in length. There is no mesh size restriction and no limit on the amount of weight on the lead line.

(4) It is *unlawful* for individuals other than licensed fish buyers to transport or possess fish outside of the open fishing area described in section (1) of this rule during times when the commercial taking of fish in the adjacent main stem Columbia River is closed.

(5) Only salmon and sturgeon may be taken and sold commercially.

Stat. Auth.: ORS 183.325 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 64-1987, f. & cert. 8-7-87; FWC 73-1988, f. & cert. ef. 8-19-88; FWC 83-1988(Temp), f. & cert. ef. 9-6-88; FWC 55-1989(Temp), f. & cert. ef. 8-20-89; FWC 82-1990(Temp), f. & cert. ef. 8-14-90, cert. ef. 8-19-90; FWC 86-1991, f. & cert. ef. 8-18-91; FWC 46-1996, f. & cert. ef. 8-23-96; FWC 51-1996(Temp), f. & cert. ef. 9-6-96, cert. ef. 9-9-96; FWC 48-1997, f. & cert. ef. 8-25-97

635-042-0154

Carp and Other Nongame Fish

It is *unlawful* to fish for or possess carp and other nongame fish from the Columbia River for commercial purposes except:

(1) As authorized by ORS 508.106 (permit to take carp or other foodfish).

(2) During open commercial fishing periods with gear authorized for those open commercial fishing periods.

Stat. Auth.: ORS 183, 506, 507 & 509

Stats. Implemented: ORS 183, 506, 507 & 509

Hist.: FWC 10-1988, f. & cert. ef. 3-4-88

635-042-0160

Blind Slough and Knappa Slough Select Area Salmon Season

(1) Salmon may be taken for commercial purposes during open fishing periods described as the fall fishery in paragraphs (2)(a), (3)(a) and (3)(b) of this rule in those waters of Blind Slough and Knappa Slough as described in (3) and (4) below.

(2) The open fishing periods established as the fall fishery in Blind Slough only are as follows:

(a) From 7:00 p.m. until 7:00 a.m. nightly (12 hours) commencing: 7:00 p.m. Tuesday Sept. 5, 2006 through 7:00 a.m. Friday Sept. 8, 2006 (3 nights) and 7:00 p.m. Tuesday Sept. 12, 2006 through 7:00 a.m. Friday Sept. 15, 2006 (3 nights)

(3) The open fishing periods established as the fall fishery in Blind Slough and Knappa Slough are as follows:

(a) From 7:00 p.m. until 7:00 a.m. nightly (12 hours) commencing: 7:00 p.m. Monday Sept. 18, 2006 through 7:00 a.m. Friday Sept. 22, 2006 (4 nights); and

(b) From 6:00 p.m. until 8:00 a.m. nightly (14 hours) commencing: 6:00 p.m. Monday Sept. 25, 2006 through 8:00 a.m. Friday Sept. 29, 2006 (4 nights); 6:00 p.m. Monday Oct. 2, 2006 through 8:00 a.m. Friday Oct. 6, 2006 (4 nights); 6:00 p.m. Monday Oct. 9, 2006 through 8:00 a.m. Friday Oct. 13, 2006 (4 nights); 6:00 p.m. Monday Oct. 16, 2006 through 8:00 a.m. Friday Oct. 20, 2006 (4 nights); and 6:00 p.m. Monday Oct. 23, 2006 through 8:00 a.m. Friday Oct. 27, 2006 (4 nights).

(4) Blind Slough fishing area is defined as those waters adjoining the Columbia River which extend from markers at the mouth of Blind Slough upstream to markers at the mouth of Gnat Creek which is located approximately 1/2 mile upstream of the county road bridge.

(5) Knappa Slough fishing area is defined as all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to the boundary line defined by markers on the western end of Minaker Island to markers on Karlson Island and the Oregon shore.

(6) Gear restrictions are as follows: During the fall fishery, outlined in paragraphs (2)(a) and (2)(b) above, gill nets may not exceed 100 fathoms in length with no weight restriction on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. Monofilament gill nets are allowed. It is unlawful to use a gill net having a mesh size that is greater than 6 inches;

(7) During the fishing periods identified in (3)(b) above, sturgeon sales and or retention is prohibited, effective 11:59 p.m. Wednesday October 18, 2006 in the mainstem Columbia River fishery and all open Select Area fisheries. Retention of green sturgeon is prohibited.

(8) Oregon licenses are required in the open waters upstream from the railroad bridge.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998(Temp), f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 48-1999(Temp), f. & cert. ef. 6-24-99 thru 7-2-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 65-2000(Temp), f. & cert. ef. 9-22-00, cert. ef. 9-25-00 thru 12-31-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 86-2001, f. & cert. ef. 9-4-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 14-

2002(Temp), f. 2-13-02, cert. ef. 2-18-02 thru 8-17-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 19-2004(Temp), f. & cert. ef. 3-12-04 thru 3-31-04; DFW 22-2004(Temp), f. & cert. ef. 3-18-04 thru 3-31-04; DFW 28-2004(Temp), f. 4-8-04, cert. ef. 4-12-04 thru 4-15-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 16-2005(Temp), f. & cert. ef. 3-10-05 thru 7-31-05; DFW 18-2005(Temp), f. & cert. ef. 3-15-05 thru 3-21-05; Administrative correction 4-20-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 14-2006(Temp), f. 3-15-06, cert. ef. 3-16-06 thru 7-27-06; DFW 16-2006(Temp), f. 3-23-06 & cert. ef. 3-26-06 thru 7-27-06; DFW 18-2006(Temp), f. 3-29-06, cert. ef. 4-2-06 thru 7-27-06; DFW 20-2006(Temp), f. 4-7-06, cert. ef. 4-9-06 thru 7-27-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 75-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 92-2006(Temp), f. 9-1-06, cert. ef. 9-5-06 thru 12-31-06; DFW 98-2006(Temp), f. & cert. ef. 9-12-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06

635-042-0170

Tongue Point Basin and South Channel Select Area Salmon Season

(1) Tongue Point basin fishing area includes all waters bounded by a line from a yellow marker midway between the red US Coast Guard navigation light #2 at the tip of Tongue Point and the downstream (northern most) pier (#8) to the flashing green US Coast Guard navigation light #3 at the rock jetty on the northwesterly tip of Mott Island, a line from a marker at the southeast end of Mott Island north-easterly to a marker on the northwest tip of Lois Island and a line from a marker on the southwest end of Lois Island due westerly to a marker on the Oregon shore.

(2) South Channel basin includes all waters bounded by a line from a marker on John Day Point through the green US Coast Guard navigation buoy #7 thence to a marker on the southwest end of Lois Island upstream to an upper boundary line from a marker on Settler Point northwesterly to the flashing red US Coast Guard navigation marker #10 thence northwesterly to a marker on Burnside Island defining the terminus of South Channel.

(3) Salmon may be taken for commercial purposes in those waters of Tongue Point and South Channel as described in section (1) and section (2) of this rule. Open fishing periods are:

(a) From 7:00 p.m. until 7:00 a.m. nightly (12 hours) commencing: 7:00 p.m. Tuesday Sept. 5, 2006 through 7:00 a.m. Friday Sept. 8, 2006 (3 nights); 7:00 p.m. Tuesday Sept. 12, 2006 through 7:00 a.m. Friday Sept. 15, 2006 (3 nights); 7:00 p.m. Monday Sept. 18, 2006 through 7:00 a.m. Friday Sept. 22, 2006 (4 nights); and

(b) From 4:00 p.m. until 8:00 a.m. nightly (16 hours) commencing: 4:00 p.m. Monday Sept. 25, 2006 through 8:00 a.m. Friday Sept. 29, 2006 (4 nights); 4:00 p.m. Monday Oct. 2, 2006 through 8:00 a.m. Friday Oct. 6, 2006 (4 nights); 4:00 p.m. Monday Oct. 9, 2006 through 8:00 a.m. Friday Oct. 13, 2006 (4 nights); 4:00 p.m. Monday Oct. 16, 2006 through 8:00 a.m. Friday Oct. 20, 2006 (4 nights); and 4:00 p.m. Monday Oct. 23, 2006 through 8:00 a.m. Friday Oct. 27, 2006 (4 nights).

(4) Gear restrictions are as follows:

(a) In waters described in section (1) as Tongue Point basin, gill nets may not exceed 250 fathoms in length and weight limit on the lead line is not to exceed two pounds on any one fathom. It is unlawful to use a gill net having a mesh size that is more than 6-inches. While fishing during the seasons described in this rule, gillnets with lead line in excess of two pounds per fathom may be stored onboard boats.

(b) In waters described in section (2) as South Channel, nets are restricted to 100 fathoms in length with no weight restrictions on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. It is unlawful to use a gill net having a mesh size that is more than 6-inches. While fishing during the seasons described in this rule, gillnets up to 250 fathoms in length may be stored onboard boats.

(5) During the fishing periods identified in (3)(b) above, sturgeon sales and or retention is prohibited, effective 11:59 p.m. Wednesday October 18, 2006 in the mainstem Columbia River fishery and all open Select Area fisheries. Retention of green sturgeon is prohibited.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; FWC 61-1997(Temp), f. 9-23-97, cert. ef. 9-24-97; DFW 15-1998, f. & cert. ef. 3-3-98; DFW 41-1998(Temp), f. 5-28-98, cert. ef. 5-29-98; DFW 42-1998(Temp), f. 5-29-98, cert. ef. 5-31-98 thru 6-6-98; DFW 45-1998(Temp), f. 6-5-98, cert. ef. 6-6-98 thru 6-10-98; DFW 67-1998, f. & cert. ef. 8-24-98; DFW 86-1998, f. & cert. ef. 10-28-98 thru 10-30-98; DFW 10-1999, f. & cert. ef. 2-26-99; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 9-2000, f. & cert. ef. 2-25-00; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 3-2001, f. & cert. ef. 2-6-01; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 15-2002(Temp), f. & cert. ef. 2-20-02 thru 8-18-02; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 12-2003, f. & cert. ef. 2-14-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; Administrative Correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 76-2006(Temp), f. 8-8-06, cert. ef. 9-5-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06 thru 12-31-06

635-042-0180

Deep River Select Area Salmon Season

(1) Salmon may be taken for commercial purposes during open fishing periods described as the fall fishery in paragraphs (2)(a) and (2)(b) of this rule in those waters of Deep River described as: downstream of the town of Deep River to the mouth defined by a line from the US Coast Guard navigation marker #16 southwest to a marker on the Washington shore. Concurrent waters extend downstream of the Highway 4 bridge. Washington State waters extend upstream to the Highway 4 Bridge.

(2) The fishing seasons are open:

(a) From 7:00 p.m. until 7:00 a.m. nightly (12 hours) commencing: 7:00 p.m. Monday Sept. 4, 2006 through 7:00 a.m. Friday Sept. 8, 2006 (4 nights); 7:00 p.m. Monday Sept. 11, 2006 through 7:00 a.m. Friday Sept. 15, 2006 (4 nights); 7:00 p.m. Monday Sept. 18, 2006 through 7:00 a.m. Friday Sept. 22, 2006 (4 nights); and

(b) From 4:00 p.m. until 8:00 a.m. nightly (16 hours) commencing: 4:00 p.m. Monday Sept. 25, 2006 through 8:00 a.m. Friday Sept. 29, 2006 (4 nights); 4:00 p.m. Monday Oct. 2, 2006 through 8:00 a.m. Friday Oct. 6, 2006 (4 nights); 4:00 p.m. Monday Oct. 9, 2006 through 8:00 a.m. Friday Oct. 13, 2006 (4 nights); 4:00 p.m. Monday Oct. 16, 2006 through 8:00 a.m. Friday Oct. 20, 2006 (4 nights); and 4:00 p.m. Monday Oct. 23, 2006 through 8:00 a.m. Friday Oct. 27, 2006 (4 nights).

(3) Gear restrictions are as follows: During the fall fishery, outlined in paragraphs (2)(a) and (2)(b) above, gill nets may not exceed 100 fathoms in length and there is no weight restriction on the lead line. The attachment of additional weight and anchors directly to the lead line is permitted. Monofilament gill nets are allowed. Nets may not be tied off to stationary structures and may not fully cross navigation channel. It is unlawful to use a gill net having a mesh size that is greater than 6-inches.

(4) During the fishing periods identified in (2)(b) above, sturgeon sales and or retention is prohibited, effective 11:59 p.m. Wednesday October 18, 2006 in the mainstem Columbia River fishery and all other open Select Area fisheries. Retention of green sturgeon is prohibited.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.129 & 507.030

Hist.: FWC 46-1996, f. & cert. ef. 8-23-96; FWC 48-1997, f. & cert. ef. 8-25-97; DFW 55-1999, f. & cert. ef. 8-12-99; DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 19-2003(Temp), f. 3-12-03, cert. ef. 4-17-03 thru 6-13-03; DFW 34-2003(Temp), f. & cert. ef. 4-24-03 thru 10-1-03; DFW 36-2003(Temp), f. 4-30-03, cert. ef. 5-1-03 thru 10-1-03; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; DFW 11-2004, f. & cert. ef. 2-13-04; DFW 39-2004(Temp), f. 5-5-04, cert. ef. 5-6-04 thru 7-31-04; DFW 44-2004(Temp), f. 5-17-04, cert. ef. 5-20-04 thru 7-31-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 27-2005(Temp), f. & cert. ef. 4-20-05 thru 6-15-05; DFW 28-2005(Temp), f. & cert. ef. 4-

28-05 thru 6-16-05; DFW 37-2005(Temp), f. & cert. ef. 5-5-05 thru 10-16-05; DFW 40-2005(Temp), f. & cert. ef. 5-10-05 thru 10-16-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06; DFW 5-2006, f. & cert. ef. 2-15-06; DFW 32-2006(Temp), f. & cert. ef. 5-23-06 thru 7-31-06; DFW 35-2006(Temp), f. & cert. ef. 5-30-06 thru 7-31-06; DFW 77-2006(Temp), f. 8-8-06, cert. ef. 9-4-06 thru 12-31-06; DFW 103-2006(Temp), f. 9-15-06, cert. ef. 9-18-06 thru 12-31-06; DFW 119-2006(Temp), f. & cert. ef. 10-18-06

635-042-0190

Steamboat Slough

(1) Steamboat Slough includes all waters bounded by markers on Price Island and the Washington shore at both ends of Steamboat Slough.

(2) Salmon and sturgeon may be taken for commercial purposes in those waters of Steamboat Slough. Open fishing periods are:

(3) Gill nets may not exceed 100 fathoms in length with no weight limit on the headline. The attachment of additional weight and anchors directly to the lead line is permitted. It is *unlawful* to use a gill net having a mesh size that is more than 8-inches.

Stat. Auth.: ORS 183.325, 506.109 & 506.119

Stats. Implemented: ORS 506.129 & 507.030

Hist.: DFW 42-2000, f. & cert. ef. 8-3-00; DFW 84-2001(Temp), f. & cert. ef. 8-29-01 thru 12-31-01; DFW 89-2001(Temp), f. & cert. ef. 9-14-01 thru 12-31-01; DFW 106-2001(Temp), f. & cert. ef. 10-26-01 thru 12-31-01; DFW 96-2002(Temp), f. & cert. ef. 8-26-02 thru 12-31-02; DFW 75-2003(Temp), f. & cert. ef. 8-1-03 thru 12-31-03; DFW 89-2003(Temp), f. 9-8-03, cert. ef. 9-9-03 thru 12-31-03; Administrative correction 7-30-04; DFW 79-2004(Temp), f. 8-2-04, cert. ef. 8-3-04 thru 12-31-04; DFW 95-2004(Temp), f. 9-17-04, cert. ef. 9-19-04 thru 12-31-04; DFW 109-2004(Temp), f. & cert. ef. 10-19-04 thru 12-31-04; DFW 6-2005, f. & cert. ef. 2-14-05; DFW 85-2005(Temp), f. 8-1-05, cert. ef. 8-3-05 thru 12-31-05; DFW 109-2005(Temp), f. & cert. ef. 9-19-05 thru 12-31-05; DFW 110-2005(Temp), f. & cert. ef. 9-26-05 thru 12-31-05; DFW 116-2005(Temp), f. 10-4-05, cert. ef. 10-5-05 thru 12-31-05; DFW 120-2005(Temp), f. & cert. ef. 10-11-05 thru 12-31-05; DFW 124-2005(Temp), f. & cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-20-06

OTHER REGULATIONS

DIVISION 43

MISCELLANEOUS PERMITS AND RECORDS

635-043-0000

Purpose

The purpose of these rules is to describe the regulations governing fur dealers, taxidermists, hide and antler dealers, scientific collectors, and other miscellaneous permits.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: FWC 49-1991, f. & cert. ef. 5-13-91

635-043-0023

Purpose of Scientific Taking Permits

Rules to take wildlife for scientific study allow educational institutions and private and public scientists a means to study or gain knowledge of wildlife. The Department acts as coordinator and contact for wildlife research projects conducted in Oregon. Refer to division 7 for taking fish on a Scientific Taking Permits.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: FWC 49-1991, f. & cert. ef. 5-13-91

635-043-0030

Scientific Taking Permit Requirements

Any person desiring to take wildlife for scientific purposes must first secure a Scientific Taking Permit by applying to the Oregon Department of Fish and Wildlife. The application shall list the wildlife species and numbers to be collected, the areas and methods of collecting, purpose for collecting, the date of application, the name, address, occupation, and signature of the applicant, and the signature and affiliation of the sponsor if the applicant is a student. This permit may not be used in lieu of a hunting license.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0104, Renumbered from 635-007-0240; FWC 49-1991, f. & cert. ef. 5-13-91; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-043-0033

Cost of Permit

Scientific Taking Permits shall cost \$10 effective with permits issued for 1992 and shall expire on December 31 of the year issued.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: FWC 49-1991, f. & cert. ef. 5-13-91

635-043-0035

Conditions of Scientific Taking Permit

Scientific taking permittees shall adhere to all requirements, terms, and conditions included on the Scientific Taking Permit and the record keeping requirements below:

(1) Every scientific taking permittee shall at the time of taking wildlife, record the species, numbers, area and date wildlife were taken.

(2) Records shall be maintained at the business address of the scientific taking permittee for a period of three years.

(3) Records shall be sent to the Department at 3406 Cherry Avenue NE, Salem, Oregon 97303 within 30 days of the expiration of the permit.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0105, Renumbered from 635-007-0245; FWC 49-1991, f. & cert. ef. 5-13-91; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-043-0040

Persons Eligible for Scientific Taking Permit

Any person who has need to collect wildlife for the purpose of acquiring knowledge thereof may apply for a Scientific Taking Permit. Eligible persons include members of public or private scientific organizations, professional educators, college or university students working under the sponsorship of accredited professors, and scientists employed by private corporations and public natural resource agencies. An application will be evaluated for approval and may be denied if it lacks merit.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0106; FWC 49-1991, f. & cert. ef. 5-13-91, Renumbered from 635-007-0250

635-043-0045

Cancellation of Scientific Taking Permit

Failure to comply with the conditions stipulated in OAR 635-043-0030 through 635-043-0040 is cause to cancel the permit and confiscate the wildlife taken.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0108, Renumbered from 635-007-0255; FWC 49-1991, f. & cert. ef. 5-13-91

635-043-0051

Authority to Take or Harass Wildlife

(1) In accordance with ORS 496.012, 496.162, 497.298, 498.002, and 498.006, Department staff or their agents may take or harass wildlife in the times, places and manners necessary for:

(a) Scientific purposes pursuant to Department programs;

(b) Protection against a threat to human safety;

(c) Protection of land or property from damage;

(d) Wildlife management purposes pursuant to Department programs;

(e) Education and display purposes; and

(f) Rehabilitation of sick, injured or orphaned wildlife.

(2) Harassment means acts that frighten or chase but do not kill wildlife.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: DFW 47-2001, f. & cert. ef. 6-13-01; DFW 12-2002, f. & cert. ef. 2-12-02

635-043-0056

Trapping of Wildlife

For the purpose of alleviating a public nuisance or preventing property damage, the Department may trap and relocate wild turkeys found within the Roseburg city limits.

Stat. Auth.: ORS 498.158

Stats. Implemented: ORS 498.158

Hist.: DFW 1-2003(Temp), f. & cert. ef. 1-14-03 thru 7-9-03; DFW 30-2003(Temp), f. & cert. ef. 4-15-03 thru 10-6-03; DFW 31-2003, f. & cert. ef. 4-17-03; DFW 39-2003(Temp), f. & cert. ef. 5-12-03 thru 10-6-03

635-043-0085**Hunting from a Motor-Propelled Vehicle**

(1) Any person who carries on his or her person an Oregon Disabilities Hunting and Fishing Permit and any required license and tag issued by the Commission may hunt wildlife from a motor-propelled vehicle except while the vehicle is in motion or on any public road or highway.

(2) Any person authorized to alleviate wildlife damage pursuant to ORS 498.136 may hunt designated wildlife from a motor propelled vehicle in the manner prescribed by permit.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0183, Renumbered from 635-010-0160, Renumbered from 635-07-327; FWC 27-1987, f. & ef. 6-19-87; FWC 49-1991, f. & cert. ef. 5-13-91; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 142-2005, f. & cert. ef. 12-16-05

635-043-0090**Who May Hunt with the Aid of an Artificial Light**

Any person hunting bobcat, raccoon or opossum may hunt with an artificial light not attached to or operated from a motor-propelled vehicle. Any person authorized to alleviate wildlife damage pursuant to ORS 498.142 may hunt with the aid of an artificial light in the manner prescribed by permit.

Stat. Auth.: ORS 183 & ORS 496

Stats Implemented: ORS 183 & ORS 496

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0203, Renumbered from 635-007-0330; FWC 49-1991, f. & cert. ef. 5-13-91; DFW 60-2006, f. & cert. ef. 7-12-06

Authority to Harass Wildlife**635-043-0096****Harassing Wildlife Causing Damage**

Administrative Rules 635-043-0100 through 635-043-0115 govern harassment of wildlife to control damage, except for wolves, which are addressed in 635-110-0010 through 635-110-0030.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: FWC 49-1991, f. & cert. ef. 5-13-91; DFW 12-2005, f. & cert. ef. 3-9-05

635-043-0100**Harassment Defined for Dog Training**

For the purpose of this rule, relating to dog training only, harassment means acts to frighten but not kill wildlife. Dog training is not considered harassment except during the months of April, May, June, and July, or at any time in unproductive wildlife habitat.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0223, Renumbered from 635-007-0340; FWC 49-1991, f. & cert. ef. 5-13-91

635-043-0105**Permit Required to Harass Wildlife**

Any landowner suffering damage from wildlife (except for bobcat, red fox, cougar, bear, and non-threatened or endangered migratory birds) to property that they own or lawfully occupy, and desiring to control the damage by means of harassment shall first secure a Wildlife Harassing Permit by applying to the Department. No Wildlife Harassing Permit is required of those persons in possession of a valid federal migratory bird permit which authorizes harassment of migratory bird species.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0225, Renumbered from 635-007-0345; FWC 52-1987, f. & ef. 7-23-87; FWC 49-1991, f. & cert. ef. 5-13-91; FWC 58-1994, f. & cert. ef. 9-1-94; DFW 12-2002, f. & cert. ef. 2-12-02

635-043-0110**Form of Harassment Permit**

The Wildlife Harassing Permit shall include the name and address of the complainant suffering wildlife damage, the name and address of the person or persons designated by the landowner to act as his agent, the description of the property on which harassment will be permitted, the wildlife species to be harassed, the date of issue and date of expiration of the permit, and the signature of the Department of representative issuing to permit.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0226, Renumbered from 635-007-0350; FWC 49-1991, f. & cert. ef. 5-13-91

635-043-0115**Cancellation of Harassment Permit**

The harassment permit may be cancelled if the wildlife damage ceases before the termination date or if permittee fails to comply with provisions on the permit.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0227, Renumbered from 635-007-0355; FWC 49-1991, f. & cert. ef. 5-13-91

DIVISION 44**HOLDING, PROPAGATING, PROTECTED WILDLIFE****635-044-0000****Purpose**

The purpose of these rules is to regulate the holding and propagation of game birds, tiger salamanders, and native wildlife, except those cervids regulated pursuant to OAR 635, division 049.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; FWC 69-1996, f. & cert. ef. 12-20-96

635-044-0002**Taxonomy**

Scientific taxonomic nomenclature reflects that found in the **Wildlife Diversity Plan** adopted by commission action.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96

635-044-0005**Permit Required to Hold Wildlife**

Any person desiring to capture and hold any Northern flying squirrel (*Glaucomys sabrinus*), pine squirrel (*Tamiasciurus douglasi* and *T. hudsonicus*), golden mantled ground squirrel (*Spermophilus lateralis*), or chipmunk (*Tamias amoenus*, *T. minimus*, *T. siskiyou* and *T. townsendii*), or to hold any raccoon (*Procyon lotor*), or bobcat (*Lynx rufus*) must first secure a Wildlife Holding Permit by applying on a form provided to the Oregon Department of Fish and Wildlife. The application shall list the species and numbers to be captured or otherwise acquired, the source or proposed area of capture, the date of application, and the name, address, and signature of applicant. Any application may be denied by the director for cause.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0023 & 635-007-0100; FWC 69-1996, f. & cert. ef. 12-20-96; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-044-0010**Numbers of Wildlife to Be Captured**

The number of any wildlife species for which a Wildlife Holding Permit is required that may be captured and held shall not exceed six per calendar year except as authorized by the Director.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0024 & 635-007-0105

635-044-0015**Wildlife Which Cannot Be Captured and Held**

Except as provided in these rules, no game mammal, furbearer, skunk (*Mephitis mephitis*), spotted skunk (*Spilogale gracilis*), native bat, or coyote (*Canis latrans*) may be captured and held in captivity, except as authorized by the director. Fox (*Vulpes vulpes* or *Urocyon cinereoargenteus*) may be held by a commercial fur farm as defined in OAR 635-056-0010. No game bird may be captured and held in captivity except that members of the families Tetranidae and Phasian-

idae may be captured and held as authorized by the director. No game fish may be captured and held in captivity except as authorized by the director. No species of nongame wildlife declared protected by the commission under OAR 635-044-0130 may be captured and held except Northern flying squirrel (*Glaucomys sabrinus*), pine squirrel (*Tamiasciurus douglasii* and *T. hudsonicus*), golden mantled ground squirrel (*Spermophilus lateralis*), and chipmunk (*Tamias amoenus*, *T. minimus*, *T. siskiyou* and *T. townsendii*). No migratory bird or mammal protected by federal law may be captured and held without first securing a federal permit. A federal permit will serve in lieu of a state Wildlife Holding Permit for birds protected by the federal Migratory Bird Treaty Act and mammals protected by federal law.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
 Hist.: 3WC 2, f. 12-19-73, ef. 1-11-75; FWC 32, f. & ef. 11-28-75, Renumbered from 630-025-0025 & 635-007-0110; FWC 69-1996, f. & cert. ef. 12-20-96

635-044-0020

When a Permit is not Required to Hold Wildlife

No Wildlife Holding Permit is required to capture and hold wildlife except for those species listed in OAR 635-044-0005 and those species listed in OAR 635-044-0015 which cannot be captured and held. No Wildlife Holding Permit is required to hold game mammals and game birds, and game fish legally acquired and held under a Wildlife Propagation License, a Cervid Holding Permit or a Cervid Propagation License.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
 Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0026 & 635-007-0115; FWC 69-1996, f. & cert. ef. 12-20-96

635-044-0025

Ownership of Captured Wildlife Held in Captivity

Any wildlife or the progeny thereof which has been captured and is being held under a Wildlife Holding Permit remains the property of the State of Oregon and cannot be sold except as authorized by the Director.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
 Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0027 & 635-007-0120

635-044-0030

Cost and Expiration Date of Wildlife Holding Permit

The permit shall cost \$1 and expire on December 31 of the year issued.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
 Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0028 & 635-007-0125

635-044-0035

Requirements for Care of Wildlife Held in Captivity

(1) Any wildlife held in captivity, whether a permit is required or not, must be treated in a humane manner and cannot be restrained with a chain, rope, or other holding device. Facilities for care of captive wildlife must be maintained in a sanitary condition and be large enough to provide room for exercise and sturdy enough to prevent escape and protect the public. Food, water, and cover must be provided in sufficient quantity and quality to maintain the wildlife in a healthy condition.

(2)(a) Individual bear or cougar six months of age and older must be held within special facilities approved by the Department of Fish and Wildlife according to the specifications of Exhibit 1, except when:

(A) Transported to or from veterinarian clinics or other ODFW-approved facilities; or

(B) On public display by a USDA class A, B or C license holder.

(b) Facilities approved by the Department by December 18, 1997, are deemed to comply with the new requirements of Exhibit 1.

(c) The department may, in its discretion, approve facilities that do not meet the specifications of Exhibit 1 if the department finds that

such facilities provide safeguards equivalent to those required by Exhibit 1. The burden is on the applicant to demonstrate equivalency. One seeking equivalency approval shall submit a detailed analysis of each specification required by Exhibit 1 and describe how the facility provides equivalent safeguards.

[ED. NOTE: Exhibits referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
 Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74; Renumbered from 630-025-0029 & 635-007-0130; FWC 72-1997, f. & cert. ef. 12-29-97

635-044-0040

Inspection of Facilities

Facilities for care of captive wildlife are subject to inspection by any State Police officer or Department of Fish and Wildlife representative. Inspection of the facilities may take place without warrant or notice, but, unless prompted by emergency or other exigent circumstances, shall be limited to regular and usual business hours, including weekends. Nothing in these rules is intended to authorize or allow the warrantless search or inspection of a permit holder's residence.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
 Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0030 & 635-007-0135; FWC 69-1996, f. & cert. ef. 12-20-96

635-044-0045

Cancellation of Permit

Failure to comply with the requirements for holding wildlife is cause to cancel the permit and confiscate the wildlife being held.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
 Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0031 & 635-007-0140

635-044-0050

Possession of Coyote Prohibited Without Permit

It is *unlawful* to keep coyotes (*Canis latrans*) in captivity except in public parks or zoos or in compliance with the terms and conditions of a permit issued pursuant ORS 497.298.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
 Hist.: FWC 125(Temp), f. & ef. 6-27-77; FWC 134, f. & ef. 8-4-77, Renumbered from 630-025-0035 & 635-007-0145; FWC 69-1996, f. & cert. ef. 12-20-96

Wildlife Propagation License Regulations

635-044-0060

License Required to Propagate Wildlife

(1) Any person desiring to propagate for sale any game mammal (excluding the family *Cervidae*), game bird, or tiger salamander (*Ambystoma tigrinum*) (excluding Blotched tiger salamander *A. t. melanostictum*) or desiring to sell any propagated game mammal (excluding the family *Cervidae*), game bird, or tiger salamander (*Ambystoma tigrinum*) (excluding Blotched tiger salamander *A. t. melanostictum*) must first secure a Wildlife Propagation License by applying on a form provided to the Oregon Department of Fish and Wildlife. The application shall list the wildlife species and numbers being held for propagation purposes, or the species being held for sale. The application shall also include the date of application, and the name, address, and signature of applicant.

(2) Any person desiring to propagate and sell any raptor must adhere to all permit requirements and regulations pertaining to the propagation and selling of raptors, as adopted by the U.S. Department of the Interior on July 8, 1983. (Federal Register, Vol. 48, No. 132, Part 21)

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
 Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0043, Renumbered from 635-007-0150; FWC 6-1984, f. & ef. 2-29-84; FWC 28-1987, f. & ef. 6-19-87; FWC 69-1996, f. & cert. ef. 12-20-96; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-044-0075**Requirements for Care of Wildlife Held for Sale**

Any wildlife held for sale under a Wildlife Propagation License must be:

- (1) Treated humanely;
- (2) Maintained under sanitary and disease free conditions;
- (3) Provided ample food, water, and cover;
- (4) Provided ample room to exercise;
- (5) Enclosed within suitable facilities to prevent escape.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0045 & 635-007-0160

635-044-0080**Shipping Requirements**

Any Wildlife shipped within or outside the state by the holder of a Wildlife Propagation License must have affixed to the shipping container a record showing:

(1) Name, address, and Wildlife Propagation License number of shipper;

(2) Name and address of consignee;

(3) Species and numbers of wildlife contained.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0046 & 635-007-0165

635-044-0120**Record Keeping and Reporting Requirements**

(1) A record of all business transactions involving sale or purchase of eggs, mammals, or game birds must be maintained at facilities operated under a Wildlife Propagation License. Records must be available for inspection by Oregon State Police or Oregon Department of Fish and Wildlife personnel:

(2) An annual report of operations must be submitted with each license renewal application or by January 15 of the next year if the licensee does not submit a renewal application. The annual report shall include a total of all purchases and sales by species of mammals, birds, or bird eggs.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 63-1978, f. & ef. 12-20-78, Renumbered from 635-007-0201; FWC 69-1996, f. & cert. ef. 12-20-96

635-044-0125**Cancellation of License**

Failure to comply with shipping requirements, reporting requirements, or requirements for care of wildlife held for sale is cause to cancel the Wildlife Propagation License and confiscate or require disposal of the wildlife being held.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74, Renumbered from 630-025-0049 & 635-007-0210

635-044-0130**Nongame Wildlife Protected**

(1) Except as provided by 635-043-0030, 635-200-0040, 635-044-0015, 635-056-0080 and 635-044-0200, it is unlawful for any person to hunt, trap, pursue, kill, take, catch, angle for, or have in possession, either dead or alive, whole or in part, any:

(a) Threatened or Endangered animals as provided for in 635-100-0125; or

(b) Protected wildlife listed herein except as otherwise provided by the commission by permit, or with respect to Pacific Lamprey, as authorized by a federally-recognized Indian tribe to which the Commission has issued a permit authorizing that tribe to allow its members to take Pacific Lamprey at Willamette Falls for personal use, with a tribal enrollment card in possession, within seasons and subject to conditions established by the Commission. Nothing in this rule is intended to affect the provisions of ORS 610.002 to 610.990.

(A) Fish:

- (i) Goose Lake lampreys (parasitic and nonparasitic forms) (*Lampetra spp.*);
- (ii) Alvord chub (*Gila alvordensis*);
- (iii) Catlow tui chub (*Gila bicolor spp.*);
- (iv) Oregon lakes tui chub (*Gila bicolor oregonensis*);
- (v) Sheldon tui chub (*Gila bicolor eury soma*);
- (vi) Summer Basin tui chub (*Gila bicolor spp.*);
- (vii) California roach (*Hesperoleucus symmetricus mitrulus*);
- (viii) Oregon chub (Willamette Basin) (*Oregonichthys crameri*);
- (ix) Millicoma dace (*Rhinichthys cataractae spp.*);
- (x) Lahonton redbreast (*Richardsonius egregius*);
- (xi) Goose Lake sucker (*Catostomus occidentalis lucasanseri-nus*);

- (xii) Tahoe sucker (*Catostomus tahoensis*);
- (xiii) Malheur mottled sculpin (*Cottus bairdi spp.*);
- (xiv) Margined sculpin (*Cottus marginatus*);
- (xv) Pit sculpin (*Cottus pitensis*).

(xvi) Pacific lamprey (*Lampetra tridentata*);

(xvii) Goose Lake tui chub (*Gila bicolor thalassina*);

(xviii) Warner Basin tui chub (*Gila bicolor spp*);

(xix) Jenny Creek sucker (*Catostomus rimiculus spp.*)

(xx) River lamprey (*Lampetra ayresi*);

(xxi) Western brook lamprey (*Lampetra richardsoni*);

(xxii) Miller Lake lamprey (*Lampetra minima*);

(xxiii) Klamath lamprey (*Lampetra similis*);

(xxiv) Pit-Klamath brook lamprey (*Lampetra lethophaga*);

(xxv) Klamath Basin lamprey (parasitic form) (*Lampetra spp.*)

(B) Amphibians:

(i) Cope's giant salamander (*Dicamptodon copei*);

(ii) Clouded salamander (*Aneides ferreus*);

(iii) Black salamander (*Aneides flavipunctatus*);

(iv) California slender salamander (*Batrachoseps attenuatus*);

(v) Oregon slender salamander (*Batrachoseps wrighti*);

(vi) Del Norte salamander (*Plethodon elongatus*);

(vii) Larch Mountain salamander (*Plethodon larselli*);

(viii) Siskiyou Mountains salamander (*Plethodon stormi*);

(ix) Tailed frog (*Ascaphus truei*);

(x) Red-legged frog (*Rana aurora*);

(xi) Foothill yellow-legged frog (*Rana boylei*);

(xii) Cascade frog (*Rana cascadae*);

(xiii) Northern leopard frog (*Rana pipiens*);

(xiv) Spotted frog (*Rana pretiosa*);

(xv) Southern seep salamander (*Rhyacotriton variegatus*);

(xvi) Columbia seep salamander (*Rhyacotriton kezeri*);

(xvii) Cascade seep salamander (*Rhyacotriton cascadae*);

(xviii) Western toad (*Bufo boreas*);

(xix) Woodhouse toad (*Bufo woodhousei*);

(xx) Blotched tiger salamander (*Ambystoma tigrinum melanostictum*).

(C) Reptiles:

(i) Western painted turtle (*Chrysemys picta*);

(ii) Western pond turtle (*Clemmys marmorata*);

(iii) Desert Collared (Mojave black-collared) lizard (*Crotaphytus insularis bicinctus*.)

(iv) Long-nosed leopard lizard (*Gambelia wislizenii*);

(v) Short-horned lizard (*Phrynosoma douglassi*);

(iv) Desert horned lizard (*Phrynosoma platyrhinos*);

(v) Sharptail snake (*Contia tenuis*);

(vi) Common kingsnake (*Lampropeltis getulus*);

(vii) California mountain kingsnake (*Lampropeltis zonata*);

(viii) Western ground snake (*Sonora semiannulata*);

(D) Birds: All nongame birds except European starling, house sparrow and rock dove.

(E) Mammals:

(i) Fringed myotis (*Myotis thysanodes*);

(ii) Townsend's big-eared bat (*Plecotus townsendii*);

(iii) Pallid bat (*Antrozous pallidus*);

(iv) Pika (cony) (*Ochotona princeps*);

(v) Pygmy rabbit (*Brachylagus idahoensis*);

(vi) White-tailed jack rabbit (*Lepus townsendii*);

(vii) Chipmunk (*Tamias amoenus*, *T. minimus*, *T. siskiyou* and *T. townsendii*);

(ix) Washington ground squirrel (*Spermophilus washingtoni*);

(x) Golden-mantled ground squirrel (*Spermophilus lateralis*);

- (xi) Chickaree (pine squirrel) (*Tamiasciurus douglasii* and *T. hudsonicus*);
- (viii) White-tailed antelope squirrel (*Ammospermophilus leucurus*);
- (xii) Northern flying squirrel (*Glaucomys sabrinus*);
- (xiii) White-footed vole (*Phenacomys albipes*);
- (xiv) Ringtail (*Bassariscus astutus*);
- (xv) Fisher (*Martes pennanti*).
- (xvi) All marine mammals.
- (xvii) Silver-haired bat (*Lasiorycteris noctivagans*);
- (xiv) Western small-footed myotis (*Myotis ciliolabrum*);
- (xv) Long-eared myotis (*Myotis evotis*);
- (xvi) Long-legged myotis (*Myotis volans*);
- (xvii) Yuma myotis (*Myotis yumanensis*);
- (xviii) Columbian white-tailed deer (*Odocoileus virginianus leucurus*) in the following Wildlife Management Units: Saddle Mountain (10), Scappoose (11), Willamette (15), and Santiam (16).

(2) Notwithstanding section (1) of this rule, it shall be lawful to purchase, sell, or exchange, or have in possession any pelt of wildlife listed therein which was lawfully taken in another state and transported into Oregon. A bill of lading or freight bill from a common carrier or other documentary proof indicating the state of origin of the pelt and the name and address of the person from whom the pelt was received shall be sufficient.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

Hist.: FWC 39-1991, f. & cert. ef. 4-24-91; Renumbered from 635-007-0355, FWC 69-1996, f. & cert. ef. 12-20-96; DFW 42-2002, f. & cert. ef. 5-3-02; DFW 78-2002, f. & cert. ef. 7-30-02; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05

Rehabilitation Holding Permit

635-044-0200

Permit Required to Rehabilitate Birds, Mammals, Amphibians or Reptiles

Any person desiring to hold birds, mammals, amphibians or reptiles for rehabilitation purposes must first obtain a Rehabilitation Holding Permit from the Department of Fish and Wildlife.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 7-1983, f. & ef. 2-3-83; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-044-0205

Rehabilitation Defined

For the purpose of this rule, rehabilitation is defined as the restoration of an injured, sick or immature bird, mammal, amphibian, or reptile to a condition whereby:

- (1) The bird, mammal, amphibian, or reptile is capable of being released into the wild at a location designated by the Department; or
- (2) If incapable of survival if released into the wild, be released to an organization, educational institution, museum, or publicly funded zoo, or as determined by the Department.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 7-1983, f. & ef. 2-3-83

635-044-0210

Requirements for Rehabilitation Holding Permit

Rehabilitation Holding Permits for game mammals, furbearer, or raptors may be issued to persons who meet the following criteria:

- (1) An individual must pass the Wildlife Rehabilitation Examination before a permit will be issued.
- (2) Organizations or institutions must have at least one member of their staff that has passed the Department's Rehabilitation Examination before a permit will be issued. Other members may be issued a permit without taking an examination provided they are supervised by the staff member who has a permit.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 7-1983, f. & ef. 2-3-83

635-044-0215

Federal Holding Permit

Persons possessing a Rehabilitation Holding Permit must also obtain a federal permit for species protected by federal law.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 7-1983, f. & ef. 2-3-83

635-044-0220

Ownership of Birds, Mammals, Amphibians, or Reptiles Held Under Rehabilitation Holding Permits

All birds, mammals, amphibians, or reptiles being held under a Rehabilitation Holding Permit remain the property of the State of Oregon and cannot be sold, traded, bartered, exchanged, or intentionally displayed for public exhibit unless authorized by the Director.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 7-1983, f. & ef. 2-3-83

635-044-0225

Record Keeping and Reporting Requirements

(1) Records must be maintained on a form provided by the Department for any bird, mammal, amphibian, or reptile held under a Rehabilitation Holding Permit and submitted semi annually to the Department. This record shall include:

- (a) Name, address and affiliation of person delivering game mammal, furbearer, or raptor to the holder of a Rehabilitation Permit;
- (b) Type and extent of injury, sickness or other reason why the species needs rehabilitation;
- (c) Location of where the wildlife was found;
- (d) Date of receipt;
- (e) Final disposition (release into wild, given to zoo, museum, euthanized, died, etc.).

(2) The permit holder must notify the Department of Fish and Wildlife within 48 hours after receiving any game mammal, furbearer, or raptor.

(3) Rehabilitation Holding Permits are issued free of charge and will expire as determined by the Director.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 7-1983, f. & ef. 2-3-83

635-044-0230

Facilities Subject to Inspection

(1) Permit holders shall possess facilities large enough to provide room for exercise of birds, mammals, amphibians, and reptiles and sturdy enough to prevent escape. Food, water and cover shall be provided in sufficient quantity and quality to maintain the species in healthy condition. All species shall be treated in a humane manner and, except for jesses used for holding raptors, cannot be restrained with a chain, rope or similar holding devices.

(2) Facilities for care of birds, mammals, amphibians, or reptiles held under a Rehabilitation Holding Permit are subject to inspection at any time by any State Police officer or Department of Fish and Wildlife employee.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 7-1983, f. & ef. 2-3-83; FWC 39-1991, f. & cert. ef. 4-24-91; FWC 69-1996, f. & cert. ef. 12-20-96

635-044-0235

Cancellation of Permit

Failure to comply with the record keeping, reporting, or other requirements of the Rehabilitation Holding Permit rules is cause to cancel the permit and confiscate the birds, mammals, amphibians and reptiles being held.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 7-1983, f. & ef. 2-3-83; FWC 59-1983, f. & ef. 10-19-83

HUNTING REGULATIONS

DIVISION 45

DEFINITIONS

635-045-0000

Purpose

(1) The purpose of these rules is to list definitions pursuant to hunting seasons for big game and game birds.

(2) The documents entitled "2006-2007 Oregon Game Bird Regulations", and "2006 Oregon Big Game Regulations", are incorporated by reference into these rules. These documents are available at hunting

license vendors and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 36-1988, f. & cert. ef. 6-13-88; FWC 47-1989, f. & cert. ef. 7-25-89; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 91-1990, f. & cert. ef. 9-4-90; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 81-2006, f. & cert. ef. 8-11-06

635-045-0002

Definitions

(1) "Adult hunting license" is a resident or nonresident hunter's license, resident combination angler's and hunter's license, disabled war veteran's license, pioneer's hunting license or senior citizen's hunting and fishing license.

(2) "Agricultural lands" are lands that are not less than ten acres in extent that have been cultivated and planted or irrigated to domestic crops that are currently in use. Isolated home gardens, abandoned farmsteads, logged lands, rangelands, and tree farms, are not included in this definition.

(3) "Antler Point" is a point at least one inch in length measured from tip of point to nearest edge of beam. This definition applies only to the three-point elk and spike only elk bag limits.

(4) "Antlerless deer" means doe or fawn deer.

(5) "Antlerless elk" means cow or calf elk.

(6) "Application" means the electronic form completed and purchased to apply for a hunt where the number or distribution of hunters is limited through a public drawing or other means. Mail order applications sent to the Department along with the proper remittance are used to generate the electronic form.

(7) "Baited Area" means an area where baiting has taken place.

(8) "Baiting" means the placing, exposing, depositing, distributing, or scattering of corn, wheat, salt or other feed to constitute a lure or enticement to, on, or over an area where hunters are attempting to take game birds.

(9) "Brace" is defined as an orthosis that is prescribed by a physician and fabricated by a orthotist certified by the American Board for Certification in Orthotics and Prosthetics, Inc.

(10) "Brace Height" is the distance from the back of the bow's riser at the handgrip to the string when the bow is at rest.

(11) "Buck Deer" means a male deer with at least one visible antler.

(12) "Buck Pronghorn" means a male pronghorn antelope with visible horns and a dark cheek patch below the ear.

(13) "Bull elk" for the purposes of a bag limit definition, means a male elk with at least one visible antler.

(14) "Calendar year" means from January 1 through December 31.

(15) "Carcass" is the skinned or unskinned body, with or without entrails, of a gamebird or game mammal.

(16) "Cascade elk" means any live elk occurring in the Dixon, Evans Creek, Indigo, Keno, McKenzie, Metolius, Rogue, Santiam and Upper Deschutes units and those parts of Fort Rock and Sprague units west of Highway 97, and that part of Grizzly Unit west of Hwy 97 and south of Hwy 26.

(17) "Cervid" means any member of the family cervidae (deer), including gametes or hybrids. Species included within the family, taxonomic nomenclature, and other matters pertaining to the identification of animals within the family shall be that of Walker's Mammals of the World, Sixth Edition, Johns Hopkins University Press, Baltimore, Maryland, 1999, by Ronald M. Nowak.

(18) "Cervid Propagation License — Type 1" means a license required to hold any live cervid species other than fallow deer and reindeer except as provided in OAR 635-049-0010(1)-(3).

(19) "Cervid Propagation License — Type 2" means a license required to hold live fallow deer and reindeer except as provided in OAR 635-049-0010(1)-(3).

(20) "Closed season" is any time and place when it is not authorized to take a specific species, sex or size of wildlife.

(21) "Coast elk" means any live elk occurring in the Alsea, Applegate, Chetco, Melrose, Powers, Saddle Mountain, Scappoose, Siuslaw, Sixes, Stott Mountain, Tioga, Trask, Willamette, and Wilson units.

(22) "Commission" means the Oregon Fish and Wildlife Commission.

(23) "Controlled hunt" is a season where the number or distribution of hunters is limited through a public drawing or other means.

(24) "Department" means the Oregon Department of Fish and Wildlife.

(25) "Director" means the Oregon Fish and Wildlife Director.

(26) "Doe or fawn pronghorn" means a female pronghorn antelope without a dark cheek patch below the ear or a pronghorn fawns (young of the year) of either sex.

(27) "Eastern Oregon" means all counties east of the summit of the Cascade Range including all of Klamath and Hood River counties.

(28) "Eastern Oregon deer" means any live deer occurring east of the east boundaries of the Santiam, McKenzie, Dixon, Indigo and Rogue units.

(29) "Eligible Hunter" means someone who will be 12 years of age by the time they hunt.

(30) "Entry permit" means a permit issued by the Department to be in an area where entry is restricted by regulation.

(31) "Established airport" is one that the Aeronautics Division has licensed as a public-use airport, registered as a personal-use airport, or specifically exempted from either licensing or registration.

(32) "Evidence of lawful possession" means any license or permit allowing possession of the specified live cervid; or other documentation establishing lawful possession, including but not limited to a statement of nonrequirement for a license or permit for the specified live cervid granted by the country or state of origin.

(33) "Facility" means the location where animals are held, including the exterior perimeter fence and all pastures, paddocks, runways, buildings, and pens therein.

(34) "Feral Swine" means animals of the genus *Sus* as defined by the Oregon Department of Agriculture in OAR 603-010-0055.

(35) "Fiscal year" means from July 1 through June 30.

(36) "Furbearers" are beaver, bobcat, fisher, marten, mink, muskrat, otter, raccoon, red fox, and gray fox.

(37) "Game Birds" are any waterfowl, snipe, band-tailed pigeon, dove, pheasant, quail, partridge, grouse, or wild turkey.

(38) "Game mammals" are pronghorn antelope, black bear, cougar, deer, elk, moose, Rocky Mountain goat, bighorn sheep, and western gray squirrel.

(39) "General season" is any season open to the holder of a valid hunting license and appropriate game mammal tag without restriction as to the number of participants.

(40) "Hold" means any form of possession or control of an animal, gamete, hybrid, or part thereof.

(41) "Hunter certification" means to have met educational, safety or other requirements designated by administrative rule for participation in a hunt.

(42) "Hunt" means to take or attempt to take any wildlife by means involving the use of a weapon or with the assistance of any mammal or bird.

(43) "Husbandry" means the care given animals directly by their owners and managers, including but not limited to:

- (a) Nutrition;
- (b) Breeding program;
- (c) Veterinary medical care;
- (d) Environmental cleanliness; and
- (e) Humane handling.

(44) "Immediate family" means a landowner's spouse, children, father, mother, brother, sister, stepchildren, and grandchildren.

(45) "Inedible" means unfit for human consumption.

(46) "Landowner", as used in OAR chapter 635, division 075, means:

(a) A person who holds title in trust or in fee simple to 40 or more contiguous acres of land; provided however that a recorded deed or contract of ownership shall be on file in the county in which the land is located; and/or

(b) A corporation holding title in fee simple to 40 or more contiguous acres of land; provided however that the corporation shall be registered with the State of Oregon; and/or

(c) A partnership holding title in fee simple to 40 or more contiguous acres of land; and/or

(d) Persons who hold title as part of a time share are not eligible for landowner preference.

(47) “Low Income” means a person who is “economically disadvantaged” as defined in Section 4(8) of the Federal Job Training Partnership Act of 1982.

(48) “Mounted Wildlife” means any hide, head or whole body of wildlife prepared by a licensed taxidermist for display.

(49) “Muzzleloader” is any single-barreled (shotguns may be double barreled) long gun meant to be fired from the shoulder and loaded from the muzzle with an open ignition system and open or peep sights.

(50) “Native cervid” means mule deer, black-tailed deer, white-tailed deer, Roosevelt elk, Rocky Mountain elk and moose, including gamete or hybrid.

(51) “Nonindigenous cervid” means any member of a cervid species, including gamete or hybrid, not classified as a native cervid species.

(52) “On or within” means a straight line distance measured on a map.

(53) “One deer” means a buck, doe, or fawn deer.

(54) “One elk” means a bull, cow, or calf elk.

(55) “Open Ignition” is an ignition system where the percussion cap, or frizzen, or flint is visible and exposed to the weather at all times and is not capable of being closed or covered by any permanent piece of the weapon.

(56) “Partner” means a person in an association of two or more persons formed to carry on as co-owners for profit.

(57) “Point-of-Sale” (POS) is a computerized licensing system available at locations that sell Oregon’s hunting and angling licenses. Licenses and tags are generated and issued directly to customers from a POS machine at the time of sale.

(58) “Possession” means to have physical possession or to otherwise exercise dominion or control over any wildlife or parts thereof, and any person who counsels, aids or assists another person holding such wildlife is deemed equally in possession.

(59) “Postmark” means the date of mailing as stated in a mark applied by the U.S. Postal Service to a piece of mail. Office postal machine meter marks are not valid application deadline postmarks.

(60) “Predatory animals” means coyotes, rabbits, rodents, and feral swine which are or may be destructive to agricultural crops, products and activities.

(61) “Protected wildlife” means “game mammals” as defined in OAR 635-045-0002(33), “game birds” as defined in OAR 635-045-0002(32), “furbearers” as defined in OAR 635-045-0002(31), “threatened and endangered species” as defined in OAR 635-100-0125, and “nongame wildlife protected” as defined in OAR 635-044-0130.

(62) “Pursue” means the act of trailing, tracking, or chasing wildlife in an attempt to locate, capture, catch, tree, or kill any game mammal or furbearer.

(63) “Raw pelt” means any pelt that has not been processed or converted to any usable form beyond initial cleaning, stretching, and drying.

(64) “Red deer” means any species, subspecies, or race of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Oregon.

(65) “Release” is permitting any domestically-raised or imported wildlife currently or previously in possession to exist alive outside an approved holding or propagation facility. For the purposes of OAR chapter 635, division 049, release means permitting a cervid currently or previously in possession to exist alive outside an approved holding or propagating facility, except animals that are in transit pursuant to OAR 635-049-0075

(66) “Resident” is any person who has resided in Oregon for a period of at least six months immediately prior to the date of making application for a license or tag. Members of the armed forces assigned to permanent duty status in Oregon including spouses and dependent children, and foreign exchange students attending school in Oregon under a foreign student exchange program may purchase a resident license and tags. All other persons are nonresidents.

(67) “Resident juvenile” is any “Resident” of Oregon 14 through 17 years of age.

(68) “River” is that portion of a natural water body lying below the level of bankfull stage. Bankfull stage is the stage or elevation at which overflow of the natural banks of a stream or body of water begins to inundate the upland.

(69) “Rocky Mountain elk” is any live elk occurring east of the following described line: Beginning at the California line on Highway 97; north on Highway 97 to State Highway 26 at Madras; northwest on Highway 26 to east boundary of Santiam Unit; north along east boundary of Santiam Unit to the Columbia River.

(70) “Shotgun” is a smoothbore firearm, designed for firing bird-shot, and intended to be fired from the shoulder, with a barrel length of 18 inches or more, and with an overall length of 26 inches or more. Exception: Shotguns equipped with rifled slug barrels are considered shotguns when used for hunting pronghorn antelope, black bear, cougar, deer, or elk when centerfire rifles or shotguns are legal weapons.

(71) “Sight bait” is exposed flesh bait within 15 feet of any leghold trap set for carnivores.

(72) “Spike deer” is a deer with spike (unbranched) antlers.

(73) “Spike-only bull elk” means a bull elk with at least one visible unbranched antler (brow tines are not considered an antler branch under spike-only regulations).

(74) “Stockholder” is a person who owns stock within a corporation as defined in OAR 635-045-0002(41)(b).

(75) “Tag” is a document authorizing the taking of a designated kind of mammal at a specified time and place.

(76) “Take” means to kill or obtain possession or control of any wildlife.

(77) “Three point plus elk” for the purposes of a bag limit definition, means a bull elk having 3 points or more on one antler including the brow tine.

(78) “Unbarbed broadhead” is a fixed position arrowhead where the rear edge of the blade(s) forms an angle with the arrow shaft to which it is attached of 90° or greater.

(79) “Unprotected Mammals and Birds” are European starling, house sparrow, rock dove and any mammal species for which there are no closed seasons or bag limits.

(80) “Valid certification permit” is a permit for the current season that has not become invalid after taking a season limit or illegal game bird.

(81) “Visible Antler” means a velvet or hardened antler that is visible above the hairline on the skullcap and is capable of being shed.

(82) “Wait period” means the length of time a successful controlled hunt applicant must wait before reapplying for the species for which he was successful in drawing.

(83) “Waste” means to allow any edible portion of any game mammal (except cougar) or game bird to be rendered unfit for human consumption, or, to fail to retrieve edible portions, except internal organs, of such game mammals or game birds from the field. Entrails, including the heart and liver, are not considered edible.

(84) “Waterfowl” means ducks, geese, mergansers and coots.

(85) “Weapon” is any device used to take or attempt to take wildlife.

(86) “Western Oregon” means all counties west of the summit of the Cascade Range except Klamath and Hood River counties.

(87) “Western Oregon deer” is any live deer except the Columbian white-tailed deer occurring west of the east boundaries of the Santiam, McKenzie, Dixon, Indigo, and Rogue units.

(88) “Wildlife” means fish, wild birds, amphibians, reptiles, wild mammals, and feral swine.

(89) “Wildlife” means for the purposes of harassment to relieve damage described in OAR 635-043-0096 through 635-043-0115, game mammals, game birds except migratory birds protected by Federal law, furbearing mammals and wildlife declared protected by the commission.

(90) “Wildlife” means for the purposes of scientific taking described in OAR 635-043-0023 through 635-043-0045, wild birds, wild mammals, amphibians and reptiles, including nests, eggs, or young of same.

(91) “Wildlife unit” is a geographic area described in OAR 635-080-0000 through 635-080-0077.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 47-1989, f. & cert. ef. 7-25-89; FWC 104-1989, f. & cert. ef. 9-29-89; FWC

14-1990, f. & cert. ef. 2-2-90; FWC 22-1990, f. & cert. ef. 3-21-90; FWC 17-1991, f.

& cert. ef. 3-12-91; FWC 33-1991, f. & cert. ef. 3-25-91; FWC 50-1991, f. & cert. ef. 5-13-91; FWC 57-1991, f. & cert. ef. 6-24-91; FWC 9-1993, f. & cert. ef. 2-8-93; FWC 6-1994, f. & cert. ef. 1-26-94; FWC 20-1995, f. & cert. ef. 3-6-95; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 21-1996, f. & cert. ef. 5-1-96; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 53-1997, f. & cert. ef. 9-3-97; FWC 71-1997; f. & cert. ef. 12-29-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 142-2005, f. & cert. ef. 12-16-05

DIVISION 46

COMPETITIVE TRIALS FOR HUNTING DOGS

635-046-0005

Competitive Retriever Dog Trial

A competitive retriever dog trial means any organized or licensed gathering of retriever dog breeds such as Labrador, Chesapeake, Golden and Water Spaniel to compete in retrieving on any lands or waters of the state.

Stat. Auth.: ORS 498

Stats. Implemented: ORS 498

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74; Renumbered from 630-025-0163, 1975; Renumbered from 635-007-0295, 1979

635-046-0010

Competitive Field Dog Trial

A competitive field dog trial means any organized or licensed gathering of field dog breeds such as Pointer, Setter, Weimaraner, and Brittany Spaniel to compete in hunting on any lands or waters of the state.

Stat. Auth.: ORS 498

Stats. Implemented: ORS 498

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74; Renumbered from 630-025-0164, 1975; Renumbered from 635-007-0300, 1979

635-046-0015

Competitive Hound Dog Trial

A competitive hound dog trial means any organized or licensed gathering of hound dog breeds such as Walker, Blue Tick, Black-and-Tan, and Beagle to compete in hunting on any lands or waters of the state.

Stat. Auth.: ORS 498

Stats. Implemented: ORS 498

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74; Renumbered from 630-025-0165, 1975; Renumbered from 635-007-0305, 1979

635-046-0020

Permit Required

A permit from the Department of Fish and Wildlife is required to hold a competitive dog trial during that period from April 1 through August 14 or when domestically raised or captive wildlife is released.

Stat. Auth.: ORS 498

Stats. Implemented: ORS 498

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74; Renumbered from 630-025-0166, 1975; Renumbered from 635-007-0310, 1979

635-046-0025

Permit Not Required

No permit from the Department of Fish and Wildlife is required to hold a competitive dog trial during that period from August 15 through March 31 except when domestically raised or captive wildlife is released.

Stat. Auth.: ORS 498

Stats. Implemented: ORS 498

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74; Renumbered from 630-025-0167, 1975; Renumbered from 635-007-0315, 1979

635-046-0030

Requirements for Permit

Applications for a Competitive Dog Trial Permit must be submitted by letter at least two weeks before the scheduled trial to the Oregon Department of Fish and Wildlife, 3406 Cherry Avenue NE, Salem, Oregon 97303 and include the following information:

- (1) Dates of trial.
- (2) Location of trial.
- (3) Type and approximate number of dogs entered.

(4) Species and numbers of wildlife to be released. No permit will be issued in an area which is important for game bird or game mammal production.

Stat. Auth.: ORS 498

Stats. Implemented: ORS 498

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74; Renumbered from 630-025-0168, 1975; Renumbered from 635-007-0320, 1979; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-046-0035

Use of Live Birds

Privately owned game birds may be used during a competitive dog trial but must be marked either by removing the end joint of the outer right toe at the time of hatching or with the metal seal of the Department of Fish and Wildlife.

Stat. Auth.: ORS 498

Stats. Implemented: ORS 498

Hist.: 3WC 2, f. 12-19-73, ef. 1-11-74; Renumbered from 630-025-0169, 1975; Renumbered from 635-007-0325, 1979

DIVISION 47

PRIVATE HUNTING PRESERVE RULES

635-047-0005

Time, Place, and Manner of Hunting Privately Owned Game Birds

(1) The time and length of season allowed any given hunting preserve shall be determined on the basis of potential conflict with wild populations, provided that no open season shall be allowed between April 1 and July 31 of any year.

(2) The manner of taking shall comply with Oregon Laws and be consistent with recognized standards.

Stat. Auth.: ORS 496.112, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.112, 496.138, 496.146 & 496.162

Hist.: GC 101, f. 7-9-59, Renumbered from 630-023-0005, Renumbered from 635-007-0005; DFW 7-2002, f. & cert. ef. 1-17-02

635-047-0010

Requirements for Licenses

(1) Each hunting preserve shall contain not more than the following acreages in one continuous tract of land, owned or leased by the permittee:

(a) 640 acres if the preserve is located in the area west of the summit of the Cascade Mountains; or

(b) 1,280 acres if the preserve is located in the area east of the summit of the Cascade Mountains.

(2) An applicant for a hunting preserve license shall submit a statement from the appropriate local planning authorities concerning the preserve's compliance with the local comprehensive land use plan and other applicable land use laws.

(3) A person who owns a private hunting preserve that was licensed under ORS 497.248 on or before July 30, 2003 and that has not been submitted to the appropriate local governing body or its designee for land use approval may continue to operate the hunting preserve without local land use approval. The hunting preserve may include one sport clay station that existed on July 30, 2003, is used during the hunting season only for shooting practice in conjunction with hunting and is subordinate to the use of the land as a hunting preserve.

(4) The exterior boundaries of each hunting preserve shall be clearly defined and posted with signs erected around the extremity at intervals of 1,320 feet, or less. Signs shall be as prescribed by the department.

(a) The boundaries of a licensed hunting preserve shall be posted with legible signs that meet the following minimum specifications. All signs marking the perimeter of the hunting preserve boundary shall be maintained in legible condition and visible at all times.

(b) Size — Not less than 10" x 10".

(c) Lettering — "Private Hunting Preserve" in not less than 1-1/2" block letters at the top half of the sign, and including the following descriptive information in not less than 3/8" block letters:

"This sign marks the boundary of a _____ acre property that has been licensed by the Oregon Department of Fish and Wildlife under the provisions of ORS 497 to permit the hunting of privately owned game birds."

(5) There shall be at least one-half mile distance between licensed hunting preserves.

(6) No license will be granted for any hunting preserve, any portion of which is less than one-half mile distant from any state or federal

park, wilderness area, refuge, or wildlife area operated by the state or federal government.

(7) Licensee shall not attempt to prevent public hunting on lands adjacent to a hunting preserve.

(8) The applicant shall have the facilities to propagate or hold not less than 500 of each of the game bird species to be released for shooting on the area.

(9) The department shall issue licenses only to hunting preserves available for use by the general public.

(a) Application for a hunting preserve license shall be made upon a form provided by the department. Each application shall include proof of ownership or lease and a map of the preserve and shall state the township, range and section(s) on which the preserve is located.

(b) Fees charged for shooting and other services rendered shall be stated by the applicant provided that the fees shall be the same for all persons.

(10) The license shall authorize the licensee to shoot, or permit to be shot, only certain legally propagated upland game birds that the department has determined may be hunted upon the property for which the license is issued. Other species of wildlife upon such property and marked birds outside its boundaries shall be subject to all protection provided by State wildlife laws and regulations.

(11) In the event that a permittee chooses to cease hunting preserve activities during the term of a hunting preserve license, the permittee shall so notify the department in writing.

Stat. Auth.: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & 497.248
Stats. Implemented: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & .248
Hist.: GC 101, f. 7-9-59, Renumbered from 630-023-0010, Renumbered from 635-007-0010; FWC 115-1992, f. & cert. ef. 10-28-92; DFW 86-1999, f. & cert. ef. 11-1-99; DFW 7-2002, f. & cert. ef. 1-17-02; DFW 73-2003(Temp), f. & cert. ef. 7-30-03 thru 1-26-04; DFW 109-2003, f. & cert. ef. 11-13-03

635-047-0015

Species

(1) The species which may be released and hunted shall be listed on any application for a hunting preserve at the time of application. The applicant may request amendment of the species to be released and hunted at the time of license renewal.

(2) Game bird species that may be released and hunted on private hunting preserves are limited by this rule to those members of the family Phasianidae, commonly known as pheasants, quail, and partridge.

Stat. Auth.: ORS 496.112, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.112, 496.138, 496.146 & 496.162
Hist.: GC 101, f. 7-9-59, Renumbered from 630-023-0015, Renumbered from 635-007-0015; FWC 115-1992, f. & cert. ef. 10-28-92; DFW 7-2002, f. & cert. ef. 1-17-02

635-047-0020

Care of Birds and Sanitary Requirements

(1) The facilities for holding not less than 500 of each species authorized shall be situated upon the hunting preserve or on any other property of the applicant.

(2) Operators may purchase birds from licensed game breeders but must indicate that intent upon the application.

(3) The operator shall provide a minimum holding space of 25 square feet for pheasants and mountain quail, 15 square feet for partridge, and 12 square feet for all other quail species per bird under wire, or a combination of covered pens and braille pens.

(4) The department has the right to inspect hunting preserve facilities by a delegated representative of the department or Oregon State Police at any reasonable time.

(5) Birds to be released must be in a healthy condition and not less than 10 weeks of age.

Stat. Auth.: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & 497.248
Stats. Implemented: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & .248
Hist.: GC 101, f. 7-9-59, Renumbered from 630-023-0020, Renumbered from 635-007-0020; FWC 115-1992, f. & cert. ef. 10-28-92; DFW 86-1999, f. & cert. ef. 11-1-99; DFW 7-2002, f. & cert. ef. 1-17-02

635-047-0025

Marking of Birds

All privately owned game birds to be released must be premarked in a manner prescribed by the department:

(1) All game birds reared for release upon hunting preserves shall be identified by a healed toe mark or be marked with a plastic poultry band or marked by a nasal scar. A nasal scar is a permanent deformity caused by a blinder or device that partially obstructs the bird's vision.

For a healed toe mark, the terminal joint, including the entire toenail, shall be clipped from the outside of the right foot of each chick.

(2) In the event that an operator acquires birds that have not been toe marked, they shall be banded prior to release by the operator with plastic poultry bands or other bands approved by the department.

(3) Any wild game bird incidentally taken upon a hunting preserve at any time other than the general open season therefore shall be immediately marked with a wild bird seal that has been issued by the department. The fee for such seals shall be \$10.00 each. Any unused wild bird seals may be submitted for refund not later than 30 days after the close of business if a preserve discontinues operation.

(4) Operators shall pay for in advance and have on hand not less than 10 wild bird seals at all times.

(5) A wild bird seal shall be securely affixed to any wild bird taken outside the general season or any wild hen pheasant before it leaves the premises of the hunting preserve.

(6) A record of the date of issue and the names and address of persons receiving wild bird seals must be maintained by the operator and available to department personnel or enforcement officers at all times.

Stat. Auth.: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & 497.248
Stats. Implemented: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & .248
Hist.: GC 101, f. 7-9-59, Renumbered from 630-023-0025, Renumbered from 635-007-0025; FWC 115-1992, f. & cert. ef. 10-28-92; DFW 86-1999, f. & cert. ef. 11-1-99; DFW 7-2002, f. & cert. ef. 1-17-02; DFW 66-2006(Temp), f. & cert. ef. 7-25-06 thru 1-15-07

635-047-0030

Length of Season

The department shall determine the length of the season during which the hunting preserve shall operate, except that the shooting season on any preserve shall not be open between April 1 and July 31.

Stat. Auth.: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & 497.248
Stats. Implemented: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & .248
Hist.: GC 101, f. 7-9-59, Renumbered from 630-023-0030, Renumbered from 635-007-0030; FWC 115-1992, f. & cert. ef. 10-28-92; DFW 86-1999, f. & cert. ef. 11-1-99; DFW 7-2002, f. & cert. ef. 1-17-02

635-047-0032

Transportation of Killed Birds

Birds killed on a hunting preserve may be cleaned, wrapped, and packaged for transport. These birds shall be accompanied by a transportation form provided by the preserve operator stating preserve name, signature, address, and hunting license number of the hunter. In addition, species, number, sex (pheasants only) and harvest date of the birds being transported shall be included. Birds not cleaned, wrapped, and packaged shall be transported with a fully feathered head attached.

Stat. Auth.: ORS 496.112, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.112, 496.138, 496.146 & 496.162
Hist.: DFW 7-2002, f. & cert. ef. 1-17-02

635-047-0035

Fees

(1) Fee for hunting preserve license shall be \$101.50 per year, including agents fee.

(2) Licenses issued under this rule shall be issued for a period of July 1 to June 30 of the following year.

Stat. Auth.: ORS 496.112, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.112, 496.138, 496.146 & 496.162
Hist.: GC 101, f. 7-9-59, Renumbered from 630-023-0035, Renumbered from 635-007-0035; FWC 115-1992, f. & cert. ef. 10-28-92; DFW 7-2002, f. & cert. ef. 1-17-02

635-047-0040

Records

(1) Each hunting preserve operator shall maintain a registration book listing names, addresses, and hunting license numbers of all shooters; the date on which they hunted; the amount of game and species taken, and the markings affixed to each carcass. An accurate record likewise must be maintained of the total number, by species, of game raised or purchased, and the date and number of all species released. These records shall be open to inspection by a delegated representative of the department or Oregon State Police at any reasonable time.

(2) A report of each year's operation and an annual renewal form shall be submitted to the department within 30 days after the close of the season. Report forms will be provided by the department.

Stat. Auth.: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & 497.248
Stats. Implemented: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & .248

Hist.: GC 101, f. 7-9-59, Renumbered from 630-023-0040, Renumbered from 635-007-0040; FWC 115-1992, f. & cert. ef. 10-28-92; DFW 86-1999, f. & cert. ef. 11-1-99; DFW 7-2002, f. & cert. ef. 1-17-02

635-047-0045

License Requirements of Hunters

(1) State hunting licenses shall be required of all persons hunting on hunting preserves. Residents shall be required to possess either a resident hunting license or an annual resident private hunting preserve permit. The resident private hunting preserve permit shall cost \$4.50 (agent fee included) and is good for the entire hunting preserve season on any licensed hunting preserve. Nonresidents shall be required to possess a regular nonresident hunting license, or an annual nonresident private hunting preserve permit. The nonresident private hunting preserve permit shall cost \$10.50 (agent fee included) and shall be good for the entire hunting preserve season on any licensed hunting preserve in the state.

(2) Operators may obtain special hunting preserve permits for reissue to their clients from the department. Operators who are not authorized license agents of the department shall pay in advance for the special \$4.50 resident and \$10.50 nonresident hunting preserve permits and maintain a record of all sales. Operators shall have on hand a minimum of not less than ten resident and not less than ten nonresident special preserve permits at all times. Operators may return unused preserve permits for refund within 30 days of close of business in the event they discontinue operation.

Stat. Auth.: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & 497.248
Stats. Implemented: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & .248
Hist.: GC 101, f. 7-9-59, Renumbered from 630-023-0045, Renumbered from 635-007-0045; FWC 115-1992, f. & cert. ef. 10-28-92; DFW 86-1999, f. & cert. ef. 11-1-99; DFW 7-2002, f. & cert. ef. 1-17-02

635-047-0050

Revocation

(1) In addition to the penalties provided in ORS 496.992, the Department may revoke or refuse to renew a license for a hunting preserve if the operator fails to comply with any rule in relation to the operation of a private hunting preserve or with ORS 497.248.

(2) A new license may not be issued to a person whose license has been revoked unless it appears to the satisfaction of the Department that the person will comply with the rules for the operation of a hunting preserve and ORS 497.248.

(3) Notwithstanding subsection (1) of this section, the Department may not revoke a license for a first violation.

(4) Prior to revoking or refusing to renew a license, the Department shall serve written notice, in the manner prescribed for contested case proceedings pursuant to ORS 183.415, on the operator of the private hunting preserve, ordering the operator to:

(a) Notify the Department within 30 days of the service of the notice if the operator seeks a review of the proposed revocation or refusal to renew the license in the manner provided for contested case proceedings in ORS 183.413 to 183.470; and

(b) Set forth in any notification under paragraph (a) of this subsection the operator's reasons why the license should be renewed or not be revoked.

(5) At the conclusion of a contested case proceeding conducted by the department pursuant to subsection (4) of this section, an operator may petition the Commission for a review of the determination by the Department.

Stat. Auth.: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & 497.248
Stats. Implemented: ORS 496.012, 496.138, 496.570, 497.102, 497.156 & .248
Hist.: GC 101, f. 7-9-59, Renumbered from 630-023-0050, Renumbered from 635-007-0050; FWC 115-1992, f. & cert. ef. 10-28-92; DFW 86-1999, f. & cert. ef. 11-1-99; DFW 7-2002, f. & cert. ef. 1-17-02

DIVISION 48

HUNTER EDUCATION

635-048-0005

Course Length

Through December 31, 1997, the course of instruction shall be a minimum of 10 hours in length. Beginning January 1, 1998, the course of instruction shall be a minimum of 12 hours in length.

Stat. Auth.: ORS 496 & 497
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 497.360

Hist.: 3WC 6, f. 2-28-74, ef. 7-1-74, Renumbered from 630-040-0056, Renumbered from 635-025-0005; FWC 73-1986, f. & ef. 11-4-86; FWC 54-1997, f. & cert. ef. 9-3-97

635-048-0010

Course Fee

Students enrolled in the training course shall not be charged a fee for materials or services furnished by the Hunter Education Program. However, instructors may, at their discretion, assess each student an amount to defray expenses for materials or services not provided by the Hunter Education Program, such as ammunition, room rental or postage. When a fee is charged, instructors will report the amount charged each student on the course report form. The course fee may not serve as a deterrent to persons desiring to participate in the training course. In no instance shall this fee exceed \$10 per student.

Stat. Auth.: ORS 496.138 & 496.146
Stats. Implemented: ORS 497.360
Hist.: 3WC 6, f. 2-28-74, ef. 7-1-74, Renumbered from 630-040-0058, Renumbered from 635-025-0010; FWC 73-1986, f. & ef. 11-4-86; DFW 97-1998, f. & cert. ef. 12-9-98

635-048-0015

Instructor Qualifications

To be certified as an instructor, a candidate shall:

- (1) Be at least 21 years of age.
- (2) Have experience in the safe use of lawful hunting weapons.
- (3) Not have been convicted of or have forfeited bail for a violation of any of the wildlife laws within five years of application.
- (4) Not have been convicted of a felony.
- (5) Not have been convicted of a misdemeanor involving the welfare, health, safety, or victimization of a minor including, but not limited to:

- (a) Attempted Rape III — ORS 163.355;
- (b) Attempted Sodomy III — ORS 163.385;
- (c) Sexual Abuse II — ORS 163.415;
- (d) Attempted Sex Abuse I — ORS 163.425;
- (e) Contributing to the Sexual Delinquency of a Minor — ORS 163.435;
- (f) Sexual Misconduct — ORS 163.445;
- (g) Public Indecency — ORS 163.465;
- (h) Attempted Using a Child in an Obscene Sexual Performance — ORS 163.483;
- (i) Attempted Promoting an Obscene Sexual Performance by a Child — ORS 163.485;
- (j) Endangering the Welfare of a Minor — ORS 163.575;
- (k) Furnishing Obscene Materials to Minors — ORS 167.065;
- (l) Exhibiting an Obscene Performance to a Minor — ORS 167.075;
- (m) Attempted Promotion of Prostitution — ORS 167.012;
- (n) Providing Liquor to a Person Under 21 — ORS 471.410;
- (o) Delivery of Controlled Substance to a Minor — ORS 475.995.
- (6) Pass an examination prescribed by the Department of Fish and Wildlife.

Stat. Auth.: ORS 496 & 497
Stats. Implemented: ORS 496 & 497
Hist.: 3WC 6, f. 2-28-74, ef. 7-1-74, Renumbered from 630-040-0060, Renumbered from 635-025-0015; FWC 73-1986, f. & ef. 11-4-86; FWC 15-1987, f. & ef. 4-15-87

635-048-0020

Revocation of Instructor's Certificate

An instructor's certificate may be revoked by the Department if the holder:

- (1) Has falsified the information requested on the application.
- (2) Is convicted of or forfeits bail for a violation of any of the wildlife laws.
- (3) Fails to conduct the training course in the prescribed manner.
- (4) Fails, after two notices, to provide the Department with the required records of students trained and certificates of competency issued.
- (5) Is convicted of a felony.
- (6) Is convicted of a misdemeanor involving the welfare, health, safety, or victimization of a minor including, but not limited to:
 - (a) Attempted Rape III — ORS 163.355;
 - (b) Attempted Sodomy III — ORS 163.385;
 - (c) Sexual Abuse II — ORS 163.415;
 - (d) Attempted Sex Abuse I — ORS 163.425;

(e) Contributing to the Sexual Delinquency of a Minor — ORS 163.435;
 (f) Sexual Misconduct — ORS 163.445;
 (g) Public Indecency — ORS 163.465;
 (h) Attempted Using a Child in an Obscene Sexual Performance — ORS 163.483;
 (i) Attempted Promoting an Obscene Sexual Performance by a Child — ORS 163.485;
 (j) Endangering the Welfare of a Minor — ORS 163.575;
 (k) Furnishing Obscene Materials to Minors — ORS 167.065;
 (l) Exhibiting an Obscene Performance to a Minor — ORS 167.075;
 (m) Attempted Promotion of Prostitution — ORS 167.012;
 (n) Providing Liquor to a Person Under 21 — ORS 471.410;
 (o) Delivery of Controlled Substance to a Minor — ORS 475.995.
 Stat. Auth.: ORS 496 & 497
 Stats. Implemented: ORS 496 & 497
 Hist.: 3WC 6, f. 2-28-74, ef. 7-1-74, Renumbered from 630-040-0062, Renumbered from 635-025-0020; FWC 73-1986, f. & ef. 11-4-86; FWC 15-1987, f. & ef. 4-15-87

635-048-0030

Issuing Duplicate Certificates of Course Completion

Duplicate certificates of course completion shall be issued only through the Salem headquarters office of the Department. A permanent duplicate will be issued only when the student's registration card is on file. A temporary duplicate (valid only through the end of that year) will be issued when a student's records are not on file, if the student provides an affidavit, signed by the student and a parent or guardian if the student is a minor, stating that the student has successfully completed the required course. Such students may obtain a permanent duplicate only by successfully repeating the required course.

Stat. Auth.: ORS 496 & 497
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 497.360
 Hist.: 3WC 6, f. 2-28-74, ef. 7-1-74, Renumbered from 630-040-0066, Renumbered from 635-025-0030; FWC 73-1986, f. & ef. 11-4-86; FWC 15-1987, f. & ef. 4-15-87; FWC 54-1997, f. & cert. ef. 9-3-97; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

Trapper Education

635-048-0050

Course of Study

The course of study will include but is not limited to appropriate skills, knowledge and values relating to responsible trapping. The Department will supply study materials for the course.

Stat. Auth.: ORS 496 & 497
 Stats. Implemented: ORS 496 & 497
 Hist.: FWC 15-1987, f. & ef. 4-15-87

635-048-0055

Examination

An examination covering the course material must be successfully completed in order to qualify for a trapping brand number. Testing will take place under the auspices of Department of Fish and Wildlife personnel and at prearranged locations.

Stat. Auth.: ORS 496 & 497
 Stats. Implemented: ORS 496 & 497
 Hist.: FWC 15-1987, f. & ef. 4-15-87

635-048-0060

Certificate of Course Completion

Persons successfully completing the exam and submitting an appropriate application will be issued a trapping brand number. This number will serve as the person's certificate of course completion.

Stat. Auth.: ORS 496 & 497
 Stats. Implemented: ORS 496 & 497
 Hist.: FWC 15-1987, f. & ef. 4-15-87

635-048-0080

Master Hunter Program

The department will administer a voluntary program for hunters which will include but is not limited to instruction on hunting ethics, wildlife management, firearms safety and landowner relations. The department may require completion of this program as a prerequisite for participating in certain controlled hunts.

Stat. Auth.: ORS 496 & 497
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 497.360
 Hist.: FWC 54-1997, f. & cert. ef. 9-3-97

635-048-0100

Bowhunter Education

The department will administer a voluntary Bowhunter Education program for hunters which will conform to the syllabus and requirements of the National Bowhunter Education Foundation Bowhunter Education Program which includes but is not limited to instruction on bowhunting ethics, wildlife management, bowhunting and treestand safety, and landowner relations. The department may require completion of this program as a prerequisite for participating in certain controlled hunts.

Stat. Auth.: ORS 496 & 497
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 497.360
 Hist.: FWC 54-1997, f. & cert. ef. 9-3-97

DIVISION 49

PRIVATE HOLDING OR PROPAGATING OF CERVID SPECIES

635-049-0000

Purpose and Scope

The purpose of these rules is to further the Wildlife Policy (ORS 496.012) of the State of Oregon through the application of consistent standards for the holding and propagating of cervid species.

Stat. Auth.: ORS 496.004, 496.012, 496.138, 497.228 & .308, 498.002 & 498.052
 Stats. Implemented: ORS 496.004, 496.012, 496.138, 497.228, 497.308, 498.002 & 498.052
 Hist.: FWC 9-1993, f. & cert. ef. 2-8-93

635-049-0010

Cervid Holding and Propagation Policy

It is the policy of the Fish and Wildlife Commission to protect and enhance Oregon's wildlife populations and their habitats for the use of current and future generations. In furtherance of this policy, the commission, based upon available information, opposes:

- (1) Any commercial or private use of wildlife that threatens this natural resource. The commission specifically opposes the private ownership and commercial use of all native cervids;
- (2) The commercial use of nonindigenous cervid species if that activity poses a risk to native wildlife or wildlife habitat; and
- (3) The taking of cervid species by hunting while held under a Cervid Propagation License — Type 1 or a Cervid Propagation License — Type 2.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
 Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
 Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

General Rules Pertaining to the Holding of Cervids

635-049-0020

Exceptions

It is prohibited to possess, purchase, sell, exchange, or otherwise hold any cervid or part thereof in the state of Oregon unless specifically excepted as follows:

- (1) Deer and elk legally taken during an authorized season may be possessed.
- (2) Hides, bones, elk ivory, or naturally shed antlers may be possessed, sold, purchased, and exchanged pursuant to OAR 635, division 200.
- (3) Licensed taxidermists may possess, sell, purchase, exchange, or otherwise hold any cervid or part thereof pursuant to OAR 635, division 043.
- (4) Public employees may possess or hold cervids or parts thereof as needed to complete authorized duties.
- (5) Licensed wildlife rehabilitators may possess or hold cervids or parts thereof, pursuant to OAR 635, division 044, provided that any cervids held originated within the state of Oregon and are held only until such time as they may be released into the wild.
- (6) Persons holding valid Scientific Taking Permits that allow the taking of cervid species may possess or hold cervids or parts thereof pursuant to OAR chapter 635, division 043.
- (7) Institutions or individuals involved in bona fide scientific research, education, or conservation projects may possess or hold cervids or parts thereof, provided they possess a Cervid Propagation License — Type 1 issued by the department pursuant to OAR 635-049-0160 and 0170. All those possessing animals under these Cervid

Propagation Licenses — Type 1 must comply with all rules and regulations listed herein. These Cervid Propagation Licenses — Type 1 may be issued at the discretion of the director and shall be limited to:

(a) Accredited members or accredited related organizations subject to the rules and regulations of the American Zoo and Aquarium Association (AZA), or individuals or organizations that meet the standards of AZA in effect as of January 20, 1993;

(b) Institutions or individuals with cervids held in temporary possession pursuant to OAR 635-049-0070; or

(c) Other organizations or individuals that the Director determines to be involved in scientific, educational, or conservation efforts of overwhelming benefit to wildlife or wildlife habitat in the state of Oregon. All those possessing animals under such Cervid Propagation Licenses — Type 1 must comply with all rules and regulations listed herein.

(8) Individuals or organizations holding cervids other than fallow deer or reindeer on or before January 20, 1993 may possess or hold cervids or parts thereof, provided they apply for and receive a Cervid Holding Permit and they are in compliance with all rules in OAR 635, division 049.

(9) Cervid Propagation Licenses — Type 1 may be issued to individuals or organizations to hold Roosevelt elk (*Cervus elaphus roosevelti*) or Rocky Mountain elk (*Cervus elaphus nelsoni*) other than those belonging to the state of Oregon or those held under provisions of OAR 635, division 049-0020(7) (science, education, conservation). However, the number of Type 1 licenses in effect shall not exceed 16. All those holding elk under these licenses must comply with all rules in chapter 635, division 049. On or about March, 2004, the commission shall re-examine the issues concerning elk licenses and determine whether to increase the number of licenses that may be in effect at one time.

(10) Individuals and organizations holding fallow deer (*Dama dama*) and reindeer (*Rangifer tarandus*) under a Cervid Propagation License — Type 2 may possess or hold cervids or parts thereof, provided they are in compliance with the rules of OAR 635, division 049. Meat, antlers, or other products derived from fallow deer and reindeer held under a Cervid Propagation License — Type 2 may be sold or exchanged as permitted by state and federal regulations.

(11) Meat, antlers, or other products derived from Sika deer (*Cervus nippon*) held under a Cervid Propagation License — Type 1 may be sold, traded, bartered, or exchanged.

(12) Individuals or institutions holding cervids or cervid parts under 635-049-0020(1)–(6) are exempt from the provisions of these rules.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.022 & 498.952
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.022 & 498.952
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; FWC 12-1995, f. & cert. ef. 2-15-95; DFW 96-1998, f. & cert. ef. 11-25-98; DFW 21-1999, f. & cert. ef. 3-30-99; DFW 15-2000, f. & cert. ef. 3-31-00; DFW 4-2001, f. & cert. ef. 2-22-01

635-049-0030

Cervids that May Not Be Held

(1) Regardless of the rules contained herein, no person shall hold or propagate the following cervids:

(a) White-tailed deer (*Odocoileus virginianus*);

EXCEPTION: White-tailed deer that can be demonstrated to have originated within the state of Oregon and remained within the state for their entire lives may continue to be held, provided they are certified as free of meningeal worm by a licensed veterinarian who is recognized by the department as a qualified wildlife parasitologist.

(b) Red deer (any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Oregon);

(c) Any animals that are shown by genetic testing to be hybrids of red deer.

(2) If animals named in OAR 635-049-0030(1) are currently being held, they must be disposed of as follows:

(a) White-tailed deer not excepted in 635-049-0030(1)(a)(A) must be removed from the confines of the state or destroyed within 180 days of commission adoption of OAR 635, division 049.

(b) Red deer or red deer hybrids must be removed from the confines of the state, destroyed, or sterilized within 180 days of commission adoption of OAR 635, division 049.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.022 & 498.952
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.022 & 498.952
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00; DFW 126-2002, f. & cert. ef. 11-12-02

635-049-0040

Cervids that May Be Held

(1) Subject to all other provisions of these rules, persons holding a Wildlife Propagation License issued on or before January 20, 1993, may continue to hold those cervid species in their possession and listed on their propagation license at a facility approved by the department. Except, cervids referenced in OAR 635-049-0030 may not be held after January 20, 1993, and must be disposed of pursuant to OAR 635-049-0030(2).

(a) Persons possessing cervid species other than fallow deer or reindeer under a current Wildlife Propagation License must apply for a Cervid Propagation License — Type 1 and comply with applicable statutes and rules.

(b) Persons possessing or wishing to possess fallow deer or reindeer must apply for a Cervid Propagation License — Type 2 and comply with all applicable statutes and rules.

(2) No person holding cervids under the provisions of 635-049-0020(8) may possess any cervid species other than those species listed on their Wildlife Propagation License and in their possession on or before January 20, 1993; except they may obtain a Cervid Propagation License Type 2 for fallow deer or reindeer at a facility approved by the department.

(3) A Cervid Propagation License — Type 1 issued under the provisions of 635-049-0020(8) shall not be renewed if the permittee fails to renew the permit or license pursuant to OAR 635-049-0220, or ceases to possess such cervids for 180 consecutive days.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; FWC 12-1995, f. & cert. ef. 2-15-95; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0050

Petition Process for Those Holding Cervids Without a License or Permit

(1) Persons engaged in holding or propagating cervids other than fallow deer and reindeer prior to January 20, 1993, without a Wildlife Propagation License, and who wish to maintain possession of these cervids, may petition the department for issuance of a Cervid Propagation License — Type 1 under the following conditions:

(a) The petitioner must file an affidavit with the department by April 1, 1993 testifying that the petitioner was not aware of the legal requirement for a propagation license to propagate, hold or sell cervids.

(b) The petitioner must submit to the department a completed application for a holding permit, including all required fees and information, to be received at the department's headquarters office by April 1, 1993.

(c) Facilities for holding cervids must meet the standards provided in OAR 635, division 049, and applicants must arrange for and receive a passing inspection by department personnel prior to application consideration.

(2) This petition process applies only to individuals and organizations holding cervids other than fallow deer and reindeer on or before January 20, 1993.

(3) The department may deny a license if it finds the issuance of a license would tend to be harmful to existing wildlife populations.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0060

Hunting of Cervids that Are Held Specifically Prohibited

It is prohibited to hunt, pursue, chase, or kill; or attempt to hunt, pursue, chase, or kill cervids held under any Cervid Propagation License, except that animals may be slaughtered for meat production or may be euthanized for scientific, health, safety, or other valid husbandry concerns.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0070

Possession of Cervids Without a Permit or License Prohibited

(1) No person shall capture, purchase, sell, exchange or otherwise possess; or offer to capture, purchase, sell, or exchange a live native cervid from the wild without a permit, license, or other written autho-

rization from the Department allowing such activity pursuant to ORS 497.308 and 498.022.

(2) A holding permit, propagation license, or other written authorization issued by the Department shall be specific to the individual owning or possessing the cervid species and to the approved facility at which the animals are held.

Stat. Auth.: ORS 496.004, 496.012, 496.138, 497.228, 497.308, 498.002 & 498.052
Stats. Implemented: ORS 496.004, 496.012, 496.138, 497.228, 497.308, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; FWC 12-1995, f. & cert. ef. 2-15-95; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0080

Release of Cervids Held Specifically Prohibited

(1) It is *unlawful* for anyone holding cervids to intentionally release cervids in the state of Oregon without first obtaining a permit for release from the department pursuant to ORS 498.052, or to otherwise cause or allow the release of cervids in the state of Oregon.

(a) Released cervids will be considered a public nuisance.

(b) Persons holding cervids shall recognize that nonindigenous cervids existing outside of their facility are classified as unprotected wildlife.

(c) Persons holding cervids shall notify the department immediately of any release of these cervids and shall, at their own expense, recapture or destroy the released animal(s) within 72 hours.

(2) If the owner does not capture or destroy the released animal(s) within 72 hours, the department or its designated agent may seize, capture or destroy such animal(s). Persons holding cervids shall be responsible for all expenses incurred in recovering, maintaining or disposing of such animal(s) as well as any damage to the state's wildlife or wildlife habitat and shall, upon written demand, reimburse the department in full within 30 days of the date of written demand.

(3) Notwithstanding the provisions of OAR 635-049-0080(1)(c) and (2), if the department determines that the released cervid(s) presents a danger to the wildlife of the state of Oregon, the department may take whatever action it deems appropriate, including destruction of the released cervid(s).

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0090

Requirements Upon the Death of Any Cervids Held

(1) Anyone possessing cervids under the provisions of OAR 635, division 049 must, at their own expense, subject any animal that dies to necropsy by a licensed veterinarian and report the cause of death to the Oregon Department of Agriculture within 14 working days from date of death or completion of any required laboratory tests; unless death is due to obvious nondisease-related causes.

(a) The report must include examination and, where appropriate, test results for any communicable disease or parasite that may have, in the professional opinion of the veterinarian, led to or contributed to the cause of death of the animal.

(2) All annual reports submitted to the department with the required annual renewal must include the date and cause of death for any animals dying on the facility, including the name of the veterinarian who may have performed a necropsy.

(3) Animals subject to routine slaughter are exempt from this requirement.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, S 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0100

Requirements for Disease Testing of Cervids Held or Imported

(1) Importation of live cervids is prohibited.

(2) The import ban in subsection (1) does not apply to:

(a) The fourteen elk from the Starkey Experimental Forest that are in Washington as of November 8, 2002 for research purposes, provided that the elk are returned to Oregon no later than November 25, 2002. This exception is intended to allow only the one-time return of these elk to Oregon.

(b) Live reindeer that leave the state for educational or display purposes may be returned to Oregon upon obtaining proper Oregon Department of Agriculture permits, provided there has been no contact with other domestic or wild cervids.

(3) The department and the Oregon Department of Agriculture shall jointly establish a current list of tests, import prohibitions, meningeal worm endemic areas, and other regulations adequate to protect the health and welfare of Oregon's agricultural industries, human population and wildlife resources.

(4) Any person desiring to import any cervid into the state of Oregon under any type of license shall test such animals for any and all diseases and parasites and obtain an import permit as required by the Oregon Department of Agriculture. Exception: Fallow deer or reindeer that will be slaughtered within 72 hours of entry may be imported without testing provided the holding/slaughtered facility:

(a) Is constructed so as to preclude escape of fallow deer and reindeer;

(b) Has a double-gate system so that live cervids inside the facility are always contained by at least one closed gate;

(c) Is inspected and approved by department personnel.

(5) It is prohibited to import any elk or sika deer from meningeal worm endemic areas, or any elk or sika deer that has been in contact with elk or sika deer from meningeal worm endemic areas within 180 days from the date of import, as certified by an affidavit of the importer.

(6) All cervids imported into the state shall be placed in quarantine on the holding facility in an enclosure that prevents any contact between quarantined cervids and all other animals on the facility.

(a) Cervids shall be released from quarantine only upon the approval of the Oregon Department of Agriculture. Persons holding cervids must comply with all procedures specified by the department and Oregon Department of Agriculture to control diseases or parasites if the cervids test positive for any diseases or parasites identified as diseases of concern pursuant to OAR 635-049-0100(3).

(b) Failure to comply with these procedures shall be cause for immediate revocation of the Cervid Holding Permit.

(7) The Oregon Department of Agriculture may coordinate administration of these jointly established standards.

(8) Except for the following parts, importation of a cervid carcass or parts of a cervid carcass is prohibited if the cervid was killed in a state or province with a documented case of Chronic Wasting Disease:

(a) Cut and wrapped meat;

(b) Boned out meat;

(c) Quarters or other cuts of meat with no part of the spinal column or head;

(d) Hides with no head attached;

(e) Clean skull plate with antlers attached;

(f) Antlers with no tissue attached;

(g) Upper canine teeth (buglers, whistlers, ivories);

(h) Finished taxidermy heads.

(9) For the purposes of the parts and carcass import ban in subsection (6), the states or provinces with a documented case of Chronic Wasting Disease (CWD) are Alberta, Colorado, Illinois, Kansas, Minnesota, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Wisconsin, Wyoming, and Saskatchewan. The Department shall add by temporary rule any additional states or provinces when any new cases of CWD arise.

(10) The parts and carcass import ban in subsection (6) does not apply to parts or carcasses shipped to the National Fish and Wildlife Forensics Laboratory (Ashland, Oregon) for the purpose of law enforcement investigations and also does not apply to parts or carcasses of reindeer/caribou.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00; DFW 90-2002(Temp), f. & cert. ef. 8-16-02 thru 2-11-03; DFW 114-2002(Temp), f. & cert. ef. 10-18-02 thru 2-11-03; DFW 126-2002, f. & cert. ef. 11-12-02; DFW 127-2002(Temp), f. & cert. ef. 11-14-02 thru 2-11-03

635-049-0110

Requirements for Genetic Testing of Cervids Held or Imported

(1) Persons importing elk, or animals that are morphologically similar to elk, must submit either records of genetic tests to identify red deer genetic material conducted at the holder's expense by a professionally recognized laboratory approved by the department, or certification that the animals have no red deer genetic material (e.g., "certified herd status") from an appropriate government agency.

(a) Animals examined and deemed by department biologists to exhibit either behavioral (vocalization) or morphological (size, rump

patch, color) indications of hybridization may not be imported. Importers of these animals may request a review by the director if they have evidence to the contrary.

(b) Biochemical indications of hybridization (hemoglobin, superoxide dismutase, transferrin and post-transferrin, or other indicators yet to be developed) will be taken as indications of hybridization and these animals may not be imported.

(2) Persons currently holding elk, red deer, hybrids; or animals that are morphologically similar to elk, red deer, or hybrids must submit to the department by October 1, 1993, records of genetic tests to identify red deer genetic material for each individual cervid held conducted at the holder's expense by a professionally recognized and approved laboratory. Any animals identified as red deer or having non-indigenous genetic material must be removed from the confines of the state, destroyed, or sterilized by January 1, 1994. Holders of these animals may request a review by the director if they have evidence to the contrary.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0120

Suspension, Revocation, or Non-Renewal of Permits or Licenses for Cervids Held

The department may suspend, revoke or refuse to renew any propagation license or holding permit for cervids for failure to comply with the provisions of OAR 635, division 049 or upon a finding by the department that renewal or failure to suspend or revoke the license or permit would be harmful to the wildlife of the state of Oregon pursuant to contested case hearing procedures in ORS Chapter 183.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0130

Disposition of Cervids Held Upon Suspension, Revocation or Non-Renewal of Permit or License

(1) Upon suspension, revocation or nonrenewal of a permit or license pursuant to OAR 635, division 049, persons holding cervids under the permit or license shall, within 60 days, remove the animal(s) from the facility and dispose of the animal(s) through legal avenues within or outside of the state.

(2) If the holder fails to dispose of the animal(s) within 60 days, and if the department determines that the animal(s) pose an imminent threat to native wildlife, livestock, or public health requiring prompt action, the department may kill, confine, transfer, or otherwise dispose of the animal(s) as it determines necessary. In all other circumstances, the department may kill, transfer, or otherwise dispose of the animal(s) only after provision of notice and opportunity for hearing to the holder. The department may choose to keep the cervids on the holder's property until an appropriate means of disposal is found or pending a hearing. Any cervids held for disposal must be treated humanely pursuant to OAR 635-049-0140(1).

(3) Persons holding cervids under any permit or license issued by the state shall compensate the department for any and all expenses accrued by the department or its agents during disposition of the animals after suspension, revocation or nonrenewal of the permit or license. Any funds received in excess of expenses related to disposing of the cervids shall be returned to the previous licensee or permittee.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0140

Facilities for Cervid Holding or Propagating

(1) Care of Cervids: All cervids held under a Cervid Propagation License must be treated in a humane manner and food and water must be provided in sufficient quantity and quality to maintain the animals in a healthy condition.

(2) Facilities: The permitted facility must be maintained in a sanitary condition and must provide room for exercise as well as prevent escape.

(3) Facility Size: The permitted facility, including vegetation management and individual pasture/paddock size, must be constructed and maintained to allow for ground level observation of all animals

held on the facility on a daily basis. Enclosures must meet all fencing and other standards pursuant to OAR 635, division 049.

(a) Maximum facility size is 300 acres unless a facility plan has been submitted to and approved by the director as an exemption.

(b) Such a facility plan will describe measures that ensure the requirements of OAR 635-049-0140(3) will be met. Such measures will include but are not limited to: fencing for specific species, access, observability, and pasture size.

(c) Failure to comply with the conditions of the facility plan shall be grounds for immediate permit or license revocation.

(4) Handling Facilities: Facility enclosures must include handling facilities adequate to gather and hold all animals in a safe and efficient manner for any inspection, testing, quarantine or other management actions necessary to meet the provisions of OAR 635, division 049 before cervids may be held therein. The facility must be adequate to ensure complete separation between captive and wild cervids.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

Cervid Propagation License — Type 1

635-049-0160

Cervid Propagation License — Type 1 Required

A Cervid Propagation License — Type 1 is required to possess or to propagate any live cervids other than fallow deer and reindeer.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00; DFW 126-2002, f. & cert. ef. 11-12-02

635-049-0170

Application for Cervid Propagation License — Type 1

(1) Persons desiring to hold any live cervid pursuant to OAR 635, division 049 must first secure a Cervid Propagation License — Type 1 by applying to the department's headquarters office.

(a) The application shall state or provide the:

(A) Cervid species and number to be held;

(B) Date of application;

(C) Location and size of facility; and

(D) Whether the applicant is an individual, a partnership, or a corporation. If the applicant is an individual, the application shall state the full name and address of the applicant. If the applicant is a partnership, the application shall state the full names and addresses of the partners. If the applicant is a corporation, the application shall state the full names and addresses of all the officers, directors, and majority stockholders, if any.

(E) A diagram of the proposed facility and relationship to local landforms (e.g., bodies of water, hills, roadways, etc.);

(F) A description of the technical ability of the applicant to successfully maintain and operate a holding facility;

(G) Whether the applicant has been convicted of a felony, or misdemeanor, or otherwise found to have committed any violation (criminal or civil) involving natural resources (e.g., wildlife, forestry, fisheries, environment, etc.);

(H) A statement from the appropriate local planning authorities of the county or other jurisdiction describing whether, in the opinion of the local jurisdiction, the proposed facility is in compliance with the local jurisdiction's comprehensive land-use plan and other applicable laws;

(I) Subspecies of elk to be held.

(b) Using information from the application and from the department's files, the department shall determine whether:

(A) The applicant has the technical ability to successfully operate and maintain a cervid facility;

(B) The applicant can be expected to comply with all legal requirements; and

(C) The proposed holding facility is adequate and would comply with all legal requirements and would not result in harm to native wildlife.

(c) If the department determines that the applicant satisfies these basic requirements, the applicant will be notified of preliminary approval for a Cervid Propagation License — Type 1 for elk or, where it is necessary to allocate permits among multiple applicants, of eligibility to participate in the lottery called for under OAR 635-049-

0171. However, in either situation, the applicant must also submit to a facility inspection.

(2) The fee for a Cervid Propagation License — Type 1 shall be five (\$5) dollars annually.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 21-1999, f. & cert. ef. 3-30-99; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0171

Lottery for Elk Propagation Licenses

(1) If the number of licenses for elk in effect in accordance with OAR 635, division 049-0020(9) falls below 16, the department may issue licenses by a lottery system. However, the number of licenses in effect at any one time shall not exceed 16.

(a) The application period for such licenses shall be not less than one month or more than two months and applications must be received by a deadline specified by the department;

(b) An individual or organization shall not submit more than one application per application period;

(c) Applications shall be reviewed by the department within 30 days from the end of the application period. Illegible or incomplete applications shall be returned to the applicant;

(d) The department shall draw names of eligible applicants at random and notify successful applicants of preliminary approval for a license by mail within 10 business days of the drawing;

(e) If all available licenses are not issued through the lottery, applications thereafter will be reviewed on a first-come, first-served basis up to the total number of licenses allowed.

(2) Applicants notified of preliminary approval for a Cervid Propagation License — Type 1 for elk under OAR 635-049-0171(d) must, within 12 months of the date of notification, complete a holding facility and pass a department inspection.

(3) Failure of a facility to pass a department inspection within the allotted 12 months will result in revocation of preliminary approval and reopening of the application and lottery process for that license.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: DFW 21-1999, f. & cert. ef. 3-30-99; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0180

Inspection of Cervid Propagation License — Type 1 Facilities and Records

Applicants shall mail the “request for inspection” form to the department office designated in their application approval notification letter and arrange for inspection of their facilities. If the department has made the determinations required by OAR 635-049-0170(1)(b), a license may be issued upon department inspection and approval of the facilities.

(1) No animals may be held until receipt of the license. Such license is an annual license, valid from January 1 through December 31.

(2) In the first year of issuance, the license shall be valid from the date of issuance through December 31.

(3) Persons holding cervids under a Cervid Propagation License — Type 1 agree, as a condition of the license, to allow employees of the department, the Oregon Department of Agriculture, or the Oregon State Police to inspect at reasonable times all facilities, records, animals, and other property related to the licensed operation. Inspection of the animals and the facilities related to animal husbandry may take place without warrant or notice, but, unless prompted by emergency or other exigent circumstances, shall be limited to regular and usual business hours, including weekends. Nothing in these rules is intended to authorize or allow the warrantless search or inspection of a license holder’s residence.

(4) Cervid license holders also agree, as a condition of the license, to provide all records related to the animals, facilities or other property related to the cervid operation upon request. Failure to provide such information shall be a basis for revoking, suspending or refusing to renew a license, as provided in OAR 635-049-0120.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & .052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; FWC 12-1995, f. & cert. ef. 2-15-95; FWC 64-1995, f. & cert. ef. 8-3-95; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0190

Fencing Standards for Cervid Propagation License — Type 1

All Cervid Propagation License — Type 1 facilities must be built and maintained in such a manner as to make every reasonable effort to avoid contact between captive and wild cervids. Fencing must prevent both ingress and egress. All facilities must be fenced along the entire exterior boundary of the facility in compliance with OAR 635-049-0190.

(1) Conventional perimeter fences must be, at a minimum, eight feet above ground level for their entire length. The bottom six feet must be woven wire mesh with 6-inch vertical spacing and graduated horizontal spacing from 3-inch at the bottom to 8-inch at the top; constructed with either hinge or knotted joints; and at least 12-1/2 gauge woven wire, 14-1/2 gauge high-tensile woven wire, or nonclimbable chain link. If woven wire is used to attain the full eight feet in height by overlapping, it must be overlapped one row and securely fastened at every other vertical row or woven together with cable. If supplemental wire is used to attain a height of eight feet, it may be smooth, barbed, or woven wire (at least 12-1/2 gauge) with strands spaced not more than six inches apart.

(2) Electric fencing materials may be used on perimeter fences only to supplement conventional fencing materials.

(3) All gates in the perimeter fence must be constructed of a material that will meet or exceed the strength of the fence, and must be equipped with two latching devices. Double gates may be installed at points in the perimeter fence subject to frequent vehicle traffic that is not related to operation of the facility.

(4) Posts used in the perimeter fence must be:

(a) Of material of sufficient strength to keep captive wildlife securely contained and prevent native cervids from entering. Wooden corner posts shall be a minimum of five inches in diameter at the small end and line posts must be a wooden post with a minimum of four inches in diameter on the small end, or a metal “T” post weighing at least 1.25 pounds per foot;

(b) Extended at least eight feet above ground level and at least two feet below ground surface;

(c) Spaced no more than 24 feet apart. If conditions warrant, stays or supports between posts may be required; and

(d) Braced with wood or with suitable metal material properly set at all corners.

(5) Cervid-proof swinging water gaps and stream crossings supported with steel cables and constructed to equal or exceed the standards of the fence are required. These crossings are subject to individual approval by department inspectors. If, in the judgment of the department inspector, these crossings are inadequate to prevent ingress and egress during high water, the facility shall not pass inspection and no cervids shall be held therein.

(6) Existing Facilities: Any deviation from these standards must first be submitted in writing to the department and approved by the director. This does not apply to repairs of existing facilities, provided the repairs maintain existing standards.

(7) New Facilities or Expansion of Existing Facilities: Approval of deviations from these standards must be granted by the director prior to construction. The facility shall not be occupied without prior department inspection or approval.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0200

Animal Marking Required for Cervid Propagation License — Type 1

(1) Persons holding cervids must register with the Oregon Department of Agriculture an individual brand, ear notch, approved combination of permanent ear tags, or other approved mark.

(a) This mark must be unique to the operation, and must be clearly visible and identifiable at a distance of 50 feet from the animals. All cervids held must be clearly identified with this approved mark unless exempted by the director.

(b) Marking registration must include the facility location, species held, name and address of the person holding the Cervid Propagation License — Type 1, and emergency telephone number(s) and contacts to be made should the animals be found in the wild.

(c) Upon issuance by the Oregon Department of Agriculture, the licensee shall submit a copy of the registration to the department’s

headquarters office. Any change in required information must be reported immediately to both agencies.

(2) In addition to the visible mark, all native cervids must be marked with a unique individual tattoo, an implanted micro identification transponder placed behind the left ear at the base (as is now in use in zoos in agreement with the protocol suggested by the Captive Breeding Specialist Group of the International Union for the Conservation of Nature), or a permanent ear tag issued by the North American Elk Breeders Association. These individual markers must correspond with records indicating the facility of origination, the year of birth or date of purchase, and a unique number or letter combination for each individual animal.

(a) This unique mark must be placed or implanted on the animals within 14 days of birth or purchase if the unique mark is not present on the animal when purchased.

(b) The unique mark must be recorded in the holder's records, and must be noted in any transfer or other transaction records or reports for each animal.

(3) The department may at a later date require a tissue sample of native cervids obtained by an ear punch to be desiccated and stored at a central repository for later DNA "fingerprinting."

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052

Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052

Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0210

Record Keeping Required for Cervid Propagation License — Type 1

(1) Persons holding any cervid under a Cervid Propagation License — Type 1 must keep accurate and up-to-date records of all transactions involving movement of any animal on or off of the facility. These records must include all sales, purchases, loans, trades, or other transactions that involve movement into or out of the approved facility, and include any births or deaths at the facility. These records must be up to date, legible, and accurate; record all animal movements by individual unique mark; and list the names, addresses, and license or permit numbers of any individuals or organizations involved in the transactions.

(2) These records shall be open to inspection upon request by any department, Oregon Department of Agriculture, or Oregon State Police employee.

(3) Applications for annual renewal of a Cervid Propagation License — Type 1 must include a complete annual record of all transactions involving movement of animals off of or on to the approved facility, and of any births or deaths on the facility.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052

Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052

Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0220

Cervid Propagation License — Type 1 Renewal

(1) Persons holding a Cervid Propagation License — Type 1 must apply for renewal by November 1 each year, and must have maintained compliance with all rules and regulations pertaining to their activities.

(2) Failure to apply for renewal by November 1 shall render their license void as of the following January 1.

(3) Notice of the need to renew shall be sent to all license holders by registered mail to the last address of record for the license holder on September 1 each year. Reminder postcards will be sent by regular mail to license holders who do not renew by September 30 each year.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052

Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052

Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0230

Suspension or Revocation of Cervid Propagation License — Type 1

Conviction of any violation of OAR 635, division 049, or any other provision of the wildlife laws committed on the holding facility or in connection with or related to the operation of such facility, may be grounds for suspending or revoking the Cervid Propagation License — Type 1 pursuant to OAR 635-049-0120.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052

Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052

Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0240

Sale of Cervids and Cervid Parts Held Under Cervid Propagation License — Type 1

(1) The sale or exchange of live cervids held under a Cervid Propagation License — Type 1 is prohibited; except live cervids may be sold or exchanged to others who hold cervids legally outside the state of Oregon or to other persons with an Oregon Cervid Propagation License — Type 1 valid for that species.

(2) Live cervids may not be imported into the state except as provided in 635-049-0100(2) and any cervids may be exported out of the state provided possession within the state is limited to holders of a Cervid Propagation License — Type 1 valid for that species, and the holder complies with all rules and regulations pertaining to such movement.

(3) Purchase, sale or exchange of native and nonnative cervids are governed by OAR 635, division 200.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052

Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052

Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 96-1998, f. & cert. ef. 11-25-98; DFW 15-2000, f. & cert. ef. 3-31-00; DFW 90-2002(Temp), f. & cert. ef. 8-16-02 thru 2-11-03; DFW 126-2002, f. & cert. ef. 11-12-02

635-049-0250

Changes in Facility Operations and Transfer of a Cervid Propagation License — Type 1

This rule describes the requirements for notification or requests for approval of changes in the operation of a cervid holding facility or transfer of a Cervid Propagation License — Type 1. While all of the decisions normally shall be made in the first instance by the department, this rule provides that the permittee may request review of the department's decision by the commission and, in addition, the commission may choose to consider a request for a change in the first instance.

(1) The licensee shall advise the department in writing within two weeks of a change in address. The licensee shall also notify the department within two weeks in the event of a change in any of the following persons or entities, and provide the names and addresses of:

(a) Principals of the licensee, operating company, parent company or any other entity active in the operations of the facility under the license;

(b) The individual(s) designated by the licensee as the contact person for the department.

(2) Persons holding a Cervid Propagation License — Type 1 shall notify the department of any proposed change in ownership of the cervid facility to another individual or entity. The current licensee shall, in writing, request department approval for any proposed transfer of the Cervid Propagation License — Type 1, and provide the following information regarding the proposed transfer:

(a) The location of the facility and the number and species of cervids in the facility at the time of application for transfer;

(b) The name and address of the individual or entity proposed as the principle operator of the facility if the transfer is approved;

(c) The financial and technical capability of the proposed operator to successfully construct or operate the facility;

(d) Any proposed changes in the operation or in the number or species of cervids held; and

(e) Whether the person holding the controlling interest in the cervid facility has been convicted of a felony, a misdemeanor involving moral turpitude, or any wildlife offense.

(3) The department shall approve or disapprove the proposed transfer of controlling interest in a cervid facility based on the criteria set forth in 635-049-0250(2), and shall notify in writing both the current operator and the proposed operator of its decision. Department notification shall be made within 60 days from the date on which complete information is provided to the department pursuant to OAR 635-049-0250(2).

(4) Any operator or any proposed new operator of a cervid facility whose request for a change pursuant to 635-049-0250(2) has been disapproved by the department may petition the commission for review of the decision. The petition shall be in writing and shall set forth the petitioner's reasons why the decision should be reviewed. Within 60 days of receipt of the petition, the commission shall schedule the matter for the next regularly scheduled commission meeting, and shall consider the request for a change pursuant to OAR 635-049-

0250(2) de novo (as though it had not been heard before). The commission shall hear the matter in a contested case proceeding.

(5) The department or the commission may determine that the commission should consider a request for a transfer pursuant to 635-049-0250 in the first instance. In that event, the matter shall be placed on the agenda of the next regularly scheduled commission meeting during which time is available, and shall be heard in a proceeding other than a contested case. The licensee, proposed new licensee, and the public shall be allowed to testify on the matter. The commission shall, within 30 days after the meeting at which the matter is considered, advise the licensee of its decision, including any decision to proceed with the matter in a contested case hearing.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
 Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
 Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

Cervid Propagation License — Type 2

635-049-0260

Cervid Propagation License — Type 2 Required

Individuals or organizations intending to possess live fallow deer or reindeer for propagation or sale shall obtain a Cervid Propagation License — Type 2. For the holding of fallow deer or reindeer only, a Cervid Propagation License — Type 2 may serve in lieu of a Cervid Propagation License — Type 1.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
 Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
 Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0270

Application for Cervid Propagation License — Type 2

(1) Person desiring to hold or propagate live fallow deer or reindeer must first secure a Cervid Propagation License — Type 2 by applying to the department's headquarters office.

(a) The application shall list the:

- (A) Cervid species and numbers to be held;
- (B) Date of application;
- (C) Location and size of the facility; and
- (D) Name, address, and signature of the applicant.

(b) Provided review of the application indicates the proposed operation meets the requirements of OAR 635, division 049, the department will notify the applicant of preliminary approval and the need for a facility inspection.

(2) The fee for a Cervid Propagation License — Type 2 shall be five (\$5) dollars annually.

Stat. Auth.: ORS 496.004, 496.012, 496.138, 497.228, 497.308, 498.002 & 498.052
 Stats. Implemented: ORS 496.004, 496.012, 496.138, 497.228, 497.308, 498.002 & 498.052
 Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0280

Inspection of Cervid Propagation License — Type 2 Facilities and Records

Applicants shall mail the "request for inspection" form to the department office designated in their application approval notification letter and arrange for inspection of their facilities. If the department has made the determinations required by OAR 635-049-0270(1), a license may be issued upon department inspection and approval of the facilities.

(1) No animals may be held until receipt of the license. The license is an annual permit, valid from January 1 through December 31.

(2) In the first year of issuance, the license shall be valid from the date of issuance through December 31.

(3) Persons holding cervids under a Cervid Propagation License — Type 2 agree, as a condition of the license, to allow employees of the department, the Oregon Department of Agriculture, or the Oregon State Police to inspect at reasonable times all facilities, records, animals, and other such property related to the licensed operation. Inspection of the animals and the facilities related to animal husbandry may take place without warrant or notice, but, unless prompted by emergency or other exigent circumstances, shall be limited to regular and usual business hours, including weekends. Nothing in these rules is intended to authorize or allow the warrantless search or inspection of a licensee's residence.

(4) Cervid license holders also agree, as a condition of the license, to provide all records related to the animals, facilities or other property related to the cervid operation upon request. Failure to provide such information shall be a basis for revoking, suspending or refusing to renew a license, as provided in OAR 635-049-0120.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
 Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
 Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; FWC 12-1995, f. & cert. ef. 2-15-95; FWC 64-1995, f. & cert. ef. 8-3-95; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0290

Fencing Standards for Cervid Propagation License — Type 2

All cervid propagation facility fences must be built and maintained in such manner as to make every reasonable effort to avoid escape by captive cervids.

(1) Conventional perimeter fences must be, at a minimum, six feet above ground level for their entire length. The bottom four feet must be woven wire mesh with 6-inch vertical spacing and graduated horizontal spacing from 3-inch at the bottom to 8-inch at the top; constructed with either hinge or knotted joints; and at least 12-1/2 gauge woven wire, 12-1/2 gauge high-tensile woven wire, or nonclimbable chain link. If woven wire is used to attain the full six feet in height by overlapping, it must be overlapped one row and securely fastened at every other vertical row or woven together with cable. If supplemental wire is used to attain a height of six feet, it may be smooth, barbed, or woven wire (at least 12-1/2 gauge) with strands spaced not more than six inches apart.

(2) Electric fencing materials may be used on perimeter fences only to supplement conventional fencing materials.

(3) All gates in the perimeter fence must be constructed of a material that will meet or exceed the strength of the fence, and must be equipped with two latching devices.

(4) Posts used in the perimeter fence must be:

(a) Of material of sufficient strength to keep captive wildlife securely contained. Wooden corner posts shall be a minimum of five inches in diameter at the small end and line posts must be a wooden post with a minimum of four inches in diameter on the small end, or a metal "T" post weighing at least 1.25 pounds per foot;

(b) Extended at least six feet above ground level and at least two feet below ground surface;

(c) Spaced no more than 10 to 15 feet apart on medium tensile woven wire, 15 to 20 feet on high tensile woven wire, and 10 feet apart on metal "T" posts. If conditions warrant, stays or supports between posts may be required; and

(d) Braced with wood or with suitable metal material properly set at all corners.

(5) Cervid-proof swinging water gaps and stream crossings supported with steel cables and constructed to equal or exceed the standards of the fence are required. These crossings are subject to individual approval by department inspection. If, in the judgment of the department inspector, the crossings are inadequate to prevent ingress and egress during high water, the facility shall not pass inspection, and no cervids shall be held therein.

(6) Existing Facilities: Any deviation from these standards must first be submitted in writing to the department and approved by the director. This does not apply to repairs of existing facilities as long as the repairs maintain existing standards.

(7) New Facilities or Expansion of Existing Facilities: Approval of deviations from these standards must be granted by the director prior to construction. The facility shall not be occupied without prior department inspection or approval.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
 Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
 Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0300

Animal Marking Required for Cervid Propagation License — Type 2

Persons holding fallow deer and reindeer under a Cervid Propagation License — Type 2 must register with the Oregon Department of Agriculture an individual brand, ear notch, approved combination of permanent ear tags, or other approved mark.

(1) This mark must be unique to the operation and must be clearly visible and identifiable at a distance of 50 feet from the marked animals. All cervids held must be clearly identified with this approved mark unless exempted by the director.

(2) Marking registration must include the facility location, species held, name and address of the person holding the license, and emergency telephone number(s) and contacts to be made should the animals be found in the wild.

(3) A copy of this registration shall be submitted to the department's headquarters office upon issuance by the Oregon Department of Agriculture. Any change in required information must be reported immediately to both agencies.

(4) The approved mark must be placed on the animals within 365 days of birth, or 14 days of purchase if the unique mark is not present on the animal when purchased.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0310

Record Keeping Required for Cervid Propagation License — Type 2

(1) Persons holding any fallow deer and reindeer under a Cervid Propagation License must keep accurate and up-to-date records of all transactions involving movement of any animal on or off of the facility. These records must include all sales, purchases, loans, trades, or other transactions that involve movement into or out of the approved facility, and must include any births or deaths at the facility. These records must be up to date, legible, and accurate; record all animal movements; and list the names, addresses, and license or permit numbers of any individuals or organizations involved in the transactions.

(2) These records shall be open to inspection upon request by any department, Oregon Department of Agriculture, or Oregon State Police employee.

(3) Applications for annual renewal of a Cervid Propagation License — Type 2 must include a complete annual record of all transactions involving movement of animals off of or on to the approved facility, and of any births or deaths on the facility.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0320

Cervid Propagation License — Type 2 Renewal

(1) Persons holding a Cervid Propagation License — Type 2 must apply for renewal by November 1 each year and must have maintained compliance with all rules and regulations pertaining to their activities.

(2) Failure to apply for renewal by November 1 shall render their permit void as of the following January 1.

(3) Notice of the need to renew shall be sent to all license holders by registered mail to the last address of record for the license holder on September 1 each year. Reminder postcards will be sent by regular mail to license holders who do not renew by September 30 each year.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0330

Suspension or Revocation of Cervid Propagation License — Type 2

Conviction of any violation of OAR 635, division 049, or any other provision of the wildlife laws committed on the propagation facility or in connection with or related to the operation of such facility, may be grounds for suspending or revoking the Cervid Propagation License pursuant to OAR 635-049-0120.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

635-049-0340

Sale of Cervids and Cervid Parts Held Under Cervid Propagation License — Type 2

(1) Live fallow deer and reindeer may be sold or exchanged to others who hold cervids legally outside the state of Oregon; and may be sold or exchanged between holders of Cervid Propagation Licenses — Type 2 in the state of Oregon when both participants possess a Cervid Propagation License — Type 2 valid for the species exchanged.

(2) Live fallow deer and reindeer may be imported into the state by holders of a Cervid Propagation License — Type 2 provided import is conducted pursuant to OAR 635, division 049 and all other appli-

cable statutes and rules. Importation is allowed only for those species listed on the importer's Cervid Propagation License — Type 2; and

(3) Purchase, sale, or exchange of native and nonnative cervids parts are governed by OAR 635, division 200.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00; DFW 90-2002(Temp), f. & cert. ef. 8-16-02 thru 2-11-03; DFW 126-2002, f. & cert. ef. 11-12-02

635-049-0350

Changes in Ownership of a Cervid Propagation Facility

(1) The new owner or operator shall apply for a new Cervid Propagation License — Type 2 when a change is proposed in the controlling interest or ownership of a Cervid Propagation License — Type 2 for fallow deer or reindeer. The department must be provided with the following information:

(a) The location of the facility and the number and species of cervids in the facility at the time of application;

(b) The name and address of the individual or entity proposed as the principle operator of the facility;

(c) The financial and technical capability of the proposed operator to successfully construct or operate the propagation facility;

(d) Any proposed changes in the operation or in the number or species of cervids held; and

(2) The department may deny any license if it finds the issuance of the license would tend to be harmful to existing wildlife populations pursuant to ORS 497.228.

Stat. Auth.: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Stats. Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052
Hist.: FWC 9-1993, f. & cert. ef. 2-8-93; DFW 15-2000, f. & cert. ef. 3-31-00

DIVISION 50

FURBEARING AND UNPROTECTED MAMMAL REGULATIONS

635-050-0015

Purpose

The purpose of these rules is to establish season dates, bag limits and manner of harvest of furbearing and unprotected mammals pursuant to ORS Chapter 496.

Stat. Auth.: ORS 496
Stats. Implemented: ORS 496
Hist.: FWC 79-1988, f. & cert. ef. 9-2-88; FWC 70-1990, f. & cert. ef. 7-25-90

635-050-0045

General Furbearer Regulations

The following general regulations apply to furbearer seasons:

(1) Any person possessing a valid furtaker's license or hunting license for furbearers is required to fill out and return a completed harvest report form to the Department at 3406 Cherry Avenue NE, Salem, Oregon 97303. The form shall be postmarked by April 15, 2007 for the 2006-07 seasons and April 15, 2008 for the 2007-08 seasons. Failure to do so shall deny the license holder the opportunity to purchase a hunting license for furbearers or furtakers license for the following furbearer season.

(2) Any person may sell or exchange the hide, carcass, or any part thereof, of any legally taken furbearing or unprotected mammal.

(3) All traps and snares, whether set for furbearing or other unprotected mammals, shall be legibly marked or branded with the owner's license (brand) number that has been assigned by the Department; except that unmarked traps or snares may be set for nongame mammals unprotected by law or Department regulations by any person or member of his immediate family upon land of which he is the lawful owner. A landowner is required to register the location of such land with the Department and shall possess each year a free landowner's license before hunting or trapping furbearing mammals.

(4) No branded trap or snare may be sold unless accompanied by a uniform bill of sale.

(5) Bobcat, raccoon and opossum may be hunted with the aid of an artificial light provided the light is not cast from or attached to a motor vehicle or boat.

(6) Use of dogs is permitted to hunt or pursue bobcat, raccoon, fox, and unprotected mammals except in game bird nesting habitat

during April, May, June or July, except as authorized by the Fish and Wildlife Commission.

(7) It is unlawful for any person to trap for furbearers or unprotected mammals using:

(a) A steel leghold trap with a jaw spread greater than 9 inches.

(b) A No. 3 or larger leghold trap not having a jaw spacing of at least 3/16 of one inch when the trap is sprung (measurement excludes pads on padded jaw traps) and when the trap is placed in a manner that is not capable of drowning a trapped animal.

(c) The flesh of any game bird, game fish, game mammal for trap bait.

(d) Any instant-kill trap having a jaw spread of 9 inches or more in any land set.

(e) Any toothed trap, or trap with a protuberance on the facing edge of the jaws that is intended to hold the animal (except pads on padded jaw traps).

(f) Or possessing the branded traps or snares of another unless in possession of written permission or a bill of sale from the person to whom the brand is registered.

(g) Sight bait within 15 feet of any leghold trap set for carnivores.

(8) Except for persons authorized to enforce the wildlife laws, it is unlawful to disturb or remove the traps or snares of any licensed trapper while he is trapping on public lands or on land where he has permission to trap.

(9) All traps or snares set or used for the taking of furbearing or unprotected mammals shall be inspected at least every 48 hours and all trapped animals removed. This regulation does not apply to the taking of predatory animals.

(10) Any person setting a trap for predatory animals, as defined in ORS 610.002, must check the trap as follows:

(a) for killing traps and snares, at least once every 30 days and remove all animals;

(b) for restraining traps and snares, at least once every 76 hours and remove all animals. However, restraining traps and snares set by a person owning, leasing, occupying, possessing or having charge of or dominion over any land, place, building, structure, wharf, pier or dock or their agent, and set for predatory animals damaging land, livestock or agricultural or forest crops, shall be checked at least once every 7 days. Any person(s) acting as an agent for a landowner shall have in their possession written authority from the landowner or lawful occupant of the land. Such written authority shall contain at least all of the following:

(A) The date of issuance of the authorization;

(B) The name, address, telephone number and signature of the person granting the authorization;

(C) The name, address and telephone number of the person to whom the authorization is granted; and

(D) The expiration date of the authorization, which shall be not later than one year from the date of issuance of the authorization.

(11) A "killing trap" means a device used to kill a mammal as part of a killing trap system. A killing trap system is a system set with the intent to kill a mammal comprising a combination of: equipment (the trap and trigger configuration), and set (including site modifications, lures, baits, location and other relevant requirements).

(12) A "restraining trap" means a device used to capture and restrain (but not kill) a mammal as part of a restraining trap system. A restraining trap system is a system set with the intent to capture and restrain (but not kill) a mammal comprising a combination of: equipment (the trap and the trigger configuration), and set (including site modifications, lures, baits, location and other relevant requirements).

(13) These general furbearer regulations do not apply to the trapping of gophers, moles, ground squirrels and mountain beaver.

(14) When any furbearer or raw furbearer pelt is transferred to the possession of another person, a written record indicating the name and address of the person from whom the raw pelt was obtained shall accompany such transfer and remain with same so long as preserved in raw pelt form.

(15) It is unlawful for any person to damage or destroy any muskrat house at any time except where such muskrat house is an obstruction to a private or public ditch or watercourse.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef.

7-25-00; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 9-2004, f. & cert. ef. 2-11-04; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-06

635-050-0050

Definitions

(1) "Western Oregon" means all counties west of the summit of the Cascade range except Klamath and Hood River Counties.

(2) "Eastern Oregon" means all counties east of the summit of the Cascade range, including all of Klamath and Hood River Counties.

(3) "Raw pelt" means any pelt that has not been processed or converted to any usable form beyond initial cleaning, stretching, and drying.

(4) "Resident" means any person who has resided in Oregon for a period of at least six months immediately prior to the date of making application for a license or tag. Members of the armed forces assigned to permanent duty status in Oregon, including spouses and dependent children, and alien students attending school in Oregon under a foreign student exchange program may purchase a resident license and tags. All other persons are nonresidents.

(5) "River" means that portion of a natural water body lying below the level of bankfull stage. Bankfull stage means the stage or elevation at which overflow of the natural banks of a stream or body of water begins to inundate the upland.

(6) "Sight bait" means exposed flesh bait, including whole animal carcasses, within 15 feet of any leghold trap set for carnivores.

(7) "Furbearers or furbearing mammals" means beaver, bobcat, fisher, marten, mink, muskrat, otter, raccoon, red fox, and gray fox.

(8) "Predatory animals" means coyotes, rabbits and rodents which are or may be destructive to agricultural crops, products and activities.

(9) "Unprotected mammals" means, for the purposes of OAR 635-050-0015 through 635-050-0210, badger, coyote, gophers (*Thomomys bottae*, *T. bulbivorus*, *T. mazama*, *T. talpoides* and *T. townsendii*), moles (*Scapanus townsendii*, *S. orarius* and *S. latimanus*), mountain beaver (*Apolodontia rufa*), yellowbellied marmots (*Marmota flaviventris*), nutria, opossum, porcupine, spotted skunk, striped skunk, and weasel.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 140, f. & cert. ef. 8-29-77; FWC 44-1978, f. & cert. ef. 9-1-78; FWC 37-1979, f. & cert. ef. 8-29-79; FWC 35-1980, f. & cert. ef. 7-2-80; FWC 47-1980, f. & cert. ef. 9-17-80; FWC 21-1981, f. & cert. ef. 6-29-81, Renumbered from 635-050-0010; FWC 43-1982, f. & cert. ef. 7-9-82; FWC 45-1982, f. & cert. ef. 7-12-82; FWC 27-1983, f. & cert. ef. 7-8-83; FWC 58-1983, f. & cert. ef. 10-19-83; FWC 52-1984, f. & cert. ef. 9-5-84; FWC 44-1985, f. & cert. ef. 8-22-85; FWC 79-1988, f. & cert. ef. 9-2-88; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 46-1997, f. & cert. ef. 8-13-97

635-050-0060

Times, Places, Bag Limits, Species, Sex, and Manner of Taking

Each species of furbearing or unprotected mammal may be hunted or trapped only during the times and in the places, quantities, and manner specifically provided for in OAR 635-050-0015 through 635-050-0210.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 140, f. & cert. ef. 8-29-77; FWC 37-1979, f. & cert. ef. 8-29-79; FWC 35-1980, f. & cert. ef. 7-2-80; FWC 21-1981, f. & cert. ef. 6-29-81, Renumbered from 635-050-0012; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 49-1994, f. & cert. ef. 8-12-94

Furbearer Harvest Seasons

635-050-0070

Beaver

Open Season: November 15, 2006, through March 15, 2007, and November 15, 2007, through March 15, 2008, in the following described areas:

(1) Clackamas County. All open except waters within the exterior boundaries of Mt.Hood National Forest.

(2) Crook County. All open except Prineville Reservoir below high water line and the Ochoco National Forest.

(3) Curry County. All open except the Rogue River from the east county line to the mouth.

(4) Grant County. All open except within the exterior boundaries of the Ochoco National Forest; Murderers Creek and Deer Creek, trib-

utaries of the South Fork John Day River, within the exterior boundaries of the Malheur National Forest.

(5) Jefferson County. All open except that portion of Willow Creek and its tributaries on the National Grasslands.

(6) Josephine County. All open except Rogue River from the confluence of Grave Creek downstream to the county line.

(7) Umatilla County: All open except the Camas Creek drainage in its entirety and that portion of the North Fork of the Umatilla River and its tributaries that are within the exterior boundaries of the Umatilla National Forest.

(8) Union County. All open except:

(a) Waters inside exterior boundaries of National Forests. However, private inholdings within the National Forest remain open.

(b) Grande Ronde River above Beaver Creek.

(c) All tributaries of the Grande Ronde River above the confluence of Five Points Creek. (Five Points Creek open to the National Forest boundary.)

(9) Wallowa County. All open except:

(a) Wallowa River and tributaries above Wallowa Lake.

(b) Lostine River, Hurricane Creek, Bear Creek and their tributaries above the Wallowa-Whitman National Forest boundary.

(c) Minam River and tributaries.

(d) Peavine Creek, a tributary of Chesnimnus Creek.

(10) Wheeler County. All open except within the exterior boundaries of the Ochoco National Forest and Bridge Creek at its tributaries within the exterior boundaries of Bureau of Land Management lands.

(11) Other counties: All of the following counties in their entirety: Baker, Benton, Clatsop, Columbia, Coos, Deschutes, Douglas, Gilliam, Hood River, Harney, Jackson, Klamath, Lake, Lane, Lincoln, Linn, Malheur, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington and Yamhill.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; FWC 65-1996(Temp), f. & cert. ef. 11-21-96; FWC 46-1997, f. & cert. ef. 8-13-97; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-06

635-050-0080

Bobcat

(1) The open harvest season for bobcat is December 1, 2006, through February 28, 2007, and December 1, 2007, through February 28, 2008.

(2) The bag limit for bobcat in those counties east of the summit of the Cascade Range (including Hood River and Klamath counties) is seven per season per licensed hunter or trapper.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 151, f. & ef. 10-5-77; FWC 1-1978(Temp), f. & ef. 1-17-78; FWC 10-1978, f. & ef. 3-7-78; FWC 44-1978, f. & ef. 9-1-78; FWC 37-1979, f. & ef. 8-29-79; FWC 35-1980, f. & ef. 7-2-80; FWC 47-1980, f. & ef. 9-17-80; FWC 21-1981, f. & ef. 6-29-81, Renumbered from 635-050-0022; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-06

635-050-0090

Gray Fox

(1) Open Season: November 15, 2006, through February 28, 2007, and November 15, 2007, through February 28, 2008.

(2) Open area: Entire state.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-06

635-050-0100

Red Fox

Open Seasons and areas are as follows:

(1) Open season entire year in Baker, Gilliam, Harney, Malheur, Morrow, Umatilla, Union, Wallowa and Wheeler counties (Furtaker license is required).

(2) October 15, 2006, through January 15, 2007, and October 15, 2007, through January 15, 2008, in remainder of state.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-06

635-050-0110

Marten

(1) Open season: November 1, 2006 through January 31, 2007 and November 1, 2007 through January 31, 2008.

(2) Open area: Entire state.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-06

635-050-0120

Mink

(1) Open season: November 15, 2006, through March 31, 2007, and November 15, 2007, through March 31, 2008.

(2) Open area: Entire state.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-06

635-050-0130

Muskrat

(1) Open Season: November 15, 2006, through March 31, 2007, and November 15, 2007, through March 31, 2008.

(2) Open area: Entire state.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-06

635-050-0140

Raccoon

(1) Open Season: November 15, 2006, through March 15, 2007, and November 15, 2007, through March 15, 2008.

(2) Open area: Entire state.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-06

635-050-0150**River Otter**

Open Seasons and areas are as follows: November 15, 2006, through March 15, 2007, and November 15, 2007, through March 15, 2008, in the entire state except Grant County and all areas closed to beaver trapping in OAR 635-050-0070.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-06

635-050-0160**Wolverine, Fisher, Ringtail Cat, Sea Otter and Kit Fox**

There is no open season.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 21-1981, f. & ef. 6-29-81

635-050-0165**Badger, Coyote, Nutria, Opossum, Porcupine, Spotted Skunk, Striped Skunk and Weasel**

There is no closed season.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 79-1988, f. & cert. ef. 9-2-88

635-050-0170**Pursuit Seasons**

(1) The following pursuit seasons are authorized:

(a) Bobcat: September 1, 2006 through February 28, 2007 and September 1, 2007 through February 28, 2008.

(b) Fox: September 1, 2006 through February 28, 2007 and September 1, 2007 through February 28, 2008.

(c) Raccoon: September 1, 2006 through March 15, 2007 and September 1, 2007 through March 15, 2008.

(2) License Requirements: Furtaker's license or hunting license for furbearers shall be on one's person during pursuit.

(3) No animals shall be killed except during authorized open harvest season.

(4) A bobcat record card shall be on one's person while taking or attempting to take bobcat.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 35-1980, f. & ef. 7-2-80; FWC 21-1981, f. & ef. 6-29-81, Renumbered from 635-050-0026; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 58-1983, f. & ef. 10-19-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 61-2001, f. & cert. ef. 7-25-01; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 85-2003(Temp), f. & cert. ef. 8-27-03 thru 2-23-04; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-2006

635-050-0180**Bobcat and River Otter Record Cards**

(1) Each person desiring to hunt or trap bobcat or river otter shall purchase a bobcat or river otter record card prior to hunting or trapping bobcat or river otter.

(2) Bobcat record cards will be available for a fee of \$11.50 per card.

(3) River otter record cards will be available for a fee of \$6.50 per card.

(4) Record cards will be available at the Salem headquarters and regional offices of the Department.

(5) River otter cards will have spaces for recording 15 river otters. There is no limit on the purchase of river otter record cards.

(6) Each western Oregon bobcat record card will have spaces for recording 15 bobcats. There is no limit on purchase of western Oregon bobcat record cards.

(7) Each eastern Oregon bobcat record card will have spaces for recording seven bobcats.

(8) No more than one card for seven eastern Oregon bobcats will be issued any furtaker or hunter. A duplicate card may be issued, but no more than seven eastern Oregon bobcats may be taken in a season.

(9) No person may obtain or possess both eastern and western Oregon bobcat record cards.

(10) Bobcat and river otter record cards shall not be sold after the end of their respective seasons.

(11) Each furtaker shall have the appropriate record card on his person while trapping or hunting bobcat or river otter.

(12) Furtakers shall not have record cards other than their own on their person while in the field.

(13) Upon coming into possession of any bobcat or river otter, the furtaker shall immediately write on the record card, species, sex, date of possession and county of harvest.

(14) Each furtaker shall retain the record card until he disposes of the raw pelts.

(15) Fees paid for unused record cards shall not be refunded.

(16) It is *unlawful* to alter or be in possession of an altered bobcat or river otter record card.

(17) Each licensee shall register a brand number to obtain a bobcat or river otter record card.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 140, f. & ef. 8-29-77; FWC 165, f. & ef. 12-23-77; FWC 44-1978, f. & ef. 9-1-78; FWC 37-1979, f. & ef. 8-29-79; FWC 53-1979(Temp), f. & ef. 11-6-79; FWC 54-1979(Temp), f. & ef. 11-8-79; FWC 60-1979(Temp), f. & ef. 12-18-79; FWC 2-1980(Temp), f. & ef. 1-8-80; FWC 35-1980, f. & ef. 7-2-80; FWC 21-1981, f. & ef. 6-29-81, Renumbered from 635-050-0025(1); FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 31-2004, f. & cert. ef. 5-1-04; DFW 67-2004, f. & cert. ef. 7-13-04

635-050-0183**Bobcat and River Otter Ownership Tags**

(1) The ownership tag shall be affixed by Department personnel at district and regional offices and shall remain so affixed while the pelt is in raw form.

(2) Ownership tags may be used as foreign export tags.

(3) Each ownership tag authorizes the holder to sell one bobcat or river otter.

(4) Each person shall have an ownership tag affixed to his or her bobcat or river otter pelt at a Department district or regional office within 5 business days after the season ends.

(5) It shall be unlawful to possess a 2006-2007 or 2007-2008 harvested bobcat or river otter after 5 business days following the season closure without an ownership tag.

(6) It shall be unlawful to sell or remove from the state a 2006-2007 or 2007-2008 harvested bobcat or river otter pelt without the respective year's ownership tag.

(7) A furtaker shall be responsible for presenting the lower jawbone and information on sex, date of catch and county of harvest with each individual Oregon bobcat and river otter to qualify for ownership tags. A district office may, on a case-by-case basis, waive the lower jawbone requirement where the furtaker provides evidence that failure to provide the jawbone is due to unexpected circumstances beyond his or her control.

(8) The record card with the required information including species, sex, date of possession and county shall be presented to obtain an ownership tag.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-06

635-050-0189**Special Bobcat and River Otter Regulations**

(1) Raw pelts taken prior to September 1, 1982, may not be sold unless they were metal-sealed by the Oregon State Police or the Department prior to that date.

(2) Those persons failing to comply with 2006-2007 or 2007-2008 Special Bobcat and River Otter Regulations shall not be issued

a license for the following furbearer season and shall be subject to the penalties provided in ORS 496.992.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 70-1990, f. & cert. ef. 7-25-90; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 73-2002, f. & cert. ef. 7-16-02; DFW 67-2004, f. & cert. ef. 7-13-04; DFW 60-2006, f. & cert. ef. 7-12-06

635-050-0200

Refuges Open to Hunting or Trapping

All state wildlife refuges, except those specified as closed to all hunting or trapping, are open to hunting or trapping of furbearing mammals and mammals unprotected by law or Department regulations during the respective open seasons within the period November 1 through March 31.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 140, f. & ef. 8-29-77; FWC 44-1978, f. & ef. 9-1-78; FWC 37-1979, f. & ef. 8-29-79; FWC 35-1980, f. & ef. 7-2-80; FWC 45-1980, f. & ef. 8-28-80; FWC 53-1980(Temp), f. & ef. 9-23-80; FWC 21-1981, f. & ef. 6-29-81, Renumbered from 635-050-0035; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 49-1994, f. & cert. ef. 8-12-94

635-050-0210

Areas Closed to Hunting or Trapping

It is *unlawful* to hunt or trap furbearing mammals or unprotected mammals on the following areas except as authorized by permit or as provided in section (21) of this section:

- (1) Cemeteries;
- (2) City and municipal watersheds declared to be refuges;
- (3) Enterprise Wildlife Area, south of U.P. Railroad, and Marr tract;
- (4) Federal refuges;
- (5) Denman Wildlife Area;
- (6) Fern Ridge Wildlife Area;
- (7) Irrigon Wildlife Area;
- (8) Jewell Meadows Wildlife Area;
- (9) Klamath Wildlife Area;
- (10) Ladd Marsh Wildlife Area;
- (11) McDonald Forest (Benton County);
- (12) Public campgrounds;
- (13) National, state and public parks;
- (14) Rimrock Springs Wildlife Area;
- (15) Sauvie Island Wildlife Area;
- (16) School lands;
- (17) Summer Lake Wildlife Area;
- (18) E.E. Wilson Wildlife Area;
- (19) Within city boundaries (note, however, that ORS 498.012 allows landowners and their agents to trap for the purpose of dealing with certain types of damage, public nuisance and public health risk. This authority overrides the restriction on trapping within cities);

(20) Tillicum Natural Area.

(21) Notwithstanding section (19) of this rule, trapping furbearing and unprotected mammals is permitted within incorporated city limits as follows:

- (a) Warrenton, except within 100 yards of any residential building or within the boundaries of Fort Stevens State Park;
- (b) Klamath Falls, on a person's own property for muskrat and beaver;
- (c) Bend, as approved and permitted by the Department;
- (d) Cottage Grove; applicants must submit written request to the City of Cottage Grove for a trapping permit.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 140, f. & ef. 8-29-77; FWC 44-1978, f. & ef. 9-1-78; FWC 37-1979, f. & ef. 8-29-79; FWC 35-1980, f. & ef. 7-2-80; FWC 45-1980, f. & ef. 8-28-80; FWC 21-1981, f. & ef. 6-29-81, Renumbered from 635-050-0037; FWC 43-1982, f. & ef. 7-9-82; FWC 27-1983, f. & ef. 7-8-83; FWC 65-1983(Temp), f. & ef. 11-22-83; FWC 9-1984, f. & ef. 3-12-84; FWC 52-1984, f. & ef. 9-5-84; FWC 44-1985, f. & ef. 8-22-85; FWC 48-1986, f. & ef. 8-28-86; FWC 79-1988, f. & cert. ef. 9-2-88; FWC 59-1989, f. & cert. ef. 8-15-89; FWC 60-1992, f. & cert. ef. 7-30-92; FWC 49-1994, f. & cert. ef. 8-12-94; FWC 43-1996, f. & cert. ef. 8-12-96; DFW 62-1998, f. & cert. ef. 8-10-98; DFW 39-2000, f. & cert. ef. 7-25-00; DFW 67-2004, f. & cert. ef. 7-13-04

DIVISION 51

GENERAL GAME BIRD REGULATIONS

635-051-0000

Purpose

(1) The purpose of these rules is to establish dates, areas and other restrictions for hunting game birds pursuant to ORS chapter 496.

(2) The document entitled "*2006-2007 Oregon Game Bird Regulations*," is incorporated by reference into these rules.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 8-1988, f. & cert. ef. 9-2-88; FWC 45-1997, f. & cert. ef. 8-13-97; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2003(Temp), f. & cert. ef. 8-26-03 thru 2-20-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06

635-051-0001

Times, Places, Bag Limits, Species, Sex, Manner of Taking

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 46-1983, f. & ef. 9-19-83; FWC 44-1993, f. & cert. ef. 8-4-93; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 57-1999(Temp), f. & cert. ef. 8-16-99 thru 2-11-00; Administrative correction 6-20-01

635-051-0003

Stamp Requirements

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 92-1990, f. & cert. ef. 9-4-90; FWC 47-1994, f. & cert. ef. 8-3-94; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 29-1995, f. & cert. ef. 4-17-95; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 45-1997, f. & cert. ef. 8-13-97

635-051-0010

Disguising Sex and Kind

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 32-1981, f. & ef. 8-28-81; FWC 59-1982, f. & ef. 8-30-82; FWC 105-1989, f. & cert. ef. 9-29-89; FWC 45-1997, f. & cert. ef. 8-13-97

635-051-0015

Possession and Transportation

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 105-1989, f. & cert. ef. 9-29-89; FWC 45-1997, f. & cert. ef. 8-13-97

635-051-0020

Weapons

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 51-1984, f. & ef. 9-5-84; FWC 65-1984(Temp), f. & ef. 9-25-84; FWC 64-1985, f. & ef. 10-2-85; FWC 82-1987, f. & ef. 9-22-87; FWC 105-1989, f. & cert. ef. 9-29-89; FWC 44-1993, f. & cert. ef. 8-4-93; FWC 47-1994, f. & cert. ef. 8-3-94; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 45-1997, f. & cert. ef. 8-13-97

635-051-0025

Nontoxic Shot

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 59-1982, f. & ef. 8-30-82; FWC 46-1983, f. & ef. 9-19-83; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 58-1986, f. & ef. 9-17-86; FWC 82-1987, f. & ef. 9-22-87; FWC 80-1988, f. & cert. ef. 9-2-88; FWC 105-1989, f. & cert. ef. 9-29-89; FWC 92-1990, f. & cert. ef. 9-4-90; FWC 98-1991, f. & cert. ef. 9-9-91; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 45-1997, f. & cert. ef. 8-13-97

635-051-0030

Boats and Motor Vehicles

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 32-1981, f. & ef. 8-28-81; FWC 51-1984, f. & ef. 9-5-84; FWC 45-1997, f. & cert. ef. 8-13-97

635-051-0035

Decoys and Calls

Except for purposes of law enforcement or wildlife management, the use of decoys powered by motor, battery, or other self-powered methods is prohibited. Decoys with parts that are moved solely by

human action (for example, via a cable or pull-string) or the wind are not affected by this prohibition.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 123-2002, f. 10-25-02, cert. ef. 7-1-03

635-051-0040

Baiting

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 46-1983, f. & ef. 9-19-83; FWC 51-1984, f. & ef. 9-5-84; FWC 105-1989, f. & cert. ef. 9-29-89; FWC 45-1997, f. & cert. ef. 8-13-97

635-051-0045

Shooting Hours for Game Birds

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 32-1981, f. & ef. 8-28-81; FWC 46-1983, f. & ef. 9-19-83; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 58-1986, f. & ef. 9-17-86; FWC 82-1987, f. & ef. 9-22-87; FWC 80-1988, f. & cert. ef. 9-2-88; FWC 105-1989, f. & cert. ef. 9-29-89; FWC 92-1990, f. & cert. ef. 9-4-90; FWC 80-1992, f. & cert. ef. 8-26-92; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 45-1997, f. & cert. ef. 8-13-97

635-051-0046

Waste

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 32-1981, f. & ef. 8-28-81; FWC 46-1983, f. & ef. 9-19-83; FWC 45-1997, f. & cert. ef. 8-13-97

635-051-0048

Other Restrictions

Except as provided in section (1) (a), (b), (c), (2), (3), (4) and (5) of this rule, it is *unlawful*: To hunt within the corporate limits of any city or town, public park or cemetery, or on any campus or grounds of a public school, college, or university or from a public road, road right-of-way, or railroad right-of-way.

(1) Migratory game bird hunting is permitted within the city limits of Warrenton in the following described areas:

(a) Beginning at a point located at the west end of the Lewis and Clark Bridge (Alternate Highway 101) at the southern boundary of the Warrenton city limits and west bank of the Lewis and Clark River, then westerly along the common southern boundary of the Port of Astoria airport and the Warrenton City limits to the west bank of Adams Slough (formerly Adair's Slough), then northerly along the west tracks, then westerly along said railroad tracks to its intersection with Northeast King Avenue, then northerly along Northeast King Avenue to the mouth of the Skipanon River, then generally northwesterly following a contour line 100 yards inland from the shoreline at mean high water of the Columbia River, and on the Columbia River side of the Burlington Northern Railroad tracks to its intersection with the Warrenton/Hammond city limits at Tansy Point, then in a generally southeasterly direction upstream along the Columbia River, Youngs Bay and Lewis and Clark River to the point of beginning.

(b) Beginning at a point of intersection with the low tide of the Pacific Ocean and the westerly extension of Delaura Beach Road (County Road #34), then easterly along Delaura Beach Road and Oceanview Cemetery Road (County Road #321) to the junction with Wild Ace Lake Drive to the Warrenton School Dump Road (County Road #286), then easterly along the Warrenton School Dump Road to the junction of Southwest Juniper Avenue, then northerly along Southwest Juniper Avenue to the road's end, then continuing northerly along the common boundary of Section 16 and 17 to the Warrenton/Hammond city limits, then westerly along the Warrenton/Hammond city limits to the low tide of the Pacific Ocean, then southerly to the point of beginning.

(c) Beginning at a point of intersection with the most southerly boundary of the Warrenton city limits and Oregon Coast Highway 101 and the west bank of the Skipanon River, then northerly along the west bank of the Skipanon River to the bridge on (Crab Pot Way) Alternate Highway 101 (Fort Stevens Highway #104), then in a generally easterly direction along Alternate Highway 101 to Southeast 14th Place, then in a generally southeasterly direction along Southeast 14th Place and its easterly extension, crossing the Oregon Coast Highway 101 to its intersection with the Warrenton city limits, then southerly and west-

erly along the line of the Warrenton city limits to the point of beginning.

(2) Game bird hunting is permitted within the city limits of Dunes City.

(3) Game bird hunting is permitted within the boundary limits of the Klamath Falls Airport.

(4) Waterfowl hunting is permitted in the following portion of Miami Cove lying within the city limits of Garibaldi: That land in the east one-half of the northwest quarter of Section 22, Township 1 North, Range 10 West, Willamette Meridian, lying south of Coast Highway 101, and in the east one-half of the southwest quarter of Section 22, Township 1 North, Range 10 West, lying north and west of Coast Highway 101, provided that no hunting be permitted within 100 yards of any residence or commercial structure.

(5) Waterfowl hunting is permitted within the city limits of Coos Bay in the following described area: the area of the city bounded on the west by Isthmus Slough Channel, bounded on the south by what would be the natural extension of "A" Street, bounded on the east by the dike, and bounded on the north by the city limits.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 46-1983, f. & ef. 9-19-83; FWC 65-1983(Temp), f. & ef. 11-22-83; FWC 9-1984, f. & ef. 3-12-84; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 58-1986, f. & ef. 9-17-86; FWC 80-1988, f. & cert. ef. 9-2-88; FWC 105-1989, f. & cert. ef. 9-29-89; FWC 92-1990, f. & cert. ef. 9-4-90; FWC 80-1992, f. & cert. ef. 8-26-92; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 116-2006(Temp), f. & cert. ef. 10-12-06 thru 4-10-07

635-051-0050

Federal Refuges

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 32-1981, f. & ef. 8-28-81; FWC 59-1982, f. & ef. 8-30-82; FWC 46-1983, f. & ef. 9-19-83; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 58-1986, f. & ef. 9-17-86; FWC 82-1987, f. & ef. 9-22-87; FWC 80-1988, f. & cert. ef. 9-2-88; FWC 105-1989, f. & cert. ef. 9-29-89; FWC 92-1990, f. & cert. ef. 9-4-90; FWC 98-1991, f. & cert. ef. 9-9-91; FWC 80-1992, f. & cert. ef. 8-26-92; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 63-1995, f. & cert. ef. 8-31-95; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 45-1997, f. & cert. ef. 8-13-97

635-051-0055

State Refuges Open to Hunting

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 32-1981, f. & ef. 8-28-81; FWC 59-1982, f. & ef. 8-30-82; FWC 46-1983, f. & ef. 9-19-83; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 58-1986, f. & ef. 9-17-86; FWC 82-1987, f. & ef. 9-22-87; FWC 80-1988, f. & cert. ef. 9-2-88; FWC 60-1989, f. & cert. ef. 8-15-89; FWC 105-1989, f. & cert. ef. 9-29-89; FWC 75-1990, f. & cert. ef. 8-1-90; FWC 92-1990, f. & cert. ef. 9-4-90; FWC 98-1991, f. & cert. ef. 9-9-91; FWC 69-1992, f. & cert. ef. 8-7-92; FWC 44-1993, f. & cert. ef. 8-4-93; FWC 45-1997, f. & cert. ef. 8-13-97

635-051-0060

Areas Closed to Hunting and Exceptions

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 32-1981, f. & ef. 8-28-81; FWC 59-1982, f. & ef. 8-30-82; FWC 46-1983, f. & ef. 9-19-83; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 58-1986, f. & ef. 9-17-86; FWC 82-1987, f. & ef. 9-22-87; FWC 80-1988, f. & cert. ef. 9-2-88; FWC 105-1989, f. & cert. ef. 9-29-89; FWC 92-1990, f. & cert. ef. 9-4-90; FWC 98-1991, f. & cert. ef. 9-9-91; FWC 80-1992, f. & cert. ef. 8-26-92; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 58-1995, f. & cert. ef. 9-1-95; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 70-1996, f. & cert. ef. 12-20-96; FWC 45-1997, f. & cert. ef. 8-13-97

635-051-0065

State Wildlife Area Regulations:

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 32-1981, f. & ef. 8-28-81; FWC 59-1982, f. & ef. 8-30-82; FWC 70-1982, f. & ef. 10-8-82; FWC 46-1983, f. & ef. 9-19-83; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 58-1986, f. & ef. 9-17-86; FWC 82-1987, f. & ef. 9-22-87; FWC 80-1988, f. & cert. ef. 9-2-88; FWC 60-1989, f. & cert. ef. 8-15-89; FWC 105-1989, f. & cert. ef. 9-29-89; FWC 92-1990, f. & cert. ef. 9-4-90; FWC 115-1990(Temp), f. & cert. ef. 10-11-90; FWC 119-1990(Temp), f. & cert. ef. 10-31-90; FWC 78-1991, f. & cert. ef. 7-29-91; FWC 98-1991, f. & cert. ef. 9-9-91; FWC 69-1992, f. & cert. ef. 8-7-92; FWC 80-1992, f. & cert. ef. 8-26-92; FWC 44-1993, f. & cert. ef. 8-4-93; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 47-1994, f. & cert. ef. 8-3-94; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 45-1997, f. & cert. ef. 8-13-97; FWC 63-1997(Temp), f. & cert. ef. 10-7-97

635-051-0070

Regulated Hunting Areas

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 50-1983(Temp), f. & ef. 9-30-83; FWC 51-1984, f. & ef. 9-5-84; FWC 74-1984(Temp), f. & ef. 11-1-84; FWC 64-1985, f. & ef. 10-2-85; FWC 58-1986, f. & ef. 9-17-86; FWC 82-1987, f. & ef. 9-22-87; FWC 80-1988, f. & cert. ef. 9-2-88; FWC 105-1989, f. & cert. ef. 9-29-89; FWC 92-1990, f. & cert. ef. 9-4-90; FWC 98-1991, f. & cert. ef. 9-9-91; FWC 80-1992, f. & cert. ef. 8-26-92; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 63-1996(Temp), f. 11-8-96, cert. ef. 11-9-96; FWC 45-1997, f. & cert. ef. 8-13-97; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 146-2005(Temp), f. & cert. ef. 12-20-05 thru 1-31-06; Administrative correction 2-21-06

635-051-0073

Upland Cooperative Access Program

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 71-1995, f. & cert. ef. 8-31-95; FWC 45-1997, f. & cert. ef. 8-13-97

635-051-0075

September Youth Pheasant Hunts

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 78-1991, f. & cert. ef. 7-29-91; FWC 69-1992, f. & cert. ef. 8-7-92; FWC 44-1993, f. & cert. ef. 8-4-93; FWC 47-1994, f. & cert. ef. 8-3-94; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 45-1997, f. & cert. ef. 8-13-97

635-051-0100

Western Oregon Fee Pheasant Hunts

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 78-1991, f. & cert. ef. 7-29-91; FWC 69-1992, f. & cert. ef. 8-7-92; FWC 44-1993, f. & cert. ef. 8-4-93; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 47-1994, f. & cert. ef. 8-3-94; FWC 58-1994, f. & 9-1-94; FWC 63-1995, f. & ef. 8-3-95; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 45-1997, f. & cert. ef. 8-13-97

DIVISION 52

MIGRATORY UPLAND GAME BIRD REGULATIONS

635-052-0000

Purpose

(1) The purpose of these rules is to establish season dates, areas and bag limits for migratory upland game birds pursuant to ORS chapter 496.

(2) The document entitled “2006-2007 Oregon Game Bird Regulations,” is incorporated by reference into these rules.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 61-1988, f. & cert. ef. 7-28-88; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 82-1999(Temp), f. & cert. ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06

635-052-0001

Mourning Dove Season

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 42-1982, f. & ef. 7-9-82; FWC 53-1982, f. & ef. 8-10-82; FWC 59-1982, f. & ef. 8-30-82; FWC 61-1982, f. & ef. 9-3-82; FWC 27-1983, f. & ef. 7-8-83; FWC 47-1984, f. & ef. 8-31-84; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 48-1986, f. & ef. 8-28-86; FWC 54-1987, f. & ef. 7-23-87; FWC 61-1989, f. & cert. ef. 8-15-89; FWC 76-1990, f. & cert. ef. 8-1-90; FWC 79-1991, f. & cert. ef. 7-29-91; FWC 70-1992, f. & cert. ef. 8-7-92; FWC 44-1993, f. & cert. ef. 8-4-93; FWC 47-1994, f. & cert. ef. 8-3-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 45-1997, f. & cert. ef. 8-13-97

635-052-0005

Band-tailed Pigeon Season

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 42-1982, f. & ef. 7-9-82; FWC 59-1982, f. & ef. 8-30-82; FWC 27-1983, f. & ef. 7-8-83; FWC 47-1984, f. & ef. 8-31-84; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 48-1986, f. & ef. 8-28-86; FWC 54-1987, f. & ef. 7-23-87; FWC 61-1988, f. & cert. ef. 7-28-88; FWC 61-1989, f. & cert. ef. 8-15-89; FWC 76-1990, f. & cert. ef. 8-1-90; FWC 4-1991(Temp), f. & cert. ef. 1-25-91; FWC 79-1991, f. & cert. ef. 7-29-91; FWC 70-1992, f. & cert. ef. 8-7-92; FWC 44-1993, f. & cert. ef. 8-4-93; FWC 47-1994, f. & cert. ef. 8-3-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 45-1997, f. & cert. ef. 8-13-97

635-052-0010

Special Falconry Season

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 32-1981, f. & ef. 8-28-81; FWC 27-1983, f. & ef. 7-8-83; FWC 47-1984, f. & ef. 8-31-84; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 48-1986, f. & ef. 8-28-86; FWC 54-1987, f. & ef. 7-23-87; FWC 67-1987 (Temp), f. & ef. 8-20-87; FWC 61-1988, f. & cert. ef. 7-28-88; FWC 61-1989, f. & cert. ef. 8-15-89; FWC 76-1990, f. & cert. ef. 8-1-90; FWC 79-1991, f. & cert. ef. 7-29-91; FWC 70-1992, f. & cert. ef. 8-7-92; FWC 44-1993, f. & cert. ef. 8-4-93; FWC 47-1994, f. & cert. ef. 8-3-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 45-1997, f. & cert. ef. 8-13-97

DIVISION 53

UPLAND GAME BIRD REGULATIONS

635-053-0000

Purpose

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for hunting upland game birds pursuant to ORS chapter 496.

(2) The document entitled “2006-2007 Oregon Game Bird Regulations,” is incorporated by reference into these rules.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 81-1988, f. & cert. ef. 9-2-88; FWC 33-1996, f. & cert. ef. 6-7-96; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 82-1999(Temp), f. & cert. ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 2-2004(Temp), f. 1-13-04, cert. ef. 1-16-04 thru 1-31-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06

635-053-0001

Blue and Ruffed Grouse Season

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 32-1981, f. & ef. 8-28-81; FWC 46-1983, f. & ef. 9-19-83; FWC 47-1984, f. & ef. 8-31-84; FWC 51-1984, f. & ef. 9-5-84; FWC 46-1983, f. & ef. 9-19-83; FWC 47-1984, f. & ef. 8-31-84; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 58-1986, f. & ef. 9-17-86; FWC 83-1987, f. & ef. 9-22-87; FWC 81-1988, f. & cert. ef. 9-2-88; FWC 62-1989, f. & cert. ef. 8-15-89; FWC 77-1990, f. & cert. ef. 8-1-90; FWC 80-1991, f. & cert. ef. 7-29-91; FWC 71-1992, f. & cert. ef. 8-7-92; FWC 44-1993, f. & cert. ef. 8-4-93; FWC 47-1994, f. & cert. ef. 8-3-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 33-1996, f. & cert. ef. 6-7-96; FWC 45-1997, f. & cert. ef. 8-13-97

635-053-0005

Sage Grouse

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 59-1982, f. & ef. 8-30-82; FWC 27-1983, f. & ef. 7-8-83; FWC 46-1983, f. & ef. 9-19-83; FWC 47-1984, f. & ef. 8-31-84; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 106-1989, f. & cert. ef. 9-29-89; FWC 77-1990, f. & cert. ef. 8-1-90; FWC 80-1991, f. & cert. ef. 7-29-91; FWC 71-1992, f. & cert. ef. 8-7-92; FWC 44-1993, f. & cert. ef. 8-4-93; FWC 47-1994, f. & cert. ef. 8-3-94; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 33-1996, f. & cert. ef. 6-7-96; FWC 45-1997, f. & cert. ef. 8-13-97

635-053-0010

Ring-necked Pheasant

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 32-1981, f. & ef. 8-28-81; FWC 59-1982, f. & ef. 8-30-82; FWC 46-1983, f. & ef. 9-19-83; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 74-1985(Temp), f. & ef. 12-4-85; FWC 58-1986, f. & ef. 9-17-86; FWC 83-1987, f. & ef. 9-22-87; FWC 81-1988, f. & cert. ef. 9-2-88; FWC 106-1989, f. & cert. ef. 9-29-89; FWC 93-1990, f. & cert. ef. 9-4-90; FWC 99-1991, f. & cert. ef. 9-9-91; FWC 81-1992, f. & cert. ef. 8-26-92; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 33-1996, f. & cert. ef. 6-7-96; FWC 45-1997, f. & cert. ef. 8-13-97

635-053-0015

California Quail

Due to severe winter conditions, California Quail season is closed in Baker and Wallowa Counties effective January 16, 2004 through the remainder of the season.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 32-1981, f. & ef. 8-28-81; FWC 59-1982, f. & ef. 8-30-82; FWC 46-1983, f. & ef. 9-19-83; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 74-1985(Temp), f. & ef. 12-4-85; FWC 58-1986, f. & ef. 9-17-86; FWC 83-1987, f. & ef. 9-22-87; FWC 81-1988, f. & cert. ef. 9-2-88; FWC

106-1989, f. & cert. ef. 9-29-89; FWC 93-1990, f. & cert. ef. 9-4-90; FWC 99-1991, f. & cert. ef. 9-9-91; FWC 81-1992, f. & cert. ef. 8-26-92; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 33-1996, f. & cert. ef. 6-7-96; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 2-2004(Temp), f. 1-13-04, cert. ef. 1-16-04 thru 1-31-04

635-053-0020**Mountain Quail**

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 32-1981, f. & ef. 8-28-81; FWC 59-1982, f. & ef. 8-30-82; FWC 46-1983, f. & ef. 9-19-83; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 74-1985(Temp), f. & ef. 12-4-85; FWC 58-1986, f. & ef. 9-17-86; FWC 83-1987, f. & ef. 9-22-87; FWC 81-1988, f. & cert. ef. 9-2-88; FWC 62-1989, f. & cert. ef. 8-15-89; FWC 106-1989, f. & cert. ef. 9-29-89; FWC 77-1990, f. & cert. ef. 8-1-90; FWC 93-1990, f. & cert. ef. 9-4-90; FWC 80-1991, f. & cert. ef. 7-29-91; FWC 99-1991, f. & cert. ef. 9-9-91; FWC 71-1992, f. & cert. ef. 8-7-92; FWC 81-1992, f. & cert. ef. 8-26-92; FWC 44-1993, f. & cert. ef. 8-4-93; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 47-1994, f. & cert. ef. 8-3-94; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 33-1996, f. & cert. ef. 6-7-96; FWC 45-1997, f. & cert. ef. 8-13-97

635-053-0025**Chukar and Hungarian Partridge**

Due to severe winter conditions, Chukar and Hungarian (Gray) Partridge season is closed in Baker and Wallowa Counties effective January 16, 2004 through the remainder of the season.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 32-1981, f. & ef. 8-28-81; FWC 59-1982, f. & ef. 8-30-82; FWC 46-1983, f. & ef. 9-19-83; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 74-1985(Temp), f. & ef. 12-4-85; FWC 58-1986, f. & ef. 9-17-86; FWC 83-1987, f. & ef. 9-22-87; FWC 81-1988, f. & cert. ef. 9-2-88; FWC 106-1989, f. & cert. ef. 9-29-89; FWC 93-1990, f. & cert. ef. 9-4-90; FWC 99-1991, f. & cert. ef. 9-9-91; FWC 81-1992, f. & cert. ef. 8-26-92; FWC 2-1993(Temp), f. 1-15-93, cert. ef. 1-16-93; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 33-1996, f. & cert. ef. 6-7-96; FWC 45-1997, f. & cert. ef. 8-13-97; DFW 2-2004(Temp), f. 1-13-04, cert. ef. 1-16-04 thru 1-31-04

635-053-0035**Wild Turkey**

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 21-1981, f. & ef. 6-29-81; FWC 32-1981, f. & ef. 8-28-81; FWC 43-1981, f. & ef. 11-30-81; FWC 59-1982, f. & ef. 8-30-82; FWC 46-1983, f. & ef. 9-19-83; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 58-1986, f. & ef. 9-17-86; FWC 83-1987, f. & ef. 9-22-87; FWC 81-1988, f. & cert. ef. 9-2-88; FWC 26-1989(Temp), f. & cert. ef. 4-11-89; FWC 106-1989, f. & cert. ef. 9-29-89; FWC 93-1990, f. & cert. ef. 9-4-90; FWC 99-1991, f. & cert. ef. 9-9-91; FWC 81-1992, f. & cert. ef. 8-26-92; FWC 44-1993, f. & cert. ef. 8-4-93; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 33-1996, f. & cert. ef. 6-7-96; FWC 45-1997, f. & cert. ef. 8-13-97

635-053-0036**Spring Gobbler Season**

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 44-1993, f. & cert. ef. 8-4-93; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 71-1995, f. & cert. ef. 8-3-95; FWC 33-1996, f. & cert. ef. 6-7-96; FWC 45-1997, f. & cert. ef. 8-13-97

635-053-0037**Controlled Fall Turkey Season**

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 44-1993, f. & cert. ef. 8-4-93; FWC 47-1994, f. & cert. ef. 8-3-94; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 33-1996, f. & cert. ef. 6-7-96; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 45-1997, f. & cert. ef. 8-13-97

635-053-0045**Special Falconry Season**

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 32-1981, f. & ef. 8-28-81; FWC 59-1982, f. & ef. 8-30-82; FWC 46-1983, f. & ef. 9-19-83; FWC 51-1984, f. & ef. 9-5-84; FWC 64-1985, f. & ef. 10-2-85; FWC 58-1986, f. & ef. 9-17-86; FWC 83-1987, f. & ef. 9-22-87; FWC 106-1989, f. & cert. ef. 9-29-89; FWC 93-1990, f. & cert. ef. 9-4-90; FWC 99-1991, f. & cert. ef. 9-9-91; FWC 81-1992, f. & cert. ef. 8-26-92; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 47-1994, f. & cert. ef. 8-3-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 33-1996, f. & cert. ef. 6-7-96; FWC 45-1997, f. & cert. ef. 8-13-97

Upland Game Bird Stamp**635-053-0100****Purpose**

The purpose of these rules is to describe the procedures and necessary accompanying information for submitting artwork for the 2004 through 2008 upland bird stamps, the criteria for selection of the winning designs, and the obligation of winning artists pursuant to ORS Chapter 496.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, 496.558, 496.562, 496.566 & 496.570

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 496.558, 496.562, 496.566 & 496.570

Hist.: FWC 9-1990, f. & cert. ef. 2-1-90; FWC 6-1991, f. & cert. ef. 1-29-91; FWC 138-1991, f. & cert. ef. 12-23-91; FWC 123-1992, f. & cert. ef. 11-23-92; FWC 73-1993, f. & cert. ef. 11-24-93; FWC 37-1994, f. & cert. ef. 6-20-94; FWC 55-1995, f. & cert. ef. 6-23-95; FWC 34-1996, f. & cert. ef. 6-7-96; DFW 43-1998, f. & cert. ef. 5-29-98; DFW 40-2003, f. & cert. ef. 5-13-03

635-053-0105**Submission of Artwork: Requirements**

(1) Applicants shall submit artwork for the upland bird stamp to the Department headquarters office by 5:00p.m. on the following deadline dates:

- (a) 2004 upland game bird stamp deadline is December 31, 2003;
- (b) 2005 upland game bird stamp deadline is December 31, 2004;
- (c) 2006 upland game bird stamp deadline is December 31, 2005;
- (d) 2007 upland game bird stamp deadline is December 31, 2006;

and

- (e) 2008 upland game bird stamp deadline is December 31, 2007.

(2) The 2004 through 2008 upland game bird stamp artwork shall feature the following species in their natural setting:

- (a) 2004 — Mountain quail (*Oreortyx pictus*);
- (b) 2005 — Gray partridge (*Alectoris rufa*);
- (c) 2006 — California quail (*Callipepla californica*);
- (d) 2007 — Ringed-necked pheasant (*Phasianus colchicus*); and
- (e) 2008 — Blue grouse (*Dendragapus obscurus*).

(3) Each entry shall measure 13 inches by 18 inches (horizontal or vertical) and shall be in any full color medium except any photographic process.

(4) The artwork shall be original and unsigned by the artist, and shall not have been used in production or entered into any other state upland bird stamp competition.

(5) The entry may be mounted and/or matted, but it shall not be framed or under glass.

(6) Artists may submit more than one entry meeting the requirements herein.

(7) Each artist shall submit with his or her entry or entries a brief biographical description that includes the artist's background, experience, and previous artistic accomplishments. The Department reserves the right to use this information for publicity should the work be selected.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, 496.558, 496.562, 496.566 & 496.570

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 496.558, 496.562, 496.566 & 496.570

Hist.: FWC 9-1990, f. & cert. ef. 2-1-90; FWC 10-1990(Temp), f. & cert. ef. 2-1-90; FWC 6-1991, f. & cert. ef. 1-29-91; FWC 138-1991, f. & cert. ef. 12-23-91; FWC 123-1992, f. & cert. ef. 11-23-92; FWC 73-1993, f. & cert. ef. 11-24-93; FWC 37-1994, f. & cert. ef. 6-20-94; FWC 55-1995, f. & cert. ef. 6-23-95; FWC 34-1996, f. & cert. ef. 6-7-96; DFW 43-1998, f. & cert. ef. 5-29-98; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 40-2003, f. & cert. ef. 5-13-03

635-053-0111**Selection Process and Criteria**

(1) A four-member citizen panel chosen by the Director shall select the top five artwork submissions. Panel members may include representatives from the art community, wildlife profession, news media and conservation organizations.

(2) The selection panel shall choose the top five artwork submissions based on:

- (a) Artistic composition;
- (b) Anatomical accuracy;
- (c) General rendering;
- (d) Background; and
- (e) General appeal.

(3) A subcommittee of the Commission shall select the winning entry from among the top five artwork submissions.

(4) All artwork submissions shall be made available for public viewing following selection of the winning entry.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, 496.550 & 496.555
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 496.550 & 496.555
Hist.: FWC 73-1993, f. & cert. ef. 11-24-93; FWC 37-1994, f. & cert. ef. 6-20-94, Renumbered from 635-053-0011

635-053-0125

Other Provisions

(1) Sale of 2004 through 2008 upland bird stamps by the department shall end at the close of business on June 30, of the following year. Excess stamps at that time shall be shredded after auditing of sales takes place.

(2) The Department shall award three thousand dollars (\$3,000) to the artist whose entry is selected for the upland game bird stamp.

(3) The winning entry shall become the exclusive property of the Department.

(4) The Department shall retain all reproduction rights and may review proposals for limited edition prints, posters, or other related art products.

(5) The artist shall sign, at no charge, up to two hundred (200) upland game bird stamps for sale by the Department.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, 496.558, 496.562, 496.566 & 496.570
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 496.558, 496.562, 496.566 & 496.570
Hist.: FWC 9-1990, f. & cert. ef. 2-1-90; FWC 6-1991, f. & cert. ef. 1-29-91; FWC 138-1991, f. & cert. ef. 12-23-91; FWC 123-1992, f. & cert. ef. 11-23-92; FWC 73-1993, f. & cert. ef. 11-24-93; FWC 37-1994, f. & cert. ef. 6-20-94; FWC 55-1995, f. & cert. ef. 6-23-95; FWC 34-1996, f. & cert. ef. 6-7-96; DFW 43-1998, f. & cert. ef. 5-29-98; DFW 40-2003, f. & cert. ef. 5-13-03

DIVISION 54

WATERFOWL, COMMON SNIPES AND CROW REGULATIONS

635-054-0000

Purpose

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for hunting ducks, geese, coots, common snipe and crow pursuant to ORS chapter 496.

(2) The document entitled “2006-2007 Oregon Game Bird Regulations,” is incorporated by reference into these rules.

[Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 82-1988, f. & cert. ef. 9-2-88; FWC 45-1997, f. & cert. ef. 8-13-97; FWC 53-1997, f. & cert. ef. 9-3-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 75-1998, f. & cert. ef. 9-4-98; DFW 95-1998(Temp), f. & cert. ef. 12-1-98 thru 12-18-98; DFW 98-1998(Temp), f. & cert. ef. 12-18-98 thru 2-28-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 82-1999(Temp), f. & cert. ef. 10-25-99 thru 2-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 99-2001(Temp), f. & cert. ef. 10-12-01 thru 4-10-02; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 87-2004(Temp), f. & cert. ef. 8-18-04 thru 9-16-04; Administrative correction 10-25-04; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 81-2006, f. & cert. ef. 8-11-06

635-054-0001

Ducks (Including Mergansers)

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 21-1981, f. & cert. ef. 6-29-81; FWC 32-1981, f. & cert. ef. 8-28-81; FWC 59-1982, f. & cert. ef. 8-30-82; FWC 46-1983, f. & cert. ef. 9-19-83; FWC 51-1984, f. & cert. ef. 9-5-84; FWC 64-1985, f. & cert. ef. 10-2-85; FWC 58-1986, f. & cert. ef. 9-17-86; FWC 84-1987, f. & cert. ef. 9-22-87; FWC 82-1988, f. & cert. ef. 9-2-88; FWC 87-1988(Temp), f. & cert. ef. 9-14-88; FWC 107-1989, f. & cert. ef. 9-2-89; FWC 94-1990, f. & cert. ef. 9-4-90; FWC 100-1991, f. & cert. ef. 9-9-91; FWC 82-1992, f. & cert. ef. 8-26-92; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 45-1997, f. & cert. ef. 8-13-97

635-054-0005

Geese

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 21-1981, f. & cert. ef. 6-29-81; FWC 32-1981, f. & cert. ef. 8-28-81; FWC 59-1982, f. & cert. ef. 8-30-82; FWC 46-1983, f. & cert. ef. 9-19-83; FWC 51-1984, f. & cert. ef. 9-5-84; FWC 80-1984 (Temp), f. & cert. ef. 12-4-84; FWC 64-1985, f. & cert. ef. 10-2-85; FWC 58-1986, f. & cert. ef. 9-17-86; FWC 84-1987, f. & cert. ef. 9-22-87; FWC 82-1988, f. & cert. ef. 9-2-88; FWC 107-1989, f. & cert. ef. 9-2-89; FWC 78-1990, f. & cert. ef. 8-1-90; FWC 94-1990, f. & cert. ef. 9-4-90; FWC 5-1991(Temp), f. & cert. ef. 1-25-91; FWC 81-1991, f. & cert. ef. 7-29-91; FWC 100-1991, f. & cert. ef. 9-9-91; FWC 72-1992, f. & cert. ef. 8-7-92; FWC 82-1992, f. & cert. ef. 8-26-92; FWC 44-1993, f. & cert. ef. 8-4-93; FWC

51-1993, f. & cert. ef. 8-25-93; FWC 47-1994, f. & cert. ef. 8-3-94; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 36-1997, f. & cert. ef. 6-17-97; FWC 45-1997, f. & cert. ef. 8-13-97; FWC 63-1997(Temp), f. & cert. ef. 10-7-97; DFW 70-1999(Temp), f. & cert. ef. 9-17-99 thru 1-28-00; Administrative correction 6-20-01

635-054-0015

Coot

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 21-1981, f. & cert. ef. 6-29-81; FWC 32-1981, f. & cert. ef. 8-28-81; FWC 59-1982, f. & cert. ef. 8-30-82; FWC 46-1983, f. & cert. ef. 9-19-83; FWC 51-1984, f. & cert. ef. 9-5-84; FWC 100-1991, f. & cert. ef. 9-9-91; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 45-1997, f. & cert. ef. 8-13-97

635-054-0020

Common Snipe

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 21-1981, f. & cert. ef. 6-29-81; FWC 32-1981, f. & cert. ef. 8-28-81; FWC 59-1982, f. & cert. ef. 8-30-82; FWC 51-1984, f. & cert. ef. 9-5-84; FWC 107-1989, f. & cert. ef. 9-2-89; FWC 94-1990, f. & cert. ef. 9-4-90; FWC 100-1991, f. & cert. ef. 9-9-91; FWC 82-1992, f. & cert. ef. 8-26-92; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 45-1997, f. & cert. ef. 8-13-97

635-054-0025

Special Falconry Season

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 32-1981, f. & cert. ef. 8-28-81; FWC 59-1982, f. & cert. ef. 8-30-82; FWC 61-1982, f. & cert. ef. 9-3-82; FWC 46-1983, f. & cert. ef. 9-19-83; FWC 51-1984, f. & cert. ef. 9-5-84; FWC 64-1985, f. & cert. ef. 10-2-85; FWC 58-1986, f. & cert. ef. 9-17-86; FWC 84-1987, f. & cert. ef. 9-22-87; FWC 82-1988, f. & cert. ef. 9-2-88; FWC 107-1989, f. & cert. ef. 9-2-89; FWC 94-1990, f. & cert. ef. 9-4-90; FWC 103-1990(Temp), f. & cert. ef. 9-20-90; FWC 100-1991, f. & cert. ef. 9-9-91; FWC 117-1991(Temp), f. & cert. ef. 10-4-91; FWC 82-1992, f. & cert. ef. 8-26-92; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 47-1994, f. & cert. ef. 8-3-94; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 42-1996, f. & cert. ef. 8-12-96; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 45-1997, f. & cert. ef. 8-13-97

635-054-0030

Black Brant

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 84-1987, f. & cert. ef. 9-22-87; FWC 82-1988, f. & cert. ef. 9-2-88; FWC 107-1989, f. & cert. ef. 9-2-89; FWC 94-1990, f. & cert. ef. 9-4-90; FWC 100-1991, f. & cert. ef. 9-9-91; FWC 82-1992, f. & cert. ef. 8-26-92; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 58-1994, f. & cert. ef. 9-1-94; FWC 71-1995, f. & cert. ef. 8-31-95; FWC 50-1996, f. & cert. ef. 8-30-96; FWC 45-1997, f. & cert. ef. 8-13-97

635-054-0040

Crow Season

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 42-1996, f. & cert. ef. 8-12-96; FWC 45-1997, f. & cert. ef. 8-13-97

DIVISION 55

FALCONRY LICENSES, PERMITS AND REQUIREMENTS

635-055-0000

Definition of Terms

For the purpose of these rules, the following definitions apply:

(1) “Captive bred” means any raptor, including eggs, hatched in captivity resulting from parents that mated in captivity, or are the progeny of artificial insemination.

(2) “Falconry” means the sport of taking quarry by means of a trained raptor.

(3) “Indigenous raptor,” for purposes of falconry, means golden eagle (*Aquila chrysaetos*), sharp-shinned hawk (*Accipiter striatus*), Cooper’s hawk (*Accipiter cooperii*), northern goshawk (*Accipiter gentilis*), red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), merlin (*Falco columbarius*), prairie falcon (*Falco mexicanus*), peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), and great horned owl (*Bubo virginianus*).

(4) “Passage” means first year raptors capable of flight.

(5) “Raptor” means any species or hybrid of the families Strigidae, Falconidae and Accipitridae.

(6) "Raptors at hack" means the intentional release of a raptor as a training technique, with the expectation of recapture after a period of time.

(7) "Take," for the purposes of these rules, means to trap, capture, or attempt to trap or capture a raptor from the wild for the purpose of falconry.

Stat. Auth.: ORS 496
 Stats. Implemented: ORS 496
 Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 11-1983, f. & ef. 3-24-83; FWC 7-1984, f. & ef. 2-29-84; FWC 19-1990, f. & cert. ef. 2-28-90; DFW 33-2002, f. & cert. ef. 4-18-02

635-055-0010

License Required to Practice Falconry

(1) Any person desiring to participate in the sport of falconry shall first secure a falconry license by applying on a form provided by the Oregon Department of Fish and Wildlife, Wildlife Division. The falconry license authorizes the holder to possess and train raptors as a method of hunting. A falconry license does not authorize the holding of raptors for non-falconry purposes; however, raptors held for falconry purposes may be used in educational programs.

(2) Before a falconer may participate in hunting any wildlife, he/she shall possess a valid falconry license, a hunting license, and any permit or stamp that is required.

(3) Nonresident falconers hunting in Oregon shall have a falconry license from a state having a federally approved falconry program, a nonresident hunting license, and any permit or stamp that is required.

(4) Nonresident falconers from outside the United States hunting in Oregon shall possess the proper health certificates and import permits for each raptor, a nonresident hunting license, and any permit or stamp that is required.

Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162
 Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 11-1983, f. & ef. 3-24-83; FWC 8-1986, f. & ef. 3-6-86; FWC 19-1990, f. & cert. ef. 2-28-90; FWC 33-1992(Temp), f. & cert. ef. 5-11-92; FWC 116-1992, f. & cert. ef. 10-28-92; FWC 30-1993, f. & cert. ef. 5-5-93; DFW 33-2002, f. & cert. ef. 4-18-02; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-055-0015

Cost and Expiration Date of Falconry License

(1) The fee for a falconry license shall be \$50.

(2) The falconry license is valid for three years. The three year period shall extend from July 1 of the year of issue to June 30 of the third year.

EXAMPLE: A license issued on November 1, 2001 will expire on June 30, 2004.

Stat. Auth.: ORS 496
 Stats. Implemented: ORS 496
 Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 12-1983, f. 3-24-83, ef. 1-1-84; FWC 12-1985, f. & ef. 3-6-85; FWC 123-1990, f. & cert. ef. 11-28-90; DFW 33-2002, f. & cert. ef. 4-18-02

635-055-0020

Qualifications

(1) All licensed Oregon falconers shall be residents of Oregon. A resident shall have a permanent residence and falconry facilities in Oregon; however, there is no time minimum before a person can claim residency for falconry purposes. Any person falconry hunting in Oregon with a resident hunting license must satisfy the residency requirements as detailed in OAR 635-052, 635-053, 635-054 and 635-065.

(2) All falconers shall demonstrate knowledge of the care of raptors, practice of falconry, and wildlife laws and regulations pertaining to hunting and falconry by receiving a score of 80 percent or higher on a written examination approved by the U.S. Fish and Wildlife Service or by showing documented falconry experience from another state having a federally approved falconry program before receiving their first Oregon Falconry Permit. Any applicant who fails to pass an examination may take another examination no earlier than 30 days from the date of the prior examination.

(3) All falconers shall possess adequate facilities and equipment to care for raptors under their care.

(4) An applicant for a falconry license shall be one of the following:

(a) "Apprentice Falconer":

(A) Be at least fourteen (14) years of age;

(B) Be sponsored by a "Master Falconer," or a "General Falconer" with at least three years experience. The sponsor shall supervise and guide the Apprentice Falconer on care, capture, and training of

raptors and shall submit a written recommendation to the Department when the Apprentice is qualified to become a General Falconer.

(b) "General Falconer":

(A) Be at least eighteen (18) years of age;

(B) Have at least two years experience as a "Apprentice Falconer" or documented equivalent falconry experience from a state having a federally approved falconry program.

(c) "Master Falconer":

(A) Have five years experience as a "General Falconer" or documented equivalent falconry experience from a state having a federally approved falconry program.

(5) Persons with an expired falconry license may renew the license as a General or Master Falconer if they can provide verified or verifiable documentation of the last level attained. Persons with no documentation of past falconry experience shall re-test at the apprentice level.

(6) Persons moving to Oregon from foreign countries must demonstrate knowledge of the care of raptors, practice of falconry, and wildlife laws and regulations pertaining to hunting and falconry by receiving a score of 80 percent or higher on a written examination. Foreign applicants must provide written documentation from their government of past falconry experience which details their experience level to be licensed at the General or Master levels. Persons with no documentation of past falconry experience shall re-test at the apprentice level.

Stat. Auth.: ORS 496
 Stats. Implemented: ORS 496
 Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 11-1983, f. & ef. 3-24-83; FWC 12-1985, f. & ef. 3-6-85; FWC 19-1990, f. & cert. ef. 2-28-90; DFW 33-2002, f. & cert. ef. 4-18-02

635-055-0025

Inspections, Facilities and Equipment

The following facilities and equipment, in good operating condition, shall be in the possession of an applicant and shall be inspected and certified by the Department or a designated representative possessing knowledge of falconry facilities before a falconry license is issued. An inspection fee of \$10 shall be assessed for an inspection of facilities and shall accompany an inspection request form from the falconer. A facilities inspection is required for all new falconry applicants, falconers from another state who have moved to Oregon and Oregon falconers with newly constructed facilities. The raptor housing facilities shall provide protection from adverse weather, predators, and disturbance. All facilities and equipment shall be maintained at or above the level approved and are subject to inspection by the Department or Oregon State Police at any time. Inspection of facilities may take place without warrant or notice but, unless prompted by emergency or other extenuating circumstances, shall be limited to regular and usual business hours, including weekends.

(1) Indoor facilities (mews) shall be large enough to allow easy access for care of raptors. Each raptor shall have an area large enough to fully extend its wings. If more than one incompatible raptor is kept in the same structure, they shall be separated by tethering or partitions. All partitions and inner walls shall be constructed of smooth, nonabrasive material. Each structure shall have at least one window, and all windows shall be protected on the inside by smooth, vertical bars spaced narrower than the width of the bird's body. All doors shall be secure and easily closed. The floor shall be well drained and easily cleaned. Perches shall be provided for each raptor and of a design and location that provide the raptor suitable and injury free perching.

(2) Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the raptors from disturbance and other predators. A fenced area without a cover may be used if each perch is at least 6 feet high. The enclosed area shall be large enough to insure that the tethered raptors cannot strike the fence when flying from the perch. Raptors shall not be exposed to excessive sun, wind, and precipitation. Perches shall be provided for each raptor of a design and location that provide the raptor suitable and injury-free perching. It is permissible to construct the mew and the weathering area in combination, provided the requirements of both facilities are met.

(3) Temporary holding facilities may be used to transport or hold a raptor for not more than 30 consecutive days. Temporary facilities shall contain a perch, be adequately ventilated, be sanitary and provide protection from adverse weather.

(4) Jesses — at least one pair of Aylmeri bracelets or similar type jesse arrangements, constructed of pliable, high quality leather or suitable synthetic material shall be used when any raptor is flown free. (Traditional one-piece jesses may be used on raptors when not flown.)

(5) Leashes and swivels — at least one flexible, weather resistant leash and one strong swivel of acceptable falconry design.

(6) Bath container — at least one suitable container for each raptor, two to six inches deep and wider than the length of the raptor for drinking and bathing.

(7) Outdoor perches — at least one weathering area perch of acceptable design shall be provided for each raptor.

(8) Weighing device — an operative scale or balance suitable to weigh raptors, graduated in at least 1/2 ounce (15 gram) increments.

Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 8-1981, f. & ef. 2-26-81; FWC 11-1983, f. & ef. 3-24-83; FWC 12-1985, f. & ef. 3-6-85; FWC 8-1987, f. & ef. 2-25-87; FWC 19-1990, f. & cert. ef. 2-28-90; FWC 40-1991, f. & cert. ef. 4-24-91; FWC 30-1993, f. & cert. ef. 5-5-93; DFW 33-2002, f. & cert. ef. 4-18-02

635-055-0030

Limitations on Species Captured and/or Held

(1) The following restrictions are placed on the number of raptors that may be captured in Oregon and/or held for falconry, including non-indigenous species:

(a) Apprentice Falconer — may possess only one raptor, and may obtain only one replacement during any capture season. The raptor shall be an American kestrel or Red-tailed hawk captured from the wild under the direct supervision and accompanied by the Apprentice's sponsor. Apprentice falconers shall not take nestling raptors.

(b) General Falconer — may possess not more than two raptors, including captive bred raptors, but may obtain two replacement raptors from the wild in Oregon during a capture season. A General Falconer may capture and/or possess red-tailed hawk, American kestrel, Cooper's hawk, sharp-shinned hawk, goshawk, prairie falcon, merlin or great horned owl. A General Falconer may obtain any number of captive bred raptors so long as the number of raptors held does not exceed two. A General falconer may possess any legally acquired non-indigenous raptor and legally acquired wild captured indigenous raptors.

(c) Master Falconer — may possess not more than three raptors and may obtain two replacement raptors from the wild in Oregon during a capture season. A Master Falconer may capture and/or possess great horned owl, red-tailed hawk, American kestrel, Cooper's hawk, sharp-shinned hawk, goshawk, prairie falcon, merlin, gyrfalcon or golden eagle. A Master Falconer may obtain any number of captive bred raptors so long as the number of raptors held does not exceed three. A Master falconer may possess any legally acquired non-indigenous raptor and legally acquired wild captured indigenous raptors.

(2) Young raptors of the year shall be taken (unless otherwise noted) on weekends only from the third Saturday in May through the third Sunday in October, and then daily through the last day of February of the following year. This period comprises the "capture season."

(3) Nestlings may only be taken from nests containing two or more nestlings.

(4) Any adult raptor inadvertently taken must be immediately released.

(5) Only the following raptor species and number of each shall be taken in the state during the capture season unless otherwise specified:

(a) Red-tailed hawk, American kestrel, Cooper's hawk, sharp-shinned hawk and great horned owl — unlimited and statewide except that owls may be taken as nestlings only.

(b) Goshawk — unlimited and statewide except that no nestling goshawks may be taken in the area north of the Umpqua River and west of Interstate 5. Passage goshawks may be taken statewide.

(c) Prairie falcon — unlimited and statewide except that Wasco, Gilliam, Umatilla, Morrow, Sherman, Jackson and Josephine counties are closed to take of prairie falcons.

(d) Merlin — unlimited and statewide except no nestling merlins may be taken.

(e) Gyrfalcon — only 3 gyrfalcons may be captured during a capture season. Gyrfalcons may be captured statewide. Gyrfalcon capture permits are issued to Master Falconers only and an individual falconer may not capture more than one gyrfalcon per capture season. All gyrfalcon capture permit holders will be notified when the quota has been reached. No take of gyrfalcons is authorized for non-resident falconers.

(6) Golden eagle — unlimited, capture authorized for counties east of the crest of the Cascade Mountain range only. Golden eagles may be captured, imported and/or used for falconry only in accordance with Federal falconry standards as detailed in 50 CFR § 22.24.

(7) The possession of legally acquired non-indigenous raptors listed as a migratory bird in 50 CFR §10.13 is allowed. Only indigenous raptor species, raptors listed in 50 CFR §10.13 and raptors classified as non-controlled or controlled in the Oregon Wildlife Integrity Rules (OAR 635-056) are allowed. The possession for falconry purposes of hybrid raptors of species listed in 50 CFR §10 are allowed.

Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 9-1980, f. & ef. 2-27-80; FWC 8-1981, f. & ef. 2-26-81; FWC 11-1983, f. & ef. 3-24-83; FWC 7-1984, f. & ef. 2-29-84; FWC 19-1990, f. & cert. ef. 2-28-90; FWC 30-1993, f. & cert. ef. 5-5-93; DFW 33-2002, f. & cert. ef. 4-18-02

635-055-0035

Capture and Transportation of Raptors

A capture permit is required prior to capturing or attempting to capture any raptor. A non-resident falconer from a state having a federally approved falconry program may obtain a capture permit for a red-tailed hawk, Cooper's hawk, sharp-shinned hawk, prairie falcon, great horned owl, golden eagle or American kestrel only. All non-resident applications must include copies of current state and federal falconry permits. All applicants for golden eagle capture must include a copy of the federal authorization to take golden eagles. Only 20 non-resident capture permits will be issued in total each capture season. All non-resident capture permits will be issued on a first come first served basis.

(1) An application fee of \$10 will be charged for each capture permit allowing the capture of one raptor per permit.

(2) Capture permits will be issued in the order applications are received starting April 15 of each year by the Department to holders of a valid Oregon falconry license. The category of species shall be listed on the permit (e.g. "golden eagle," "gyrfalcon," or "other raptor") and the falconer is authorized to take only one raptor from the category specified. A falconer may apply for a capture permit in more than one category. The falconer whose name appears on the permit must do the capturing; the permit is not transferable.

(3) Upon taking the raptor authorized, the permittee shall immediately validate the permit by recording the date, species, sex, county, and capture method, and signing his/her name in the space provided. At the time of capture, the permittee shall affix the permanent plastic band, issued with the permit, to one leg of the bird. Within seven days of capture, the permittee shall take the bird to a Department office to have the permit certified.

(4) Lost, raptors at hack, or captive bred raptors may be retrapped at anytime without a capture permit. All other raptors captured shall be immediately released.

(5) Exportation of wild caught raptors — No raptor taken from the wild in Oregon shall be transferred to another person residing outside the state except those Oregon wild caught raptors held for six months or longer may be transferred to another person residing outside the state.

(6) An Oregon licensed falconer is allowed to retain legally captured raptors in their possession if they move from Oregon.

Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 9-1980, f. & ef. 2-27-80; FWC 8-1981, f. & ef. 2-26-81; FWC 14-1982, f. & ef. 2-25-82; FWC 11-1983, f. & ef. 3-24-83; FWC 8-1986, f. & ef. 3-6-86; FWC 19-1990, f. & cert. ef. 2-28-90; FWC 40-1991, f. & cert. ef. 4-24-91; FWC 33-1992(Temp), f. & cert. ef. 5-11-92; FWC 116-1992, f. & cert. ef. 10-28-92; FWC 30-1993, f. & cert. ef. 5-5-93; DFW 33-2002, f. & cert. ef. 4-18-02

635-055-0040

Banding and Identification of Raptors

(1) All raptors captured from the wild and held in captivity shall bear an identifying band approved by the Department. Gyrfalcons shall be banded with a federal marker.

(2) All captive bred raptors must be banded with a seamless band or other federally authorized band in accordance with 50 CFR §21.30.

(3) Raptor bands shall not be altered, removed, or replaced without permission of the Department. The band shall not be defaced or counterfeited.

Stat. Auth.: ORS 496
 Stats. Implemented: ORS 496
 Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 11-1983, f. & ef. 3-24-83; FWC 19-1990, f. & cert. ef. 2-28-90; DFW 33-2002, f. & cert. ef. 4-18-02

635-055-0045**Capture Methods**

All traps, nets, harnessed bait for raptors or other implements used to capture raptors shall be marked with the name and address of the user. Capture devices shall be attended at all times, except Swedish Goshawk traps which shall be checked every eight hours. Use of steel jawed traps or jump traps is prohibited.

Stat. Auth.: ORS 496
 Stats. Implemented: ORS 496
 Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 19-1990, f. & cert. ef. 2-28-90; DFW 33-2002, f. & cert. ef. 4-18-02

635-055-0050**Capture Season**

Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162
 Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 19-1979, f. & ef. 5-8-79; FWC 9-1980, f. & ef. 2-27-80; FWC 8-1981, f. & ef. 2-26-81; FWC 14-1982, f. & ef. 2-25-82; FWC 16-1982, f. & ef. 3-22-82; FWC 11-1983, f. & ef. 3-24-83; FWC 7-1984, f. & ef. 2-29-84; FWC 12-1985, f. & ef. 3-6-85; FWC 8-1986, f. & ef. 3-6-86; FWC 8-1987, f. & ef. 2-25-87; FWC 11-1988, f. & cert. ef. 3-10-88; FWC 11-1989, f. & cert. ef. 3-8-89; FWC 19-1990, f. & cert. ef. 2-28-90; FWC 40-1991, f. & cert. ef. 4-24-91; FWC 33-1992(Temp), f. & cert. ef. 5-11-92; FWC 116-1992, f. & cert. ef. 10-28-92; FWC 30-1993, f. & cert. ef. 5-5-93; DFW 33-2002, f. & cert. ef. 4-18-02

635-055-0055**Release of Any Raptor**

(1) Prior to the intentional permanent release of any indigenous raptor, permission shall be obtained from the Department and any falconry band shall be removed. A standard federal bird band should be attached to such raptors whenever possible.

(2) The intentional release of captive bred, non-indigenous, and/or hybrid raptors is prohibited unless specifically allowed by the Department prior to release.

Stat. Auth.: ORS 496
 Stats. Implemented: ORS 496
 Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 11-1983, f. & ef. 3-24-83; FWC 19-1990, f. & cert. ef. 2-28-90; DFW 33-2002, f. & cert. ef. 4-18-02

635-055-0060**Reports**

(1) Annual Report — All licensed falconers shall submit an annual report not later than January 15 disclosing the species, sex (if known), age (if known), band number, source and date acquired of all raptors (including non-indigenous species) in possession. Included in the report shall be a listing by band number and date of all raptors that died, were lost, released, or transferred to another permittee. Failure to submit an annual report by January 15 may lead to suspension of the falconry license and the ability to hold raptors.

(2) Report of Lost Raptors — All raptors that are lost shall be reported to the Department within 48 hours.

Stat. Auth.: ORS 496
 Stats. Implemented: ORS 496
 Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 11-1983, f. & ef. 3-24-83; FWC 19-1990, f. & cert. ef. 2-28-90; DFW 33-2002, f. & cert. ef. 4-18-02

635-055-0065**Possession of Molted Feathers**

Feathers molted from raptors held or that die in captivity may be retained and exchanged by licensed falconers for repair of broken wing and tail feathers (imping).

Stat. Auth.: ORS 496
 Stats. Implemented: ORS 496
 Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 11-1983, f. & ef. 3-24-83

635-055-0070**Revocation of License**

Conviction or forfeiture of bail for any falconry or game regulation violation while hunting with a raptor may result in suspension or revocation of any falconry license or other permit used under these regulations and the seizure of any raptors held.

Stat. Auth.: ORS 496
 Stats. Implemented: ORS 496
 Hist.: FWC 170, f. 12-23-77, ef. 1-1-78; FWC 11-1983, f. & ef. 3-24-83; DFW 33-2002, f. & cert. ef. 4-18-02

635-055-0075**Disposition of Accidentally Killed Wildlife**

Any licensed falconer whose raptor accidentally kills wildlife during closed season, or of the wrong species or sex, shall promptly turn in the wildlife to the Department, or Oregon State Police.

Stat. Auth.: ORS 396 & 496
 Stats. Implemented: ORS 396 & 496
 Hist.: FWC 8-1981, f. & ef. 2-26-81; FWC 11-1983, f. & ef. 3-24-83; FWC 19-1990, f. & cert. ef. 2-28-90

DIVISION 56

**IMPORTATION, POSSESSION, CONFINEMENT,
 TRANSPORTATION AND SALE OF
 NONNATIVE WILDLIFE**

635-056-0000**Purpose and General Information**

(1) The purpose of these rules is to protect Oregon's native wildlife. These rules aim for this goal by regulating human actions involving nonnative wildlife (whether those actions involve trade in nonnative wildlife or involve interaction with nonnative species in the wild). The rules allow private use or ownership of nonnative species to the extent that they do not pose a significant risk of harm to native species.

(2) Scientific taxonomic nomenclature reflects the following:

(a) Mammals — "Walker's Mammals of the World," Sixth Edition, Ronald M. Nowak, 1999.

(b) Amphibians and Reptiles — "A Complete Guide to Scientific and Common Names of Reptiles and Amphibians of the World," Norman Frank and E. Ramus, 1996.

(c) Birds — "Birds of the World: A Checklist," J. F. Clements, 1991.

(d) Fish — "Common and Scientific Names of Fishes from the United States and Canada," C. R. Robins, et. al., 1991, and "World Fishes Important to North Americans," C. R. Robins, et. al., 1991.

(e) Mollusks — "Common and Scientific Names of Aquatic Invertebrates from the United States and Canada: Mollusks," 2nd Edition, American Fisheries Society Special Publication 26, D.D. Turgeon, et. al., 1998.

(f) Crustaceans — "Common and Scientific Names of Aquatic Invertebrates from the United States and Canada: Decapod Crustaceans," American Fisheries Society Special Publication 16, A.B. Williams et. al., 1989.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 99-1998, f. & cert. ef. 12-22-98; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 79-2000, f. & cert. ef. 12-22-00; DFW 116-2001, f. & cert. ef. 12-18-01

635-056-0010**Definitions**

For the purposes of these rules, the definitions in ORS 496.004 and OAR 635-045-0002 apply. In addition, the following definitions apply:

(1) "Aquaria" means any tanks, pools, ponds, bowls or other containers intended for and capable of holding or maintaining live fish and from which there is no outfall to any waters of this state.

(2) "Aquaria Fish" means any fish, shellfish or marine invertebrates legally acquired and sold in the pet store trade, except game fish, state or federally protected threatened and endangered species and those species listed as Prohibited or Controlled.

(3) "Commercial Fur Farm" means any operation which raises captive fox (*Vulpes vulpes* or *Urocyon cinereoargenteus*) or mink (*Mustela vison*) for profit and possesses 10 or more animals.

(4) "Controlled Species" means wildlife that the commission has placed on the Controlled list.

(5) "Domestic" means those animals which are identified in OAR 635-056-0020 (Domestic or Otherwise Exempt Animals).

(6) "Exotic" means a wildlife species not native to Oregon; foreign or introduced.

(7) "Hold" means any form of possession or control of an animal, gamete, or hybrid thereof.

(8) “Hybrid” means any animal, gamete or egg that is produced by crossing at least one wild individual of a species with any other species or subspecies.

(9) “Import/importation” means to bring or cause live wildlife to be transported into Oregon by any means.

(10) “Introduced” means a species, subspecies or population which occur in Oregon because of human action or intervention, rather than natural (nonhuman) colonization or immigration.

(11) “Live Foodfish” means any fish or marine invertebrate legally acquired and held in aquaria or packaged live and sold in the wholesale or retail trade for human consumption, except game fish, state or federally protected threatened and endangered species and those species listed as Prohibited or Controlled.

(12) “Marine invertebrate” means any marine invertebrate species commonly sold in the wholesale or retail trade for human consumption, or commonly found in the ornamental aquarium trade.

(13) “Native” means species, subspecies or populations which occur currently or historically in Oregon through natural (i.e. nonhuman) colonization or immigration, rather than by human action or intervention.

(14) “Nonnative” means a wildlife species not native to Oregon; foreign or introduced.

(15) “Noncontrolled Species” means wildlife that the commission has placed on the Noncontrolled list.

(16) “Prohibited Species” means wildlife that the commission has placed on the Prohibited list.

(17) “Species” means a unit of classification of animals which are capable of interbreeding and producing fertile offspring.

(18) “Subspecies” means a unit of classification of animals within a species which show differences in size, color or form as a result of being partially or completely reproductively isolated from other populations of the species.

(19) “Wild” means all birds and mammals not identified in OAR 635-056-0020.

(20) “Wildlife” means fish, wild birds, amphibians, reptiles and wild mammals, including their viable gametes, fertilized eggs and hybrids.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 116-2001, f. & cert. ef. 12-18-01

635-056-0020

Domestic or Otherwise Exempt Animals

The commission considers the following birds and mammals to be excluded from these rules and thus not subject to the commission’s jurisdiction: [Table not included. See ED. NOTE.]

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 21-1998, f. & cert. ef. 3-13-98; DFW 99-1998, f. & cert. ef. 12-22-98; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 79-2000, f. & cert. ef. 12-22-00

635-056-0030

Exclusions

The Oregon Department of Agriculture regulates the keeping of certain animals pursuant to ORS 609.305 to 609.335. However, the commission does regulate the release, hunting and other activities not associated with the keeping of these animals, as provided in the commission’s statutes and administrative rules.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242
Hist.: FWC 69-1996, f. & cert. ef. 12-20-96

Importation

635-056-0040

Requirements for Importation and Possession of Live Wildlife

For species, subspecies or hybrids listed as Prohibited or those species not yet classified, a permit will not be issued allowing the importation and possession of live wildlife, except to American Zoo

and Aquarium Association (AZA) accredited facilities, colleges, universities and those facilities which can demonstrate compliance with standards as provided in OAR 635-056-0050(2). For species, subspecies or hybrids listed as Controlled, an importation permit may be required as set forth by the commission. For species, subspecies or hybrids listed as Noncontrolled, no ODFW importation permit is required.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 72-1997, f. & cert. ef. 12-29-97; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 106-2004(Temp), f. & cert. ef. 10-18-04 thru 4-15-05; Administrative correction 4-20-05

635-056-0050

Prohibited Species

(1) Except as otherwise provided in these rules or other rules of the commission, live wildlife listed below may not be imported, possessed, sold, purchased, exchanged or transported in the state:

(a) Prohibited Mammals: Common Name — Family — Genus/species:

(A) Order Didelphimorphia: Virginia opossum — Didelphidae — *Didelphis virginiana*.

(B) Order Dasyuromorphia:

(i) Broad-footed marsupial mice — Dasyuridae — *Antechinus* All species and hybrids;

(ii) Brush-tailed marsupial mice — Dasyuridae — *Phascogale* All species and hybrids;

(iii) Narrow-footed marsupial mice — Dasyuridae — *Sminthopsis* All species and hybrids.

(C) Order Diprotodontia:

(i) Brush-tailed possum — Phalangeridae — *Trichosurus vulpecula*;

(ii) Ring-tailed possum — Pseudocheiridae — *Pseudocheirus peregrinus*.

(D) Order Xenarthra: Nine-banded armadillo — Dasypodidae — *Dasypus novemcinctus*.

(E) Order Insectivora: Eurasian hedgehogs — Erinaceidae — *Erinaceus europaeus*, *E. concolor*, *E. amurensis*.

(F) Order Chiroptera: Bats — All families except Pteropodidae — All species and hybrids.

(G) Order Carnivora:

(i) Wild canids — Canidae — All native species. However, fox (*Vulpes vulpes* and *Urocyon cinereoargenteus*) are exempt from this prohibition if when part of a commercial fur farming operation or for wildlife rehabilitation purposes by a licensed wildlife rehabilitator;

(ii) Mongooses — Herpestidae — All species and hybrids;

(iii) Civets and Genets — Viverridae — All species and hybrids (except *Arctictis binturong*).

(H) Order Artiodactyla:

(i) Sheep, Goats, Chamois, Tahr — Bovidae — Subfamily Caprinae; All species and hybrids except:

(I) *Capra hircus*;

(II) *Ovis aries*;

(III) Hybrids of *Ovis aries* with *O. musimon*; hybrids of *O. aries* with *Ammotragus lervia*; and hybrids of *O. aries* with *Pseudois nayaur*;

(ii) Wildebeest — Bovidae — *Connochaetes* All species and hybrids;

(iii) Central Asian gazelles — Bovidae — *Procapra* All species and hybrids;

(iv) Wild boar — Suidae — *Sus scrofa* (except *Sus scrofa domestica*).

(I) Order Rodentia:

(i) Plains viscacha — Chinchillidae — *Lagostomus maximus*;

(ii) Chinese jumping mouse — Dipodidae — *Eozapus setchuanus*;

(iii) Desert jerboas — Dipodidae — *Jaculus* All species and hybrids;

(iv) Kangaroo Rats — Heteromyidae — *Dipodomys* All nonnative species except *D. deserti* and *D. spectabilis*;

(v) Kangaroo Mouse — Heteromyidae — *Microdipodops pallidus*;

(vi) Silky pocket mice — Heteromyidae — *Perognathus* All non-native species and hybrids;

(vii) Capybara — Hydrochaeridae — *Hydrochaeris hydrochaeris*;

(viii) Old world porcupines — Hystricidae — *Hystrix africaeaustralis*, *H. cristata*, and *H. indica*;

(ix) Mouselike hamster — Muridae — *Calomyscus* All species and hybrids;

(x) Ratlike hamsters — Muridae — *Cricetulus* All species and hybrids;

(xi) Black-bellied hamster — Muridae — *Cricetus cricetus*;

(xii) Bushy-tailed jird — Muridae — *Sekeetamys calurus*;

(xiii) Nutria — Myocastoridae — *Myocastor coypus*;

(xiv) Edible dormouse — Myoxidae — *Myoxus glis*;

(xv) Common dormouse — Myoxidae — *Muscardinus avellanarius*;

(xvi) Antelope ground squirrels — Sciuridae — *Ammospermophilus* All nonnative species and hybrids except *A. harrisi*;

(xvii) Tricolored squirrels — Sciuridae — *Callosciurus* All species and hybrids except *C. prevostii*;

(xviii) Prairie dogs — Sciuridae — *Cynomys* All species and hybrids;

(xix) Southern flying squirrel — Sciuridae — *Glaucomys volans*;

(xx) Marmots — Sciuridae — *Marmota* All nonnative species and hybrids;

(xxi) Giant flying squirrel — Sciuridae — *Petaurista* All species and hybrids;

(xxii) Eastern gray squirrel — Sciuridae — *Sciurus carolinensis*;

(xxiii) Fox squirrel — Sciuridae — *Sciurus niger*;

(xxiv) European red squirrel — Sciuridae — *Sciurus vulgaris*;

(xxv) Ground squirrels — Sciuridae — *Spermophilus* All non-native species and hybrids except *S. adocetus*, *S. annulatus*, *S. atricapillus*, *S. madrensis*, *S. mexicanus*, *S. mohavensis*, *S. perotensis*, and *S. tereticaudus*;

(xxvi) Chipmunks — Sciuridae — *Tamias* All nonnative species and hybrids.

(xxvii) African ground squirrels — Sciuridae — *Xerus* All species and hybrids;

(J) Order Lagomorpha:

(i) Hares and Jackrabbits — Leporidae — *Lepus* All nonnative species and hybrids;

(ii) Cottontails — Leporidae — *Sylvilagus* All nonnative species and hybrids.

(b) Prohibited Birds: Common Name — Family — Genus/species:

(A) Order Anseriformes: Egyptian Goose — Anatidae — *Alopochen aegyptiaca*.

(B) Order Charadriiformes: Spotted thick-knee — Burhinidae — *Burhinus capensis*.

(C) Order Coraciiformes:

(i) Malachite kingfisher — Alcedinidae — *Alcedo cristata*;

(ii) Laughing kookaburra — Alcedinidae — *Dacelo novaeguineae*.

(D) Order Passeriformes:

(i) Yellowhammer — Emberizidae — *Emberiza citrinella*;

(ii) European greenfinch — Fringillidae — *Carduelis chloris*;

(iii) Chaffinch — Fringillidae — *Fringilla coelops*.

(c) Prohibited Fish: Common Name — Family — Genus/species:

(A) Order Amiiformes: Bowfin — Amiidae — *Amia calva*.

(B) Order Cypriniformes:

(i) Piranha or Caribe — Characidae subfamily Serrasalminae — All species and hybrids except *Serrasalmus*, *Pygocentrus* and *Pristigaster* pursuant to ORS 498.242 and OAR 635-011-0160(2);

(ii) Walking catfish (ORS 498.242) — Clariidae — All species and hybrids;

(iii) Oriental weatherfish — Cobitidae — *Misgurnus anguillicaudatus*;

(iv) Ide — Cyprinidae — *Leuciscus idus*;

(v) Rudd — Cyprinidae — *Scardinius erythrophthalmus*.

(C) Order Lepisosteiformes: Gar — Lepisosteidae — All species and hybrids.

(D) Order Perciformes:

(i) Snakehead — Channidae — *Channa* All species and hybrids;

(ii) Round Goby — Gobiidae — *Neogobius melanostomus*;

(iii) Ruffe — Percidae — *Gymnocephalus cernuus*;

(iv) Zander or Pike-perch — Percidae — *Stizostedion lucioperca*.

(E) Order Salmoniformes: Pikes, Pickerel — Esocidae — All species and hybrids.

(d) Prohibited Amphibians: Common Name — Family — Genus/species:

(A) Order Caudata:

(i) Tiger salamander — Ambystomatidae — *Ambystoma tigrinum* All nonnative sub-species;

(ii) Amphiumas — Amphiumidae — All species and hybrids;

(iii) Giant salamanders and Hellbenders — Cryptobranchidae — All species and hybrids;

(iv) American giant salamanders — Dicamptodontidae — All nonnative species and hybrids;

(v) Asian salamanders — Hynobiidae — *Ranodon* All species and hybrids;

(vi) Shovel-nosed salamander — Plethodontidae — *Leurognathus marmoratus*;

(vii) Waterdogs — Proteidae — *Necturus* All species and hybrids;

(viii) Firebelly newts — Salamandridae — *Cynops* All species and hybrids;

(ix) Brook salamanders — Salamandridae — *Euproctus* All species and hybrids;

(x) Spine-tailed salamanders — Salamandridae — *Mertensiella* All species and hybrids;

(xi) Eastern newt — Salamandridae — *Notophthalmus viridescens*;

(xii) Chinese crested newts — Salamandridae — *Pachytriton* All species and hybrids;

(xiii) Warty newts — Salamandridae — *Paramesotriton* All species and hybrids;

(xiv) Ribbed newts — Salamandridae — *Pleurodeles* All species and hybrids;

(xv) Fire salamanders — Salamandridae — *Salamandra* All species and hybrids;

(xvi) Roughskin newts — Salamandridae — *Taricha rivularis* and *T. torosa*;

(xvii) Alpine newts — Salamandridae — *Triturus* All species and hybrids;

(xviii) Crocodile newts — Salamandridae — *Tylotriton* All species and hybrids;

(xix) Sirens — Sirenidae — All species and hybrids.

(B) Order Anura:

(i) Fire-bellied toads — Bombinatoridae — *Bombina* All species and hybrids;

(ii) True toads — Bufonidae — *Bufo* All nonnative species and hybrids except *Bufo marinus*;

(iii) Midwife toads — Discoglossidae — *Alytes* All species and hybrids;

(iv) Painted frogs — Discoglossidae — *Discoglossus* All species and hybrids;

(v) Cricket frog — Hylidae — *Acris* All species and hybrids;

(vi) European tree frog — Hylidae — *Hyla arborea*;

(vii) Cope's gray tree frog — Hylidae — *Hyla chrysoscelis*;

(viii) Green tree frog — Hylidae — *Hyla cinerea*;

(ix) Mediterranean tree frog — Hylidae — *Hyla meridionalis*;

(x) Gray tree frog — Hylidae — *Hyla versicolor*;

(xi) Chorus frog — Hylidae — *Pseudacris* All nonnative species and hybrids;

(xii) Australian froglets — Myobatrachidae — *Crinia* All species and hybrids;

(xiii) Australian swamp frogs — Myobatrachidae — *Limnodynastes* All species and hybrids;

(xiv) Barred frogs — Myobatrachidae — *Mixophyes* All species and hybrids;

(xv) Spadefoot toads — Pelobatidae — All nonnative species and hybrids;

(xvi) African clawed frog — Pipidae — *Xenopus* All species and hybrids;

(xvii) African bull frog — Ranidae — *Pyxicephalus* All species and hybrids;

(xviii) Siberian frog — Ranidae — *Rana altaica*;

(xix) Khabarovsk frog — Ranidae — *Rana amurensis*;

- (xx) Crawfish frog — Ranidae — *Rana areolata*;
- (xxi) Swedish swamp frog — Ranidae — *Rana arvalis*;
- (xxii) Asian frog — Ranidae — *Rana asiatica*;
- (xxiii) Rio Grande leopard frog — Ranidae — *Rana berlandieri*;
- (xxiv) Plains leopard frog — Ranidae — *Rana blairi*;
- (xxv) Caucasus frog — Ranidae — *Rana camerani*;
- (xxvi) Inkiapo frog — Ranidae — *Rana chensinensis*;
- (xxvii) Toudaohe frog — Ranidae — *Rana chevronta*;
- (xxviii) Green frog — Ranidae — *Rana clamitans*;
- (xxix) Spring frog — Ranidae — *Rana dalmatina*;
- (xxx) Dybowski's frog — Ranidae — *Rana dybowskii*;
- (xxxi) Stream frog — Ranidae — *Rana graeca*;
- (xxxii) Pig frog — Ranidae — *Rana grylio*;
- (xxxiii) River frog — Ranidae — *Rana heckscheri*;
- (xxxiv) Turkish frog — Ranidae — *Rana holtzi*;
- (xxxv) Iberian frog — Ranidae — *Rana iberica*;
- (xxxvi) Agile frog — Ranidae — *Rana japonica*;
- (xxxvii) Italian agile frog — Ranidae — *Rana latastei*;
- (xxxviii) Taipa frog — Ranidae — *Rana longicrus*;
- (xxxix) Brusa frog — Ranidae — *Rana macrocnemis*;
- (xl) Nikko frog — Ranidae — *Rana ornativentris*;
- (xli) Pickeral frog — Ranidae — *Rana palustris*;
- (xlii) Mink frog — Ranidae — *Rana septentrionalis*;
- (xliii) Wood frog — Ranidae — *Rana sylvatica*;
- (xliv) Tago frog — Ranidae — *Rana tagoe*;
- (xlv) European common frog — Ranidae — *Rana temporaria*;
- (xlvi) Tsushima frog — Ranidae — *Rana tsushimensis*;
- (xlvii) Carpenter frog — Ranidae — *Rana virgatipes*.
- (e) Prohibited Reptiles: Common Name — Family — Genus/species:
 - (A) Order Testudines:
 - (i) Snapping turtle — Chelydridae — All species and hybrids;
 - (ii) Chinese pond turtle — Emydidae — *Chinemys* All species and hybrids;
 - (iii) Pond turtle — Emydidae — *Clemmys* All nonnative species;
 - (iv) Painted turtle — Emydidae — *Chrysemys* All nonnative subspecies;
 - (v) European pond turtle — Emydidae — *Emys orbicularis*;
 - (vi) Blanding's turtle — Emydidae — *Emydoidea blandingii*;
 - (vii) Map turtle — Emydidae — *Graptemys* All species and hybrids;
 - (viii) Asian pond turtle — Emydidae — *Mauremys* All species and hybrids;
 - (ix) Pond slider — Emydidae — *Pseudemys* and *Trachemys* All species and hybrids;
 - (x) Common musk turtle — Kinosternidae — *Kinosternon odoratum*;
 - (xi) Common mud turtle — Kinosternidae — *Kinosternon subrubrum*;
 - (xii) North American soft shell — Trionychidae — *Apalone* All species and hybrids;
 - (xiii) African soft shell — Trionychidae — *Trionyx triunguis*.
 - (B) Order Squamata (Suborder Lacertilia):
 - (i) Slow worm — Anguillidae — *Anguis fragilis*;
 - (ii) Sand lizard — Lacertidae — *Lacerta agilis*;
 - (iii) Jewelled Lizard — Lacertidae — *Lacerta lepida*;
 - (iv) Iberian Mountain Lizard — Lacertidae — *Lacerta monticola*;
 - (v) Meadow Lizard — Lacertidae — *Lacerta praticola*;
 - (vi) Iberian Emerald Lizard — Lacertidae — *Lacerta schreiberi*;
 - (vii) Balkan Emerald Lizard — Lacertidae — *Lacerta trilineata*;
 - (viii) Emerald Lizard — Lacertidae — *Lacerta viridis*;
 - (ix) Viviparous Lizard — Lacertidae — *Lacerta vivipara*;
 - (x) Erhard's Wall Lizard — Lacertidae — *Podarcis erhardi*;
 - (xi) Iberian Wall Lizard — Lacertidae — *Podarcis hispanica*;
 - (xii) Common Wall Lizard — Lacertidae — *Podarcis muralis*;
 - (xiii) Crocodile lizard — Xenosauridae — *Shinisaurus crocodilurus*.
 - (C) Order Squamata (Suborder Serpentes):
 - (i) Brown tree snake — Colubridae — *Boiga irregularis*;
 - (ii) Black-necked spitting cobra — Elapidae — *Naja nigricollis*;
 - (iii) Cape cobra — Elapidae — *Naja nivea*;
 - (iv) Copperheads and cottonmouths — Viperidae — *Agkistrodon* All species and hybrids;
 - (v) Puff adders — Viperidae — *Bitis* All species and hybrids except *Bitis gabonica* and *B. nasicornis*;
 - (vi) Lanceheads — Viperidae — *Bothrops* All species and hybrids;
 - (vii) Palm pit vipers — Viperidae — *Bothriechis* All species and hybrids;
 - (viii) Rattlesnakes — Viperidae — All nonnative species and hybrids except *Crotalus aquilus*, *C. basiliscus*, *C. durissus*, *C. intermedius*, *C. polystictus*, *C. pusillus*, *C. tortugensis*, *C. triseriatus*, *C. unicolor*, and *C. vegrandis*;
 - (ix) Mid-east vipers — Viperidae — *Daboia* All species and hybrids;
 - (x) Pygmy rattlesnake — Viperidae — *Sistrurus catenatus*;
 - (xi) Asian pit vipers — Viperidae — *Trimeresurus* All species and hybrids;
 - (xii) Wagler's palm viper — Viperidae — *Tropidolaemus wagleri*;
 - (xiii) Sand vipers — Viperidae — *Vipera* All species and hybrids.
- (f) Prohibited Mollusks: Common Name — Family — Genus/species:
 - (A) Order Bivalvia:
 - (i) Asian clam — Corbiculidae — All species;
 - (ii) Zebra mussel — Dreissenidae — All species.
 - (B) Order Neogastropoda: Japanese oyster drill — Muricidae — *Ceratosoma inornatum*.
- (g) Prohibited Crustaceans: Common Name — Family — Genus/species:
 - (A) Order Decapoda:
 - (i) Chinese mitten crab — Grapsidae — *Eriocheir* All species;
 - (ii) Blue crab — Portunidae — *Callinectes sapidus*;
 - (iii) Crayfish — Cambaridae — All species.
 - (2) The department may issue a permit for the importation, possession, sale, purchase, exchange or intrastate transportation of prohibited species and those species not yet classified if the department finds that the following standards have been met:
 - (a) The facility is constructed to minimize escape of prohibited species;
 - (b) There are adequate security and safety programs and procedures which minimize the possibility of escape;
 - (c) There is adequate record keeping to aid in tracking of confined animals or recovery of escaped animals;
 - (d) There are adequate procedures, equipment and trained staff to maximize capture of escaped animals;
 - (e) Adequate veterinary care is provided to identify and minimize the spread of diseases; and
 - (f) The applicant has a good reputation for care of animals and compliance with the wildlife laws.
 - (g) Using forms provided by the department, persons or entities may apply for a permit under subsection (2) as follows:
 - (A) Facilities accredited by the American Zoo and Aquarium Association (AZA). Because the department finds that the current AZA accreditation process holds these facilities to standards equivalent to those in subsection (2), AZA accreditation shall be evidence that the department's standards for importation, possession, sale, purchase, exchange or intrastate transportation of prohibited species are met. To obtain a permit for these activities, AZA accredited facilities shall submit a completed application form and proof of accreditation.
 - (B) Universities and colleges. To obtain a permit, universities and colleges shall submit:
 - (i) A completed application form;
 - (ii) A written description of escape avoidance procedures and facilities; and
 - (iii) Identification of the time period(s) during which prohibited species will be held.
 - (C) Others. To apply for a permit, persons and entities other than universities, colleges and AZA-accredited facilities shall submit:
 - (i) A completed application form; and
 - (ii) A completed Prohibited Species Questionnaire.
 - (h) Satisfactory facilities inspections may be required prior to issuance of any permit.
 - (3) The prohibitions imposed above regarding possession of Virginia opossum, nutria, Eastern gray squirrel, fox squirrel, and Eastern cottontail rabbit do not apply to licensed wildlife rehabilitators conducting wildlife rehabilitation in compliance with Department rules.

Release of these species by licensed wildlife rehabilitators shall occur at a location designated by the Department.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 16-1997(Temp), f. & cert. ef. 3-13-97; FWC 41-1997(Temp), f. & cert. ef. 7-23-97; FWC 59-1997, f. & cert. ef. 9-3-97; FWC 59-1997, f. & cert. ef. 9-3-97; FWC 72-1997, f. & cert. ef. 12-29-97; DFW 21-1998, f. & cert. ef. 3-13-98; DFW 63-1998, f. & cert. ef. 8-10-98; DFW 96-1998, f. & cert. ef. 11-25-98; DFW 99-1998, f. & cert. ef. 12-22-98; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 79-2000, f. & cert. 12-22-00; DFW 116-2001, f. & cert. ef. 12-18-01

635-056-0060

Noncontrolled Species

(I) Except as otherwise provided in these rules or other rules of the commission, wildlife listed below may be imported, possessed, sold, purchased, exchanged or transported in the state without a permit:

(a) Noncontrolled Mammals: Common Name — Family — Genus/species:

(A) Order Monotremata: Echidnas — Tachyglossidae — All species.

(B) Order Didelphimorphia: Short-tailed opossums — Marmosidae — *Monodelphis* All species.

(C) Order Dasyuromorphia: Numbat — Myrmecobiidae — *Myrmecobius fasciatus*.

(D) Order Peramelemorphia:

(i) Dry country bandicoots — Peramelidae — All species except *Isodon obesulus*, *Perameles gunnii*, and *P. nasuta*;

(ii) Rainforest bandicoots — Peroryctidae — All species.

(E) Order Diprotodontia:

(i) Feathertail glider — Acrobatidae — *Acrobates pygmaeus*;

(ii) Kangaroos and wallabies — Macropodidae — All species;

(iii) Striped possums — Petauridae — *Dactylopsila* All species;

(iv) Sugar glider — Petauridae — *Petaurus breviceps*;

(v) Cuscuses — Phalangeridae — *Phalanger* All species.

(F) Order Xenarthra:

(i) Three-toed tree sloths — Bradypodidae — All species;

(ii) Two-toed tree sloths — Megalonychidae — All species;

(iii) Anteaters — Myrmecophagidae — All species.

(G) Order Insectivora: African pygmy hedgehog — Erinaceidae — *Atelerix albiventris*.

(H) Order Dermoptera: Flying lemurs or colugos — Cynocephalidae — All species.

(I) Order Chiroptera: Old World fruit bats — Pteropodidae — All species.

(J) Order Carnivora:

(i) Aardwolf — Hyaenidae — *Proteles cristatus*;

(ii) Red/Lesser Panda — Procyonidae — *Ailurus fulgens*;

(iii) Olingos — Procyonidae — *Bassaricyon* All species;

(iv) Coati/undiis — Procyonidae — *Nasua* All species;

(v) Kinkajou — Procyonidae — *Potos flavus*;

(vi) Binturong — Viverridae — *Arctictis binturong*.

(K) Order Pinnipedia: Seals and sea lions — All families — All nonnative species.

(L) Order Cetacea: Whales and dolphins — All families — All species.

(M) Order Sirenia: Manatees — All families — All species.

(N) Order Proboscidea: Elephants — Elephantidae — All species.

(O) Order Perissodactyla:

(i) Zebra and Asses — Equidae — *Equus* All species;

(ii) Rhinoceros — Rhinocerotidae — All species;

(iii) Tapirs — Tapiridae — All species.

(P) Order Hyracoidea: Hyraxes — Procaviidae — All species.

(Q) Order Tubulidentata: Aardvark — Orycteropodidae —

Orycteropus afer.

(R) Order Artiodactyla:

(i) Antelope and buffalo — Bovidae — All species except *subfamily Caprinae* and *Procapra species*;

(ii) Giraffe and okapi — Giraffidae — All species;

(iii) Pygmy hippopotamus — Hippopotamidae — *Hexaprotodon liberiensis*;

(iv) Hippopotamus — Hippopotamidae — *Hippopotamus amphibius*;

(v) Peccary — Tayassuidae — All species;

(vi) Chevrotains — Tragulidae — All species.

(S) Order Pholidota: Pangolins — Manidae — All species.

(T) Order Rodentia:

(i) Paca — Agoutidae — *Agouti paca*;

(ii) Scaly-tailed squirrels — Anomaluridae — All species;

(iii) Hutias — Capromyidae — All species;

(iv) Patagonian hare — Caviidae — *Dolichotis* All species;

(v) Mountain viscachas — Chinchillidae — *Lagidium* All species;

(vi) Agoutis — Dasyproctidae — *Dasyprocta* All species;

(vii) Acouchis — Dasyproctidae — *Myoprocta* All species;

(viii) Pacarana — Dinomyidae — *Dinomys branickii*;

(ix) Prehensile-tailed Porcupines — Erethizontidae — *Coendou* All species;

(x) Kangaroo Rats — Heteromyidae — *Dipodomys deserti* and *D. spectabilis*;

(xi) Brush-tailed porcupines — Hystricidae — *Atherus* All species;

(xii) Old world porcupines — Hystricidae — *Hystrix* All species except *H. africae australis*, *H. cristata*, and *H. indica*;

(xiii) Spiny mice — Muridae — *Acomys* All species;

(xiv) Bushy-tailed cloud rats — Muridae — *Crateromys* All species;

(xv) African giant pouched rats — Muridae — *Cricetomys* All species;

(xvi) White-tailed rat — Muridae — *Mystromys albicaudatus*;

(xvii) Slender-tailed cloud rats — Muridae — *Phloeomys* All species;

(xviii) Dwarf hamsters — Muridae — *Phodopus* All species;

(xix) Degus — Octodontidae — *Octodon* All species;

(xx) Springhare — Pedetidae — *Pedetes capensis*;

(xxi) Prevost's squirrel — Sciuridae — *Callosciurus prevostii*;

(xxii) African palm squirrels — Sciuridae — *Epixerus* All species;

(xxiii) Pygmy flying squirrels — Sciuridae — *Petaurillus* All species;

(xxiv) Oil palm squirrels — Sciuridae — *Protoxerus* All species;

(xxv) Giant squirrels — Sciuridae — *Ratufa* All species.

(b) Noncontrolled Birds: Nothing in this subsection authorizes the importation, possession, sale, confinement or transportation of birds protected by the federal Migratory Bird Treaty Act: Common Name — Family — Genus/species:

(A) Order Tinamiformes: Tinamous — Tinamidae — All species.

(B) Order Sphenisciformes: Penguins — Spheniscidae — All species.

(C) Order Galliformes:

(i) Curassows, guans, and chachalacas — Cracidae — All species except *Chamaepetes goudotii*, *Penelope montagnii*, and *P. supercilii*.

(ii) Megapodes — Megapodiidae — All species.

(D) Order Gruiformes:

(i) Trumpeters — Psophiidae — All species.

(ii) Buttonquails and hemipodes — Turnicidae — All species.

(E) Order Charadriiformes:

(i) Senegal thick-knee — Burhinidae — *Burhinus senegalensis*;

(ii) Water thick-knee — Burhinidae — *Burhinus vermiculatus*.

(F) Order Coliiformes: Mousebirds and Collies — Coliidae — All species.

(G) Order Musophagiformes: Turacos, plaitain eaters and go-away birds — Musophagidae — All species.

(H) Order Cuculiformes:

(i) Burchell's coucal — Centropodidae — *Centropus burchelli*;

(ii) Pheasant coucal — Centropodidae — *Centropus phasianinus*;

(iii) Senegal coucal — Centropodidae — *Centropus senegalensis*;

(iv) Greater coucal — Centropodidae — *Centropus sinensis*.

(I) Order Trogoniformes: Trogons — Trogonidae — All species;

(J) Order Coraciiformes:

(i) Blue-winged kookaburra — Alcedinidae — *Dacelo leachii*;

(ii) Woodland kingfisher — Alcedinidae — *Halcyon senegalensis*;

(iii) African pygmy kingfisher — Alcedinidae — *Ispidina picta*;

(iv) Hornbills — Bucerotidae — All species;

- (v) Rollers — Coraciidae — All species;
- (vi) Bee-eaters — Meropidae — All species except *Merops apiaster*, *M. oreobates*, *M. pusillus*, and *Nyctornis athertoni*;
- (vii) Motmots — Momotidae — All species.
- (K) Order Piciformes:
- (i) Barbets — Capitonidae — All species;
- (ii) Toucans — Ramphastidae — All species.
- (L) Order Passeriformes:
- (i) Cotingas — Cotingidae — All species;
- (ii) Red-crested finch — Emberizidae — *Coryphospingus cucullatus*;
- (iii) Pileated finch — Emberizidae — *Coryphospingus pileatus*;
- (iv) Yellow-breasted bunting — Emberizidae — *Emberiza aureola*;
- (v) Golden-breasted bunting — Emberizidae — *Emberiza flaviventris*;
- (vi) Cinnamon-breasted bunting — Emberizidae — *Emberiza tahapsi*;
- (vii) Yellow cardinal — Emberizidae — *Gubernatrix cristata*;
- (viii) Black-crested finch — Emberizidae — *Lophospingus pusillus*;
- (ix) Crested bunting — Emberizidae — *Melophus lathami*;
- (x) Yellow-billed cardinal — Emberizidae — *Paroaria capitata*;
- (xi) Red-crested cardinal — Emberizidae — *Paroaria coronata*;
- (xii) Orange-crested cardinal — Emberizidae — *Passerina leclancherii*;
- (xiii) Cinereous warbling finch — Emberizidae — *Poospiza melanoleuca*;
- (xiv) Saffron finch — Emberizidae — *Sicalis flaveola*;
- (xv) Double-collared seedeater — Emberizidae — *Sporophila caerulescens*;
- (xvi) Rusty-collared seedeater — Emberizidae — *Sporophila collaris*;
- (xvii) Parrot-billed seedeater — Emberizidae — *Sporophila peruviana*;
- (xviii) Slate-colored seedeater — Emberizidae — *Sporophila schistacea*;
- (xix) Swallow tanager — Emberizidae — *Tersina viridis*;
- (xx) Melodius grassquit — Emberizidae — *Tiaris canora*;
- (xxi) Blue-back grassquit — Emberizidae — *Volatina jacarina*;
- (xxii) Waxbills, mannikins, munias — Estrilidae — All species;
- (xxiii) Broadbills — Eurylaimidae — All species;
- (xxiv) Black siskin — Fringillidae — *Carduelis atrata*;
- (xxv) Linnet — Fringillidae — *Carduelis cannabina*;
- (xxvi) European goldfinch — Fringillidae — *Carduelis carduelis*;
- (xxvii) Red siskin — Fringillidae — *Carduelis cucullata*;
- (xxviii) Hooded siskin — Fringillidae — *Carduelis magellanica*;
- (xxix) Yellow-breasted greenfinch — Fringillidae — *Carduelis spinoides*;
- (xxx) European siskin — Fringillidae — *Carduelis spinus*;
- (xxxi) Yellow-rumped siskin — Fringillidae — *Carduelis uropygialis*;
- (xxxii) Yellow-bellied siskin — Fringillidae — *Carduelis xanthogaster*;
- (xxxiii) Yellow-billed grosbeak — Fringillidae — *Eophona migratorius*;
- (xxxiv) Japanese grosbeak — Fringillidae — *Eophona personata*;
- (xxxv) Oriole finch — Fringillidae — *Linurgus olivaceus*;
- (xxxvi) Brown bullfinch — Fringillidae — *Pyrrhula nipalensis*;
- (xxxvii) Bullfinch — Fringillidae — *Pyrrhula pyrrhula*;
- (xxxviii) Black-throated singing finch — Fringillidae — *Serinus atrogularis*;
- (xxxix) Canary — Fringillidae — *Serinus canaria*;
- (xl) Yellow canary — Fringillidae — *Serinus flaviventris*;
- (xli) Gray singing finch — Fringillidae — *Serinus leucopygius*;
- (xlii) Yellow-fronted canary — Fringillidae — *Serinus mozambicus*;
- (xliii) Serin — Fringillidae — *Serinus serinus*;
- (xliv) Long-tailed rosefinch — Fringillidae — *Uragus sibiricus*;
- (xlv) Icterids — Icteridae — All nonnative species;
- (xlii) Leafbirds and fairy bluebirds — Irenidae — All species;
- (xlvii) Honeyeaters — Meliphagidae — All species;
- (xlviii) Shamas — Muscicapidae — *Copyschus* All species;
- (xlix) Sunbirds — Nectariniidae — All species;
- (l) Golden sparrow — Passeridae — *Passer luteus*;
- (li) Red-headed weaver — Ploceidae — *Anaplectes rubriceps*;
- (lii) Yellow Bishop — Ploceidae — *Euplectes afer*;
- (liii) Red-collared widow bird — Ploceidae — *Euplectes ardens*;
- (liv) Black-winged red bishop — Ploceidae — *Euplectes hordeaceus*;
- (lv) Jackson's Whydah — Ploceidae — *Euplectes jacksoni*;
- (lvi) Yellow-mantled widow bird — Ploceidae — *Euplectes macrourus*;
- (lvii) Red bishop — Ploceidae — *Euplectes orix*;
- (lviii) Long-tailed widow bird — Ploceidae — *Euplectes progne*;
- (lix) Red fody — Ploceidae — *Foudia madagascariensis*;
- (lx) Orange weaver — Ploceidae — *Ploceus aurantius*;
- (lxi) Black-headed weaver — Ploceidae — *Ploceus cucullatus*;
- (lxii) Masked weaver — Ploceidae — *Ploceus intermedius*;
- (lxiii) Little weaver — Ploceidae — *Ploceus luteolus*;
- (lxiv) Baya weaver — Ploceidae — *Ploceus philippinus*;
- (lxv) Vitelline weaver — Ploceidae — *Ploceus vitellinus*;
- (lxvi) Speckle-fronted weaver — Ploceidae — *Sporopipes frontalis*;
- (lxvii) Scaly weaver — Ploceidae — *Sporopipes squamifrons*;
- (lxviii) Sugarbirds — Promeropidae — All species;
- (lxix) Golden-crested myna — Sturnidae — *Ampeliceps coronatus*;
- (lxx) Violet-backed starling — Sturnidae — *Cinnyricinclus leucogaster*;
- (lxxi) Iris glossy-starling — Sturnidae — *Coccycolius iris*;
- (lxxii) Golden-breasted starling — Sturnidae — *Cosmopsarus regius*;
- (lxxiii) Hill myna — Sturnidae — *Gracula religiosa*;
- (lxxiv) Long-tailed glossy-starling — Sturnidae — *Lamprotor-nis caudatus*;
- (lxxv) Bronze-tailed glossy-starling — Sturnidae — *Lamprotor-nis chalcurus*;
- (lxxvi) Greater blue-eared glossy-starling — Sturnidae — *Lampro-tornis chalybaeus*;
- (lxxvii) Lesser blue-eared glossy-starling — Sturnidae — *Lampro-tornis chloropterus*;
- (lxxviii) Hildebrandt's starling — Sturnidae — *Lamprotornis hildebrandti*;
- (lxxix) Chestnut-bellied starling — Sturnidae — *Lamprotornis pulcher*;
- (lxxx) Purple-headed glossy-starling — Sturnidae — *Lampro-tornis purpureiceps*;
- (lxxxi) Purple glossy-starling — Sturnidae — *Lamprotornis purpureus*;
- (lxxxii) Rueppell's glossy-starling — Sturnidae — *Lamprotor-nis purpuropterus*;
- (lxxxiii) Splendid glossy-starling — Sturnidae — *Lamprotornis splendidus*;
- (lxxxiv) Superb starling — Sturnidae — *Lamprotornis superbus*;
- (lxxxv) Bali myna — Sturnidae — *Leucopsar rothschildi*;
- (lxxxvi) Golden myna — Sturnidae — *Mino anais*;
- (lxxxvii) Yellow-faced myna — Sturnidae — *Mino dumontii*;
- (lxxxiii) Tanagers — Thraupidae (Clements 1981) — All non-native species;
- (lxxxix) Babblers — Timaliidae — All species;
- (xc) White-eyes — Zosteropidae — All species.
- (c) Noncontrolled Fish: Common Name — Family — Genus/species: Aquaria fish and Live Foodfish — All species.
- (d) Noncontrolled Amphibians: Common Name — Family — Genus/species:
- (A) Order Caudata:
- (i) Axolotl — Ambystomatidae — *Ambystoma mexicanum*;
- (ii) Gold-striped salamander — Salamandridae — *Chioglossa lusitanica*;
- (iii) Black-spotted and striped newts — Salamandridae — *Notophthalmus meridionalis* and *N. perstriatus*;
- (iv) Spectacled salamander — Salamandridae — *Salamandrina terdigitata*.
- (B) Order Gymnophiona: Caecilians — All species.
- (C) Order Anura:

- (i) Allophrynid tree frog — Allophrynidae — *Allophryne* All species;
- (ii) Hairy frogs — Arthroleptidae — *Trichobatrachus* All species;
- (iii) Cane toad — Bufonidae — *Bufo marinus*;
- (iv) African tree toads — Bufonidae — *Nectophryne* All species;
- (v) Live-bearing toads — Bufonidae — *Nectophrynoides* All species;
- (vi) Glass frogs — Centrolenidae — All species;
- (vii) Poison arrow frogs — Dendrobatidae — All species;
- (viii) Ghost frogs — Heleophrynidae — *Heleophryne* All species;
- (ix) Shovel-nosed frogs — Hemisotidae — *Hemisus* All species;
- (x) Leaf frogs — Hylidae — *Agalychnis* All species;
- (xi) Casque-headed frogs — Hylidae — *Aparashphenodon* All species;
- (xii) Water-holding frogs — Hylidae — *Cyclorana* All species;
- (xiii) Marsupial frogs — Hylidae — *Gastrotheca* All species;
- (xiv) Australian giant tree frogs — Hylidae — *Litoria chlorus* and *L. infrafrenata*;
- (xv) Slender-legged tree frogs — Hylidae — *Osteocephalus* All species;
- (xvi) Cuban tree frogs — Hylidae — *Osteopilus* All species;
- (xvii) White's tree frog — Hylidae — *Pelodryas caerulea*;
- (xviii) Golden-eyed tree frogs — Hylidae — *Phrynohyas* All species;
- (xix) Monkey frogs — Hylidae — *Phyllomedusa* All species;
- (xx) Burrowing frogs — Hylidae — *Pterohyla* All species;
- (xxi) Casque-headed tree frogs — Hylidae — *Trachycephalus* All species;
- (xxii) Shovel-headed tree frogs — Hylidae — *Tripurion* All species;
- (xxiii) Banana frogs — Hyperoliidae — *Afrizalas* All species;
- (xxiv) Reed frogs — Hyperoliidae — *Hyperolius* All species;
- (xxv) Running frogs — Hyperoliidae — *Kassina* All species;
- (xxvi) Forest tree frogs — Hyperoliidae — *Leptopelis* All species;
- (xxvii) New Zealand frogs — Leiopelmatidae — *Leiopelma* All species;
- (xxviii) Common horned frogs — Leptodactylidae — *Ceratophrys* All species;
- (xxix) Rain or robber frogs — Leptodactylidae — *Eleutherodactylus* All species;
- (xxx) Paraguay horned toads — Leptodactylidae — *Lepidobatrachus* All species;
- (xxxi) Asian horned toad — Megophryidae — *Megophrys montana* (*nasuta*);
- (xxxii) Tomato frogs — Microhylidae — *Dyscophus* All species;
- (xxxiii) Narrow-mouthed frogs — Microhylidae — *Gastrophryne* All species;
- (xxxiv) Sheep frogs — Microhylidae — *Hypopachus* All species;
- (xxxv) Asian narrowmouth toad — Microhylidae — *Kaloula pulchra*;
- (xxxvi) Tusked frog — Myobatrachidae — *Adelotus brevis*;
- (xxxvii) Pouched frog — Myobatrachidae — *Assa darlingtoni*;
- (xxxviii) Giant burrowing frogs — Myobatrachidae — *Heleioporus* All species;
- (xxxix) Cannibal frogs — Myobatrachidae — *Lechriodus* All species;
- (xl) Turtle frog — Myobatrachidae — *Myobatrachus gouldii*;
- (xli) Australian spadefoot toads — Myobatrachidae — *Notaden* All species;
- (xlii) Crowned toadlets — Myobatrachidae — *Pseudophryne* All species;
- (xliii) Gastric brooding frog — Myobatrachidae — *Rheobatrachus* All species;
- (xliv) Torrent frogs — Myobatrachidae — *Taudactylus* All species;
- (xlv) Australian toadlets — Myobatrachidae — *Uperoleia* All species;
- (xlvi) Parsley frogs — Pelodytidae — *Pelodytes* All species;
- (xlvii) Dwarf clawed frogs — Pipidae — *Hymenochirus* All species;
- (xlviii) Surinam frogs — Pipidae — *Pipa* All species;
- (xlix) Mantella frogs — Ranidae — *Mantella* All species;
- (l) Foam nest tree frogs — Rhacophoridae — *Chiromantis* All species;
- (li) Gliding or flying frogs — Rhacophoridae — *Rhacophorus* All species;
- (lii) Mexican burrowing frog — Rhinodermatidae — *Rhinophrynus dorsalis*;
- (liii) Seychelles frogs — Sooglossidae — All species.
- (e) Noncontrolled Reptiles: Common Name — Family — Genus/species;
- (A) Order Crocodylia:
- (i) Alligators — Alligatoridae — All species;
- (ii) Crocodiles — Crocodylidae — All species;
- (iii) Gavials — Gavialidae — *Gavialis gangeticus*.
- (B) Order Testudines:
- (i) Pignose turtles — Carettochelyidae — All species;
- (ii) Austro-American side-necked turtles — Chelidae — All species;
- (iii) Marine turtles — Cheloniidae — All species;
- (iv) River turtles — Dermatemnydidae — All species;
- (v) Leatherback turtles — Dermochelyidae — All species;
- (vi) Pond and box turtles — Emydidae — All nonnative species except *Pseudemys* spp., *Trachemys* spp., *Chinemys* spp., *Clemmys* spp., *Chrysemys* spp., *Graptemys* spp., *Emys orbicularis*, *Emydoidea blandingii* and *Mauremys* spp.;
- (vii) American mud and musk turtles — Kinosternidae — All species except *Kinosternon subrubrum* and *K. odoratum*;
- (viii) Afro-American side-necked turtles — Pelomedusidae — All species;
- (ix) Bighead turtles — Platysternidae — All species;
- (x) Tortoises — Testudinidae — All species;
- (xi) Softshell turtles — Trionychidae — All species except *Apolone* spp. and *Trionyx triunguis*.
- (C) Order Squamata (Suborder Amphisbaenia): Worm lizards — All species.
- (D) Order Squamata (Suborder Lacertilia):
- (i) Pricklenapes — Agamidae — *Acanthosaura* All species;
- (ii) Common or rainbow agama — Agamidae — *Agama agama*;
- (iii) Frilled dragon — Agamidae — *Chlamydosaurus kingii*;
- (iv) Humphead forest dragons — Agamidae — *Gonocephalus* All species;
- (v) Sailfin lizards — Agamidae — *Hydrosaurus* All species;
- (vi) Anglehead forest dragons — Agamidae — *Hypsilurus* All species;
- (vii) Water dragons — Agamidae — *Lophognathus* All species;
- (viii) Water dragons — Agamidae — *Physignathus* All species;
- (ix) Bearded dragons — Agamidae — *Pogona* All species;
- (x) Mastigures — Agamidae — *Uromastix* All species;
- (xi) Chameleons — Chamaeleonidae — All species;
- (xii) Plated lizards — Cordylidae — *Gerrhosaurus* All species;
- (xiii) Flat lizards — Cordylidae — *Platysaurus* All species;
- (xiv) Geckos — Gekkonidae — All species;
- (xv) Gila monster, beaded lizard — Helodermatidae — All species;
- (xvi) Iguanid lizards — Iguanidae — All nonnative species except: *Crotaphytus* spp., *Gambelia* spp., *Sceloporus* spp., *Uta* spp., *Phrynosoma* spp.;
- (xvii) Skinks — Scincidae — All nonnative species except *Eumeces* spp.;
- (xviii) Ameivas — Teiidae — *Ameiva* All species;
- (xix) Tegus — Teiidae — *Tupinambis* All species;
- (xx) Monitor lizards — Varanidae — All species except *Varanus griseus*;
- (xxi) Night lizards — Xantusiidae — All species;
- (xxii) American knob-scaled lizards — Xenosauridae — *Xenosaurus* All species.
- (E) Order Squamata (Suborder Serpentes):
- (i) File snakes — Acrochordidae — All species;
- (ii) Pythons and Boas — Boidae — All nonnative species;
- (iii) Milk, Pine, Corn, Rat, Garter snakes — Colubridae — All nonnative species except *Boiga irregularis*, *Lampropeltis getula*, *L. zonata*, and *Pituophis catenifer*;

(iv) Kingsnakes and gopher (bull) snakes — Colubridae — Individuals of *Lampropeltis getula*, *L. zonata* and *Pituophis catenifer* that are morphologically distinct from native species.

(v) Egyptian cobra — Elapidae — *Naja haje*;

(vi) Black & white cobra — Elapidae — *Naja melanoleuca*;

(vii) Indian cobra — Elapidae — *Naja naja*;

(viii) Red spitting cobra — Elapidae — *Naja pallida*;

(ix) King cobra — Elapidae — *Ophiophagus hannah*;

(x) Bush vipers — Viperidae — *Atheris* All species;

(xi) Gaboon viper — Viperidae — *Bitis gabonica*;

(xii) Rhinoceros viper — Viperidae — *Bitis nasicornis*;

(xiii) Horned vipers — Viperidae — *Cerastes* All species;

(xiv) Rattlesnakes — Viperidae — *Crotalus aquilus*, *C. basiliscus*, *C. durissus*, *C. intermedius*, *C. polystictus*, *C. pusillus*, *C. tortugensis*, *C. triseriatus*, *C. unicolor*, and *C. vegrandis*;

(xv) Saw-scaled vipers — Viperidae — *Echis* All species;

(xvi) Bushmaster — Viperidae — *Lachesis muta*;

(xvii) False horned vipers — Viperidae — *Pseudocerastes* All species;

(xviii) Pygmy rattlesnakes — Viperidae — *Sistrurus miliarius* and *S. ravus*.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; Administrative correction 10-27-97; FWC 72-1997, f. & cert. ef. 12-29-97; DFW 21-1998, f. & cert. ef. 3-13-98; DFW 63-1998, f. & cert. ef. 8-10-98; DFW 99-1998, f. & cert. ef. 12-22-98; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 79-2000, f. & cert. ef. 12-22-00; DFW 116-2001, f. & cert. ef. 12-18-01

635-056-0070

Controlled Species

At the time the commission categorizes a species, subspecies or hybrid as Controlled, it shall also establish the controls necessary to protect native wildlife.

(1) Controlled Mammals.

(2) Controlled Birds:

(a) Mute swans (*Cygnus olor*): The possession, transport, sale, purchase, exchange and offer to sell, purchase or exchange is allowed provided that all males are neutered and all individuals are surgically pinioned. Importation of any mute swan is prohibited.

(b) Hawks and falcons (families Falconidae and Accipitridae): The capture, possession, propagation, transportation, release, sale, purchase, exchange and disposition of falcons is allowed only as per the requirements of OAR 635 division 44 (Holding, Propagating Protected Wildlife) and OAR 635 division 55 (Falconry Licenses, Permits and Requirements).

(c) Game birds: (Anatidae, Columbidae, Tetranidae, Phasianidae, Meleagrididae, Gruidae, Rallidae). The possession, propagation, sale, purchase and exchange of game birds is allowed only as per the requirements of OAR 635 division 44 (Holding, Propagating Protected Wildlife).

(d) Unless authorized by the Department, European starling (*Sturnus vulgaris*) or House Sparrows (*Passer domesticus*) may not be imported into Oregon or released into the wild. However, viable eggs, nestlings, fledglings, or adults may be captured from the wild, possessed, bought or sold for any other purpose (including damage control, wildlife rehabilitation or research). Except for wildlife rehabilitation, no permit is required for such capture and possession. Release of these species by licensed wildlife rehabilitators shall occur at a location designated by the Department.

(3) Controlled Amphibians: Bullfrog (*Rana catesbeiana*) including viable eggs, hatchlings, tadpoles, juveniles and adults: No person may import, purchase, sell, barter or exchange, or offer to import, purchase, sell, barter or exchange live bullfrogs. Individual bullfrogs may be collected from the wild and held indoors in an escape proof aquarium as per OAR 635-044-0035. Release is prohibited unless the person first obtains a permit from the Director.

(4) Controlled Reptiles.

(5) Controlled Mollusks:

(a) Suminoe oysters (*Crassostrea ariakensis*), Pacific oysters (*C. gigas*), Kumamoto oysters (*C. sikamea*), Eastern oysters (*C. virginica*), and European flat oysters (*Ostrea edulis*) may be purchased and imported from outside Oregon (or from other estuaries within Oregon) for release into estuaries in Oregon pursuant to the terms of a permit issued by the department.

Complete permit applications must be submitted to the department's Marine Resources Program Headquarters (2040 SE Marine Science Drive, Newport, Oregon 97365) at least 15 days before proposed stocking. Oysters may be commercially harvested and sold pursuant to OAR 635-005-0001 through 635-005-0035.

(b) Softshell clam (*Mya arenaria*), Japanese varnish clam (*Nuttallia obscurata*), and Japanese littleneck clam (*Venerupis philippinarum*) may be harvested, possessed and sold commercially pursuant to OAR 635-005-0001 through 635-005-0035 or harvested and possessed recreationally pursuant to OAR 635-039.

(6) Crustaceans: Green crabs (*Carcinus maenas*) may be harvested recreationally pursuant to OAR 635-039. Once harvested, it is unlawful to return green crab to state waters. It is unlawful to take green crab for commercial purposes.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 63-1998, f. & cert. ef. 8-10-98; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 79-2000, f. & cert. ef. 12-22-00; DFW 116-2001, f. & cert. ef. 12-18-01

635-056-0075

Controlled Fish Species

(1) Grass carp (*Ctenopharyngodon idella*): Grass carp may be released into water bodies within Oregon only pursuant to the issuance of a permit from the Department. Complete permit applications shall be submitted to Department headquarters at least 60 days before proposed stocking.

(2)(a) The following restrictions and standards will govern the issuance of grass carp permits:

(A) Stocking will occur only in water bodies which are:

(i) Completely within private land; or

(ii) On land owned or controlled by irrigation districts or drainage districts.

(B) Stocking will occur only in the following types of water bodies:

(i) Lakes, ponds, or reservoirs less than 10 acres; or

(ii) Ditches and canals.

(C) Public use of the water body must be restricted to prevent removal of grass carp (by angling or otherwise) by unauthorized persons. At a minimum, the water body must be closed to angling and other use by the general public.

(D) Stocking shall not detrimentally affect any population of species listed as threatened or endangered by the federal or state government.

(E) Stocking shall occur only in water bodies with fish screens approved by the Department. Such screens shall have screen openings 1 inch or less for fish 12–19 inches total length and screen openings 2 inches or less for fish over 19 inches total length. Screens shall be inspected and approved by the Department before a permit will be issued. The applicant must comply with fish passage requirements (OAR 635, division 412); given grass carp screening requirements, this entails applying for and receiving a waiver or exemption from passage requirements if grass carp will be stocked into waters where native migratory fish are or were historically present.

(F) Stocking will not be allowed in water bodies within 100-year floodplains (as delineated by the Federal Emergency Management Agency on federal Flood Insurance Rate Maps) during times of potential flood. Times of potential flood are January 1 through July 31 in watersheds east of the Cascades and October 15 through May 31 in watersheds west of the Cascades. Grass carp will be removed from water bodies in a 100-year floodplain and held or disposed of during times of potential flood. If grass carp will be held and not disposed of, they shall be held at a permitted site outside the 100-year floodplain. Applications for sites within a 100-year floodplain shall contain a detailed removal plan which shall receive Department approval.

(G) Grass carp may only be purchased and imported from approved suppliers outside Oregon. Grass carp may not be propagated or held for further distribution within Oregon. Department pathologists shall approve suppliers. Approval will be based on ability to provide grass carp free of Asian tapeworms and meet health and disease requirements according to OAR 635-007-0555 through 635-007-0585.

(H) Grass carp imported into Oregon shall be:

(i) Sterile triploids. Documentation from the U.S. Fish and Wildlife Service that each fish is triploid must be submitted to the Department prior to release;

(ii) At least 12 inches long;

(iii) Tagged with a Passive Integrated Transponder (PIT) tag of frequency 134.2-kilohertz. Each tag shall be programmed with a unique identification number. A list of unique tag numbers shall be submitted to the Department prior to release; and

(iv) Stocked at a rate not exceeding 22 per affected acre.

(b) In addition to documentation relating to the restrictions above, each permit application shall include:

(A) Applicant's name, address and daytime telephone number. All property owners of the water body to which grass carp will have unrestricted access must be party to the application and permit;

(B) Location of the water body, including township, range, section and quarter section, with map including written directions for access;

(C) Map of the water body including, vegetation present in the water body, all inlets and outlets, and screen locations;

(D) Description of emergency procedures for responding to fish escapes from approved sites;

(E) Description of how fish will be removed and disposed of at the end of the proposed project.

(c) An application becomes the management plan upon approval. Permits and management plans shall be specific to particular sites and particular stocking projects. Permittees shall not deviate from permit conditions and management plans without prior written approval from the Department. No person may remove grass carp from one site (as identified in a management plan) and transport them to any other site without prior written approval from the Department.

(d) An Oregon Department of Fish and Wildlife fish transport permit shall accompany grass carp imported into and transported within Oregon. If transport is required within the management plan and occurs entirely on the permittee's property, a transport permit is not needed. Any other permit or documentation required for fish import, transport, or stocking shall also be obtained prior to importation and stocking.

(e) Permittees shall, as a condition of the permit, allow employees of the Department or the Oregon State Police to inspect at reasonable times the permitted water body, permit, and associated records. Inspection may take place without warrant or notice, but, unless prompted by emergency or other exigent circumstances, shall be limited to regular and usual business hours, including weekends. Nothing in these rules is intended to authorize or allow the warrantless search or inspection of property other than the water bodies or fish holding facilities on the permittee's property.

(f) Permits are revocable at any time for violation of any wildlife statute or rule of the Department. Upon revocation, if stocking has already occurred, the permittee shall remove all grass carp within two weeks at her/his own cost.

(g) Grass carp which escape a permitted water body are subject to seizure or destruction by the Department at the expense of the permit holder. The permit holder shall be held liable for incidental kill of any other species due to or during destruction of escaped grass carp.

(h) The Commission may grant an exception to OAR 635-056-0075(2)(a)(B) or (2)(a)(F). Exception requests must be submitted in writing in addition to the normal application and must address the requirements in this section. Unless the Commission determines that an alternative provides equivalent protection to fish and wildlife resources and their habitats, exceptions shall have the following additional requirements:

(A) If the water body into which grass carp will be stocked is greater than or equal to 10 acres a professional topographic survey by a licensed surveyor must be provided for the entire perimeter of the water body showing all points of water movement in and out of the water body. A topographic survey completed by a state or federal agency within five years from the date of application for the water body may be used. The Department shall determine screening requirements from the survey;

(B) Grass carp may remain in a water body within the 100-year floodplain year-round if a professional plan or drawing that is certified

by a licensed engineer is provided which indicates that the entire perimeter of the water body is protected from 100-year floods. In order to prevent grass carp escape, screens, dikes, and devices protecting the water body must be able to remain structurally sound within 100-year floods and not be over-topped by a 100-year flood. The Department reserves the right to have a licensed engineer retained by the agency review and approve or deny the plan or drawing submitted by the applicant.

Stat. Auth.: ORS 496.012, 496.138 & 496.146

Stats. Implemented: ORS 497.308, 497.318, 498.022, 498.052 & 498.222

Hist.: DFW 63-1998, f. & cert. ef. 8-10-98; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 79-2000, f. & cert. ef. 12-22-00; DFW 116-2001, f. & cert. ef. 12-18-01; DFW 64-2003, f. & cert. ef. 7-17-03

635-056-0080

Sale of Wildlife

(1) Except as provided in these rules and other rules of the commission, no person shall sell, purchase, exchange or offer to sell, purchase or exchange any wildlife (including game fish in the aquaria trade).

(2) Except as otherwise provided in this section, kingsnakes (*Lampropeltis getula* and *L. zonata*) and gopher (bull) snakes (*Pituophis catenifer*) that are morphologically similar to native species may be possessed, transported, sold, purchased, exchanged or offered for sale, purchase or exchange if the animals were legally acquired and bred in captivity. However, nothing in these rules authorizes the:

(a) Capture, possession, transportation, sale, purchase, exchange, or offer of sale, purchase or exchange of any wild native kingsnake or its offspring; or

(b) Sale, purchase, exchange, or offer of sale, purchase or exchange of any wild gopher snake or its progeny.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 41-1997(Temp), f. & cert. ef. 7-23-97; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 96-1998, f. & cert. ef. 11-25-98; DFW 116-2001, f. & cert. ef. 12-18-01

635-056-0090

Transportation

(1) Except as provided in this section or other rules of the commission, wildlife may be transported through the state without an import permit from the department, provided the animal:

(a) Remains in the state no longer than 72 hours;

(b) Is not sold, purchased, exchanged or offered for sale, purchase or exchange or otherwise transferred while in the state; and

(c) Is accompanied by an import permit from the Oregon Department of Agriculture, if required, and proof of legal possession.

(2) If an animal being transported through the state must remain in the state longer than 72 hours due to unexpected delays, the person transporting such animal must notify the department's Salem headquarters office. Such notification shall include the type of species being transported and the location of the animals.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029 & 498.052

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-056-0100

Holding of Nonnative Wildlife

Except as otherwise provided by these rules, persons possessing any Prohibited, Controlled or Noncontrolled wildlife must meet the humane requirements of OAR 635-044-0035. Facilities housing non-native wildlife and associated records are subject to inspection by any State Police officer or department representative. Inspection of the facilities may take place without warrant or notice, but, unless prompted by emergency or other exigent circumstances, shall be limited to regular and usual business hours, including weekends. Nothing in these rules is intended to authorize or allow the warrantless search or inspection of a residence.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 72-1997, f. & cert. ef. 12-29-97; DFW 79-2000, f. & cert. ef. 12-22-00

635-056-0110**Escaped Wildlife**

Any person (or authorized agent of that person) who possesses either a Prohibited wildlife species permitted under OAR 635-056-0050 or grandfathered by the commission, or a Controlled species under a valid permit, shall notify the department within 24 hours of discovery that the animal has escaped. If the department discovers the escape, it shall notify the permittee or the permittee's authorized agent within 24 hours. If escaped wildlife are not recovered by the permittee or the permittee's agent within forty-eight (48) hours following notification to the department or notification by the department, a department representative, or any peace officer, may at their discretion seize, capture or destroy said wildlife.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 72-1997, f. & cert. ef. 12-29-97

635-056-0130**Classification Requests**

(1) For species listed in these rules or classified as Noncontrolled pursuant to OAR 635-056-0140, no person may possess, import, transport, purchase, sell, exchange, or offer to purchase, sell or exchange the species in Oregon, except as provided by these rules, or otherwise provided by law.

(2) For species that are not listed in these rules, or classified pursuant to OAR 635-056-0140, no person may possess, import, purchase, sell, exchange, or offer to purchase, sell or exchange the species in Oregon until the species is classified. This prohibition shall be effective January 1, 2000, except for zebra mussels (*Dreissena polymorpha*) and mitten crabs (*Eriocheir sinensis*), for which the prohibition shall be effective January 1, 1999.

(3) Species may be classified as Prohibited, Controlled or Noncontrolled. The classification may vary by activity (e.g., possession allowed, but sale prohibited). If a specific nonnative species, subspecies or hybrid is not classified as either Prohibited, Controlled or Noncontrolled, or is classified but not for a particular activity (e.g., import, sale, possession, transport), any person may either:

(a) Petition the commission to classify the species or allow the particular activity pursuant to OAR 137-001-0070; or

(b) Request the director to classify the species as Noncontrolled, pursuant to OAR 635-056-0140.

(c) Any person petitioning or requesting classification shall provide information illustrating that the requested action will not harm, nor has the potential to harm, any native species or its habitat. The information should be scientific in nature, in written form and include an appropriate literature cited section.

(4) In evaluating a request to classify a species, subspecies or hybrid, the commission may consider the following factors, when appropriate:

(a) Potential to introduce disease or parasites to native wildlife populations;

(b) Potential for interbreeding or hybridizing with native wildlife;

(c) Possible competition with native wildlife for habitat, food, water, etc.;

(d) Impacts on the habitat of native wildlife;

(e) Potential predation on native wildlife;

(f) Feasibility and cost of capturing or eradicating escaped animals; or

(g) Any other factor or consideration the commission considers necessary to protect and maintain native wildlife.

(5) The director may appoint a Wildlife Integrity Review Panel to consider the information presented by the petitioner as appropriate. The director may, in appointing the panel, consider scientific expertise, professional background, and other qualifications needed to make sound decisions. The director may seek commission recommendations in making Wildlife Integrity Review Panel appointments. If convened, the panel shall make a recommendation to the commission on the classification of the species, subspecies or hybrid and what conditions, if any, should apply to the proposed activity (e.g., import, sale, possession, transfer).

(6) The director may call for scientific based studies or other verifiable information useful in placing the requested species in the appropriate classification category.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 99-1998, f. & cert. ef. 12-22-98; DFW 116-2001, f. & cert. ef. 12-18-01

635-056-0140**Noncontrolled Classification**

(1) Upon a request pursuant to OAR 635-056-0130(3)(b), the director may classify a species as Noncontrolled if the director determines, based upon scientific information, that the species presents a low risk of harm to native wildlife. In evaluating the risk, the director shall determine the relative risk (high, medium, low, unknown) for each of the following criteria:

(a) Whether the species' natural range and habitat is similar to Oregon's climate and habitat;

(b) Whether the species has an invasive history;

(c) Whether the species can survive in Oregon;

(d) Whether the species has the potential to prey upon native wildlife;

(e) Whether the species can potentially degrade the habitat of native wildlife;

(f) Whether the species has the potential to pass disease or parasites to native wildlife;

(g) Whether the species has the potential to compete for food, water, shelter, or space with native wildlife; and

(h) Whether the species has the potential to hybridize with native wildlife;

(i) Whether the species can be readily distinguished from a native species, or a prohibited or controlled species.

(2) If the director determines that the risk for all of the above criteria is low, or that the risk for one of the criterion is medium and the risk for the remaining criteria is low, then the director may classify the species as Noncontrolled. If the director determines that the risk for any of the criteria is high or unknown, or that the risk for two or more of the criteria is medium, the director shall refer the petition to the commission for a decision.

(3) The director shall notify the petitioner in writing of any decision and the rationale for that decision. If the petitioner or an affected person disagrees with the director's decision to list a species as Noncontrolled, the person may request the commission to review the director's decision.

(4) The director shall maintain a list of those species classified as Noncontrolled, and shall make the list available to the public.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 79-2000, f. & cert. ef. 12-22-00

635-056-0150**Grandfathering**

(1) A person who possessed a Prohibited wildlife species prior to the time the commission places the species on the Prohibited list, or an unclassified species if legally obtained prior to January 1, 2000, may continue to hold the animal(s) for the life of such animal(s), provided:

(a) The person has proof of legal possession prior to the listing (e.g., sales receipt, import permit from Oregon Department of Agriculture, or signed affidavit);

(b) The animal(s) and any offspring are not released, transported, imported, sold, purchased, exchanged, offered for sale, purchase or exchange, or otherwise transferred within the state; and

(c) The person abides by all regulations outlined in OAR 635-056-0110.

(2) A Prohibited wildlife species legally held in compliance with the requirements of subsection (1) of this rule may be sold or exchanged provided that the animal is directly and permanently transported out of Oregon.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 116-2001, f. & cert. ef. 12-18-01

DIVISION 60

GAME MAMMAL AND GAME BIRD
CONTROLLED HUNT REGULATIONS

635-060-0000

Purpose and General Information

(1) The purpose of these rules is to describe the requirements and procedures for controlled hunts pursuant to ORS 496.162.

(2) The documents entitled “2006-2007 Oregon Game Bird Regulations,” and “2006 Oregon Big Game Regulations,” are incorporated by reference into these rules. These documents are available at hunting license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 118, f. & cert. ef. 6-3-77; FWC 25-1978, f. & cert. ef. 5-26-78; FWC 32-1978, f. & cert. ef. 6-30-78; FWC 29-1979, f. & cert. ef. 8-2-79; FWC 33-1980, f. & cert. ef. 6-30-80; FWC 7-1981, f. & cert. ef. 2-18-81, f. & cert. ef. 6-1-81; FWC 10-1981, f. & cert. ef. 3-31-81; FWC 22-1981, f. & cert. ef. 6-29-81; FWC 21-1982, f. & cert. ef. 3-31-82; FWC 38-1982, f. & cert. ef. 6-25-82; FWC 34-1984, f. & cert. ef. 7-24-84; FWC 16-1985, f. & cert. ef. 4-11-85; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 11-1987, f. & cert. ef. 3-6-87; FWC 40-1987, f. & cert. ef. 7-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 14-1989, f. & cert. ef. 3-28-89; FWC 48-1989, f. & cert. ef. 7-25-89; FWC 23-1990, f. & cert. ef. 3-21-90; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 61-1998, f. & cert. ef. 8-10-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 56-1999, f. & cert. ef. 8-13-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 51-2000, f. & cert. ef. 8-22-00; DFW 82-2000, f. & cert. ef. 12-21-00; DFW 73-2001, f. & cert. ef. 8-15-01; DFW 121-2001, f. & cert. ef. 12-24-01, cert. ef. 1-1-02; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 28-2002(Temp), f. & cert. ef. 4-1-02, cert. ef. 4-2-02 thru 9-28-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 88-2002, f. & cert. ef. 8-14-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 76-2003, f. & cert. ef. 8-13-03; DFW 118-2003, f. & cert. ef. 12-4-03, cert. ef. 1-1-04; DFW 84-2004, f. & cert. ef. 8-18-04; DFW 122-2004, f. & cert. ef. 12-21-04, cert. ef. 1-1-05; DFW 91-2005, f. & cert. ef. 8-19-05; DFW 128-2005, f. & cert. ef. 12-1-05, cert. ef. 1-1-06; DFW 81-2006, f. & cert. ef. 8-11-06

635-060-0005

Application Eligibility and Procedures

(1)(a) An applicant for game mammal controlled hunts shall have a current adult hunting license. A current and complete hunting license number shall be entered on the application for the controlled hunt.

(b) Licenses are nonrefundable, whether or not an applicant is successful in the drawing.

(2)(a) A valid controlled hunt application shall be purchased from a license agent authorized to sell controlled hunt applications. The purchase price of the application shall be a nonrefundable fee of \$3.00 per game mammal application, and a nonrefundable \$1.50 license agent processing fee.

(b) Department license agents authorized to sell applications for controlled hunts shall be connected to the department’s computerized licensing system.

(3) Each controlled hunt is assigned a hunt number. The hunt number shall be entered on the application indicating area of choice and shall match the type of application purchased. All hunt numbers listed on an application shall have the same first digit, which indicates a species or group of hunts as listed below:

- (a) 100 series for controlled buck deer.
- (b) 200 series for controlled elk.
- (c) 400 series for pronghorn antelope.
- (d) 500 series for bighorn sheep.
- (e) 600 series for controlled antlerless deer.
- (f) 700 series for controlled black bear.
- (g) 900 series for controlled Rocky Mountain goat.

(4) If successful in the drawing, party members shall receive the same hunt choice as the party leader. If a party application exceeds the allowed party size, all applicants in the party shall be considered as individual applicants in the drawing. Party size limits are as follows:

- (a) 100 series hunts up to 18 persons.
- (b) 200 series hunts up to 18 persons
- (c) 400 series hunts up to two persons.
- (d) 500 series hunts, no parties allowed.
- (e) 600 series hunts up to 18 persons.
- (f) 700 series hunts up to six persons.
- (g) 900 series hunts no parties allowed.

(5) Controlled Hunt applications may be submitted to the department headquarters office via telephone fax machine, US Postal Service, or hand-delivery (3406 Cherry Ave, NE, Salem, OR, 97303). Applications along with the proper fees must be submitted by tele-

phone, fax machine, or hand-delivered received at the department headquarters office (3406 Cherry Ave, NE, Salem, OR, 97303; Fax: (503) 947-6117 no later than midnight of the deadline date described in OAR 635-060-0008(1)–(5). Applications along with proper fees submitted by U.S. Postal Service must be postmarked by the application deadline. Applications received after the specified deadline dates may be considered disqualified as described in OAR 635-060-0018(4).

(6) To apply for a controlled youth hunt for spring bear, pronghorn, deer or elk a youth must be 12–17 years old at the time they hunt.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 32-1978, f. & cert. ef. 6-30-78; FWC 29-1979, f. & cert. ef. 8-2-79; FWC 14-1980, f. & cert. ef. 4-8-80; FWC 33-1980, f. & cert. ef. 6-30-80; FWC 7-1981, f. & cert. ef. 2-18-81, f. & cert. ef. 6-1-81; FWC 10-1981, f. & cert. ef. 3-31-81; FWC 22-1981, f. & cert. ef. 6-29-81; FWC 21-1982, f. & cert. ef. 3-31-82; FWC 38-1982, f. & cert. ef. 6-25-82; FWC 34-1984, f. & cert. ef. 7-24-84; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 11-1987, f. & cert. ef. 3-6-87; FWC 40-1987, f. & cert. ef. 7-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 14-1989, f. & cert. ef. 3-28-89; FWC 48-1989, f. & cert. ef. 7-25-89; Renumbered from 635-60-017; FWC 23-1990, f. & cert. ef. 3-21-90; FWC 54-1990, f. & cert. ef. 6-21-90; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 6-1994, f. & cert. ef. 1-26-94; FWC 45-1994(Temp), f. & cert. ef. 7-29-94; FWC 94-1994, f. & cert. ef. 12-22-94, FWC 63-1995, f. & cert. ef. 8-3-95; FWC 21-1996, f. & cert. ef. 5-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. & cert. ef. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. & cert. ef. 12-24-01, cert. ef. 1-1-02; DFW 32-2002(Temp), f. & cert. ef. 4-17-02 thru 10-13-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 118-2003, f. & cert. ef. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. & cert. ef. 12-21-04, cert. ef. 1-1-05

635-060-0008

Application Deadline Dates

(1) The application deadline for spring black bear controlled hunts is February 10, each year.

(2) The application deadline for pronghorn antelope, bighorn sheep, Rocky Mountain goat, deer and elk controlled hunts is May 15, each year.

(3) Applications for the controlled hunts listed in OAR 635-060-0005(1)–(5) above that are hand-delivered by the specified deadline dates or mailed through the U.S. Postal Service and postmarked by the specified deadline dates above will be considered on time (see OAR 635-060-0005(5)).

(4) In the event that tags remain from undersubscribed controlled hunts after the game mammal controlled hunt drawing, the department will issue remaining tags on a first-come, first-serve basis at authorized license agents. Tags issued in this manner are additional tags and may be exchanged for a general season tag only as authorized by OAR 635-060-0046(6) and 635-065-0501(4) and (5). A person may only purchase one first-come, first-serve tag per hunt series. Such tag may be for the person or for someone other than the person.

(5) A hunter who received a tag of his/her choice through the original game mammal controlled hunt drawing process may exchange that tag for a remaining tag in the first-come, first-serve process while tags remain available. Exchanges may be obtained only through the department’s regional offices, designated district offices, or the Salem headquarters office of the department and must be made before the start of the seasons for which the tags are issued. The tag being exchanged shall not be reissued.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 48-1989, f. & cert. ef. 7-25-89; FWC 23-1990, f. & cert. ef. 3-21-90; FWC 54-1990, f. & cert. ef. 6-21-90; FWC 18-1991, f. & cert. ef. 3-12-91; FWC 19-1991(Temp), f. & cert. ef. 3-12-91; FWC 14-1992, f. & cert. ef. 3-13-92 (and corrected 3-13-92); FWC 55-1992(Temp), f. & cert. ef. 7-22-92, cert. ef. 7-24-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 6-1994, f. & cert. ef. 1-26-94; FWC 45-1994(Temp), f. & cert. ef. 7-29-94; FWC 94-1994, f. & cert. ef. 12-22-95; FWC 21-1996, f. & cert. ef. 5-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 6-1999(Temp), f. & cert. ef. 2-9-99 through 2-19-99; DFW 12-1999(Temp), f. & cert. ef. 2-25-99 thru 6-30-99; Administrative correction 11-17-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 82-2000, f. & cert. ef. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 52-2001(Temp), f. & cert. ef. 6-27-01 thru 12-24-01; DFW 32-2002(Temp), f. & cert. ef. 4-17-02 thru 10-13-02; DFW 34-2002, f. & cert. ef. 4-18-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 67-2002(Temp), f. & cert. ef. 6-28-02 thru 12-20-02; DFW 118-2003, f. & cert. ef. 12-4-03, cert. ef. 1-1-04

635-060-0009

Successful Applicants

Successful controlled hunt applicants must purchase the controlled hunt tag or permit for the hunt in which they were successful

from a department license agent connected to the computerized licensing system within the following dates:

(1) Spring black bear controlled hunts tag sales begin February 20, each year and end at 11:00 p.m. the day before the season start date.

(2) Pronghorn antelope, bighorn sheep, Rocky Mountain goat, deer and elk controlled hunts tag sales begin June 20 each year and end at 11:00 p.m. the day before the season start date for which the tag is valid.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 45-1994(Temp), f. & cert. ef. 7-29-94; FWC 94-1994, f. & cert. ef. 12-22-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 21-1996, f. & cert. ef. 5-1-96; FWC 44-1996(Temp), f. & cert. ef. 8-14-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 6-1999(Temp), f. & cert. ef. 2-9-99 thru 2-19-99; DFW 12-1999(Temp), f. & cert. ef. 2-25-99 thru 6-30-99; Administrative correction 11-17-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 4-2002(Temp), f. & cert. ef. 1-3-02 thru 2-1-02; DFW 108-2002(Temp), f. & cert. ef. 9-26-02 thru 12-31-02; DFW 105-2004(Temp), f. & cert. ef. 10-13-04 thru 11-15-04; DFW 107-2004(Temp), f. & cert. ef. 10-18-04 thru 11-27-04; Administrative correction, 2-18-05

635-060-0018

Applicant Disqualification

If an applicant violates any of the following restrictions, his/her individual application shall be removed from the drawing. If an applicant is a member of a party application and is removed from the drawing, the other party members may remain as a party provided they commit no violation of the following restrictions and apply without error.

(1) An applicant may submit only one application per hunt number series referenced in OAR 635-060-0005(3)(a)-(h).

(2) An application receipt shall not be altered from what was originally issued by the license agent.

(3) An applicant shall not violate the wait period for bighorn sheep ram or Rocky Mt. goat hunts.

(4) An application shall have correct and complete information.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 48-1989, f. & cert. ef. 7-25-89; FWC 18-1991, f. & cert. ef. 3-12-91; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 6-1994, f. & cert. ef. 1-26-94; FWC 94-1994, f. & cert. ef. 12-22-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 71-1997, f. & cert. ef. 12-29-97

635-060-0022

Wait Period for Successful Bighorn Sheep and Rocky Mountain Goat Applicants

(1) A person successful in drawing a 500 series ram hunt tag shall never reapply for any 500 series ram hunt tag.

(2) A person successful in drawing a 900 series Rocky Mountain goat tag shall never reapply for any 900 series hunt tag.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 32-1978, f. & cert. ef. 6-30-78; FWC 12-1979, f. & cert. ef. 3-28-79; FWC 29-1979, f. & cert. ef. 8-2-79; FWC 14-1980, f. & cert. ef. 4-8-80; FWC 33-1980, f. & cert. ef. 6-30-80; FWC 7-1981, f. & cert. ef. 2-18-81, f. & cert. ef. 6-1-81; FWC 10-1981, f. & cert. ef. 3-31-81; FWC 22-1981, f. & cert. ef. 6-29-81; FWC 21-1982, f. & cert. ef. 3-31-82; FWC 38-1982, f. & cert. ef. 6-25-82; FWC 28-1983, f. & cert. ef. 7-8-83; FWC 34-1984, f. & cert. ef. 7-24-84; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 11-1987, f. & cert. ef. 3-6-87; FWC 40-1987, f. & cert. ef. 7-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 14-1989, f. & cert. ef. 3-28-89; FWC 48-1989, f. & cert. ef. 7-25-89; FWC 23-1990, f. & cert. ef. 3-21-90; FWC 18-1991, f. & cert. ef. 3-12-91; FWC 14-1992, f. & cert. ef. 3-10-92, cert. ef. 3-13-92 (and corrected 3-13-92); FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 6-1994, f. & cert. ef. 1-26-94; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 47-1999, f. & cert. ef. 6-16-99

635-060-0023

Modified Preference Point System

(1) The Modified Preference Point System separates the tags for each controlled game mammal hunt into two groups:

(a) Seventy-five percent of the tags will be issued through the preference point system;

(b) The remaining 25 percent of the tags will be issued by the equal-probability computer drawing.

(2) Applicants shall accrue no more than one preference point per hunt number series per year.

(a) Valid applicants who did not receive controlled hunt tags for their first choice hunt number in the 100, 200, 400, 600, or 700 series hunts during the controlled hunt drawing shall receive one preference point applicable to subsequent controlled hunt drawings for the respective hunt number series, except as excluded in OAR 635-060-0008(4).

(3) A preference point will automatically accrue within each controlled hunt series when an applicant's first choice is as follows:

(a) Hunt number 199: controlled buck deer;

(b) Hunt number 299: controlled elk;

(c) Hunt number 499: controlled pronghorn antelope;

(d) Hunt number 699: controlled antlerless deer;

(e) Hunt number 799: controlled black bear.

(4) The Modified Preference Point System will group controlled hunt applicants by the number of preference points they have accrued for each hunt number series. Applicants with the highest number of preference points for each hunt number will be drawn first. Applicants having the next highest number of preference points per hunt number will be drawn next. This tag issuance process will continue through descending numbers of preference points until 75 percent of the tags authorized for the hunt have been issued, unless all qualified applicants with preference points have been issued tags prior to that point. Any tags remaining following the issuance of preference point tags will be issued through the equal-probability computer drawing. Applicants unsuccessful in the preference point tag issuance procedure and those applicants without preference points will be placed in the equal-probability computer drawing for the remaining tags.

(5) Applicants successful in drawing their first choice hunt except numbers ending in 99 within a hunt number series shall have zero preference points when they next apply for a tag in that hunt number series.

(6) Applicants will forfeit preference points accumulated for a hunt number series when they do not apply for that hunt number series for two consecutive years.

(7) Party applicant preference points shall be determined by totaling the preference points of all party members and then calculating the average of this total. Party preference points will be rounded up from x.51 (e.g. 3.51 to 4, 3.50 to 3) to the next whole number.

(8) Department records are final to determine accrued preference points for controlled hunt applicants.

(9) Each applicant's preference point accrual record will be linked to his or her permanent identification number. Preference point applicants shall use the permanent identification number each time they apply for a controlled hunt tag. Failure to do so shall place the applicant in the equal-probability drawing for his or her hunt number series and preference points will not be accrued together.

(10) Applicants will receive no preference points when:

(a) Their application is not received by the appropriate application date;

(b) They request their controlled hunt application be withdrawn prior to the controlled hunt drawing;

(c) The controlled hunt application has been falsified.

(11) The Modified Preference Point System shall apply to 100, 200, 400, 600, and 700 series hunts.

(12) In 2005, 800 series points will be converted into 600 series points.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 6-1994, f. & cert. ef. 1-26-94; FWC 13-1994(Temp), f. & cert. ef. 3-1-94; FWC 45-1994(Temp), f. & cert. ef. 7-29-94; FWC 94-1994, f. & cert. ef. 12-22-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 21-1996, f. & cert. ef. 5-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 82-2000, f. & cert. ef. 12-21-00, cert. ef. 1-1-01; DFW 105-2004(Temp), f. & cert. ef. 10-13-04 thru 11-15-04; DFW 107-2004(Temp), f. & cert. ef. 10-18-04 thru 11-27-04; DFW 122-2004, f. & cert. ef. 12-21-04, cert. ef. 1-1-05

635-060-0030

Issuing Tags

(1) The department may, except for bighorn sheep and Rocky Mountain goat, issue tags or permits in excess of the quantity authorized by the commission to resolve documented errors made by the department. The quantity shall not exceed an amount consistent with the management goals of the hunt.

(2) The number of controlled deer and controlled elk tags issued to nonresident applicants shall not exceed five percent of the tags authorized for each hunt. Exception: one nonresident tag may be issued for each hunt when the number of authorized tags is fewer than 35. This number does not affect the tags issued under the Landowner Preference Program (OAR 635, division 075).

(3) Tags will not be issued to a party (residents or nonresidents) when, during the drawing process, the party size exceeds the number of remaining tags.

(4) Youths age 12–17 who are unsuccessful in the first controlled hunt drawing for 100, 200, or 600 series hunts may apply for one guaranteed “first time” tag per series, provided that:

(a) Youths are limited to only one “first time” tag per series in a lifetime.

(b) Within the 200 series, only hunts with antlerless only bag limits are available as “first time” tags.

(c) Hunts are only available as “first time” opportunities as follows: 100 series hunts must have had more than 200 tags available in the first drawing; 200 and 600 series hunts must have had more than 50 tags available in the first drawing.

(d) Applicants shall use forms available in the Oregon Big Game Regulations and applications must be received at the department’s Salem headquarters by September 1, each year.

(e) Persons who were successful in any controlled hunt drawing for 100, 200, or 600 series hunts are never again eligible for “first time” tags in the respective hunt series.

(f) Successful “first time” applicants shall purchase tags at POS vendors by the day before the assigned season begins.

(g) Youths may not receive a “First Time” youth hunt tag in a hunt series if they applied for a point saver option in the primary big game drawing.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 18-1991, f. & cert. ef. 3-12-91; FWC 6-1994, f. & cert. ef. 1-26-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 108-2002(Temp), f. & cert. ef. 9-26-02 thru 12-31-02; DFW 86-2003(Temp), f. & cert. ef. 8-29-03 thru 9-4-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04

635-060-0046

Lost Tags and Tag Exchanges

(1) A fee of \$5.00 and a \$1.50 license agent fee is charged to replace or exchange a tag or permit. Duplicates and exchanges may be obtained only through the Salem headquarters, regional offices of the department, and designated district offices. Exception: Replacement controlled hunt tags or permits will be issued at no charge only through the Salem headquarters or regional office of the department if the department determines that the person never received the original controlled tag or permit mailed from the Salem headquarters office.

(2) A Controlled Buck Deer Tag or Controlled Elk Tag may be exchanged for a general season tag before the opening date of the season for which either tag is valid.

(3) No controlled hunt tag shall be exchanged for another controlled hunt tag, except as described in 635-060-0008(5) and 635-075-0015(3).

(4) A Controlled Antlerless Deer Tag shall not be exchanged.

(5) In the event of the death of a successful controlled hunt applicant before the start of the season for which the tag or permit was issued, the tags of the deceased may be issued to a family member as defined by OAR 635-075-0001. Tag or permit transfer shall require a copy of the death certificate and the original controlled hunt tag or permit, and must be requested by the legal heir to the deceased which shall be presumed by possession of the tag or permit and death certificate.

(6) A “leftover” controlled hunt tag may only be exchanged for a general season tag, but only if the person does not already possess a tag authorized by OAR 635-065-0015(4)(a), (b) or (c) or 635-0065-0015(5)(a), (b), (c), (d), (e), (f), or (g).

(7) The Commission shall accommodate Oregon residents who have lost preference points because of being called to active military service after June 1, 2002.

(a) The Commission shall accommodate the following individuals called to service at any location: Oregon National Guard.

(b) The Commission shall accommodate the following Oregon residents with military operational commitments: regular members of the United States Armed Forces (Army, Navy, Air Force, Marines, Coast Guard), members of the United States military reserves, and members of the National Guard.

(c) The Commission authorizes the Director to make such accommodations by:

(A) Reinstating preference points existing for a series, plus an additional point for participating in the draw.

(B) Reinstating preference points lost after two consecutive years of not applying for a controlled hunt in that series.

(d) Individuals seeking accommodation pursuant to this rule (or immediate family members acting on their behalf) must make a request in writing or in person to the Salem headquarters office. Each request must include a letter from a supervising officer on official unit letterhead verifying operational commitments.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 118, f. & cert. ef. 6-3-77; FWC 32-1978, f. & cert. ef. 6-30-78; FWC 29-1979, f. & cert. ef. 8-2-79; FWC 33-1980, f. & cert. ef. 6-30-80; FWC 7-1981, f. 2-18-81, ef. 6-1-81; FWC 10-1981, f. & cert. ef. 3-31-81; FWC 22-1981, f. & cert. ef. 6-29-81; FWC 21-1982, f. & cert. ef. 3-31-82; FWC 38-1982, f. & cert. ef. 6-25-82; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 11-1987, f. & cert. ef. 3-6-87; FWC 40-1987, f. & cert. ef. 7-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 48-1989, f. & cert. ef. 7-25-89; FWC 18-1991, f. & cert. ef. 3-12-91; FWC 55-1992(Temp), f. 7-22-92, cert. ef. 7-24-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 6-1994, f. & cert. ef. 1-26-94; FWC 94-1994, f. & cert. ef. 12-22-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 52-2001(Temp), f. & cert. ef. 6-27-01 thru 12-24-01; DFW 13-2002, f. & cert. ef. 2-12-02; DFW 34-2002, f. & cert. ef. 4-18-02; DFW 36-2002(Temp), f. & cert. ef. 4-22-02 thru 10-19-02; DFW 50-2002(Temp), f. & cert. ef. 5-16-02 thru 11-12-02; DFW 29-2003(Temp), f. & cert. ef. 4-9-03 thru 10-1-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 105-2004(Temp), f. & cert. ef. 10-13-04 thru 11-15-04; DFW 107-2004(Temp), f. & cert. ef. 10-18-04 thru 11-27-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 26-2005, f. & cert. ef. 4-20-05

635-060-0055

Documents Required in Field

(1) A person hunting in any controlled game mammal hunt shall have on his or her person a valid hunting license, Hunter Education Certificate (for persons less than 18 years old), and a controlled hunt tag (if applicable) for the area and season being hunted. The hunting license number shall be the same as that indicated on the controlled hunt tag. Exception: Controlled hunts continuing or occurring after December 31, 2006 will have a 2006 hunting license number on the controlled hunt tag.

(2) A tag or permit holder for a hunt after December 31, 2006 shall have on his or her person a valid 2007 hunting license.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 32-1978, f. & cert. ef. 6-30-78; FWC 29-1979, f. & cert. ef. 8-2-79; FWC 33-1980, f. & cert. ef. 6-30-80; FWC 7-1981, f. 2-18-81, ef. 6-1-81; FWC 10-1981, f. & cert. ef. 3-31-81; FWC 22-1981, f. & cert. ef. 6-29-81; FWC 38-1982, f. & cert. ef. 6-25-82; FWC 34-1984, f. & cert. ef. 7-24-84; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 11-1987, f. & cert. ef. 3-6-87; FWC 12-1988, f. & cert. ef. 3-10-88; FWC 37-1988, f. & cert. ef. 6-13-88; FWC 14-1989, f. & cert. ef. 3-28-89; FWC 48-1989, f. & cert. ef. 7-25-89; FWC 23-1990, f. & cert. ef. 3-21-90; FWC 18-1991, f. & cert. ef. 3-12-91; FWC 14-1992, f. 3-10-92, cert. ef. 3-13-92 (and corrected 3-13-92); FWC 36-1993, f. & cert. ef. 6-14-93; FWC 51-1993, f. & cert. ef. 8-25-93; FWC 6-1994, f. & cert. ef. 1-26-94; FWC 45-1994(Temp), f. & cert. ef. 7-29-94; FWC 94-1994, f. & cert. ef. 12-22-94; FWC 63-1995, f. & cert. ef. 8-3-95; FWC 21-1996, f. & cert. ef. 5-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 4-2003, f. 1-17-03, cert. ef. 4-1-03; DFW 119-2003, f. 12-4-03, cert. ef. 4-1-04; DFW 131-2004, f. 12-21-04, cert. ef. 4-1-05; DFW 132-2005, f. 12-1-05, cert. ef. 4-1-06

DIVISION 64

PRIVATELY HELD EXOTIC AND GAME MAMMALS

635-064-0000

Purpose

These rules define the prohibition of hunting privately held exotic and game mammals.

Stat. Auth.: ORS 496.012 & 496.138

Stats. Implemented: ORS 496.012 & 496.138

Hist.: DFW 26-1999, f. & cert. ef. 4-26-99

635-064-0010

Privately Held Exotic and Game Mammals

It is *unlawful* to hunt, kill, or attempt to hunt or kill, exotic mammals (as defined in OAR 635, division 56) or game mammals (as defined in OAR 635, division 45) held or obtained by private parties; however:

(1) Any person may slaughter such an animal for meat, leather, or fur production;

(2) Any person may euthanize such an animal for scientific, health, safety or other valid husbandry concerns; and

(3) The department’s Wildlife Division Director may authorize any person to hunt or kill such an animal if the Division Director deter-

mines it would be in the best interest of sound wildlife management. The Division Director may impose conditions on such authorizations.

Stat. Auth.: ORS 496.012 & 496.138
Stats. Implemented: ORS 496.012 & 496.138
Hist.: DFW 26-1999, f. & cert. ef. 4-26-99

DIVISION 65

GAME MAMMAL GENERAL SEASONS AND REGULATIONS

635-065-0001

Purpose and General Information

(1) The purpose of these rules is to establish license and tag requirements, limits, areas, methods and other restrictions for hunting game mammals pursuant to ORS Chapter 496.

(2) OAR chapter 635, division 065 incorporates, by reference, the requirements for hunting game mammals set out in the document entitled "2006 Oregon Big Game Regulations," into Oregon Administrative Rules. Therefore, persons must consult the "2006 Oregon Big Game Regulations" in addition to OAR chapter 635, to determine all applicable requirements for game mammals. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 38-1988, f. & cert. ef. 6-13-88; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 3-2002(Temp), f. & cert. ef. 1-3-02 thru 1-23-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 9-2003(Temp), f. & cert. ef. 1-28-03 thru 6-16-03; DFW 85-2003(Temp), f. & cert. ef. 8-27-03 thru 2-23-04; DFW 88-2003(Temp), f. & cert. ef. 9-3-03 thru 12-31-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06

635-065-0006

General License Requirement

A person may obtain and possess only one valid annual hunting license per calendar year.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: FWC 63-1989, f. & cert. ef. 8-15-89; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05

635-065-0015

General Tag Requirements and Limits

(1) Big Game Tags: Any person hunting game mammals for which a tag is required must have on their person a valid tag for the dates, area and species being hunted.

(2) Any person 12 years of age or older may purchase game mammal tags if they possess an adult hunting license.

(3) A person may obtain and possess during an annual hunting season only:

- (a) One valid general season black bear tag;
- (b) One valid additional general black bear tag valid in management units 20–30;
- (c) One valid controlled black bear tag in addition to general season bear tags issued under subsection (a) and (b) above;
- (d) One valid 700 series "leftover" controlled bear tag;
- (e) One valid cougar (mountain lion) tag;
- (f) One valid eastern additional general cougar (mountain lion) tag valid only in zones C-F and the Hood, White River, and Metolius unit as referenced in the current Oregon Big Game Regulations;
- (g) One valid pronghorn antelope tag.

(4) Except as provided in OAR chapter 635, division 090, and except as provided in OAR 635-075-0010, a person may obtain and possess only one of the following tags during an annual hunting season:

- (a) One valid deer bow tag;
- (b) One valid western Oregon deer tag;
- (c) One valid 100 series controlled buck hunt tag;
- (d) One valid 600 series controlled antlerless deer tag in addition to one of (4)(a)–(4)(c) and (4)(e);
- (e) One valid 100 series "left over" controlled deer tag;
- (f) One valid 600 series "left over" controlled deer tag.

(5) Except as provided in OAR chapter 635, division 090, a person may obtain and possess only one of the following tags during an annual hunting season:

- (a) One valid Cascade elk tag;
- (b) One valid Coast First Season elk tag;
- (c) One valid Coast Second Season elk tag;
- (d) One valid Rocky Mountain elk — first season tag,
- (e) One valid Rocky Mountain elk — second season tag;
- (f) One valid elk bow tag;
- (g) One valid controlled elk hunt tag.

(6) In addition to the tags described in OAR 635-065-0015(5), a person during an annual hunting season may obtain or possess only one valid 200 series "leftover" controlled elk tag.

(7) Except as provided in OAR 635-067-0032 thru 635-067-0034, a person may obtain and possess only one bighorn sheep ram tag in a lifetime.

(8) A person may obtain and possess only one Rocky Mountain goat tag in a lifetime.

(9) It is unlawful for any person to issue or to possess any game mammal tag which has been backdated.

(10) Any game mammal tag having an issue date subsequent to the last day authorized for issue of such tag as listed in "Oregon Big Game Regulations" for the current season is a void tag. Exception: Members of the armed forces returning to the state after the deadline shall be permitted to purchase general season tags for themselves at the Salem headquarters and regional offices of the department.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & cert. ef. 6-9-77; FWC 33-1978, f. & cert. ef. 6-30-78; FWC 28-1979, f. & cert. ef. 8-2-79; FWC 33-1980, f. & cert. ef. 6-30-80; FWC 6-1981, f. & cert. ef. 1-23-81; FWC 11-1981, f. & cert. ef. 3-31-81; FWC 20-1981, f. & cert. ef. 6-19-81; FWC 37-1982, f. & cert. ef. 6-25-82; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 63-1989, f. & cert. ef. 8-15-89, Renumbered from 635-65-780; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 20-1991, f. & cert. ef. 3-12-91; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 4-1995, f. 1-23-95, cert. ef. 7-1-95; FWC 7-1996, f. & cert. ef. 2-12-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 6-17-97, f. & cert. ef. 6-17-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 54-2000(Temp), f. & cert. ef. 8-28-00 thru 12-31-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 52-2001(Temp), f. & cert. ef. 6-27-01 thru 12-24-01; DFW 34-2002, f. & cert. ef. 4-18-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06

635-065-0090

Disabled Hunter Seasons and Bag Limits

(1) ORS 496.018 provides that in order to be considered a person with a disability under the wildlife laws, a person shall provide to the Fish and Wildlife Commission either written certification from a physician of certain specified disabilities or written proof that the U.S. Department of Veterans Affairs or the Armed Forces shows the person to be at least 65 percent disabled. To implement that statute, this rule provides for the issuance of an "Oregon Disabilities Hunting and Fishing Permit" by the Department.

(2) To obtain an "Oregon Disabilities Hunting and Fishing Permit," a person shall submit to the Department a completed form specified by the Department. If the completed form accurately provides all required information, the Department shall issue an "Oregon Disabilities Hunting and Fishing Permit". Permits are valid for two calendar years. To renew a permit, the holder must submit a new, updated application form.

(3) The Department may revoke, suspend or decline to issue or renew an "Oregon Disabilities Hunting and Fishing Permit" for failure to submit accurate information. The holder or applicant may request a contested case hearing to appeal such an action.

(4) A person who possesses an Oregon Disabilities Hunting and Fishing Permit issued by the department is qualified for expanded bag limits as follows: [Table not included. See ED. NOTE.]

(5) The Oregon Disabilities Hunting and Fishing Permit is valid only with a general season or controlled bull elk, buck deer, or pronghorn antelope tag for the area and time period being hunted. The permit must be carried on the person while hunting.

(6) An able-bodied companion may accompany a person with an Oregon Disabilities Hunting and Fishing Permit and kill any animal wounded by the permit holder. The wounded animal must be killed using a legal weapon for the season and species designated on the tag. The companion must immediately attach the permit holder's tag to the

carcass of the animal. The companion is not required to possess a hunting license or tag.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 29-1987, f. & ef. 6-19-87; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 20-1991, f. & cert. ef. 3-12-91; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 4-1995, f. 1-23-95, cert. ef. 7-1-95; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 142-2005, f. & cert. ef. 12-16-05; DFW 41-2006, f. & cert. ef. 6-14-06

General Seasons Tag Requirements for Specific Species

635-065-0101

Buck Deer Seasons

(1) A person hunting deer during the general buck season in the open area listed under the western Oregon deer season described in OAR 635, division 068 shall have on their person a western Oregon Deer Rifle Tag.

(2) A person hunting in a season authorized by a controlled hunt tag shall have on their person the deer tag required for that area.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 37-1982, f. & ef. 6-25-82; FWC 34-1984, f. & ef. 7-24-84; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 38-1988, f. & cert. ef. 6-13-88; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 20-1991, f. & cert. ef. 3-12-91; FWC 7-1996, f. & cert. ef. 2-12-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; DFW 2-2003, f. & cert. ef. 1-17-03

General Elk Seasons

635-065-0201

Bull Elk Seasons

(1) A person hunting bull elk during either the first or second period of the general bull season in the open area listed under Rocky Mountain elk seasons in the Big Game Regulations shall have on their person a corresponding Rocky Mountain elk rifle tag.

(2) A person hunting bull elk during general bull season in the open areas listed under the Coastal elk seasons in the Big Game Regulations shall have on their person a corresponding Coastal elk rifle tag.

(3) A person hunting bull elk during the general bull elk season in the open area listed under the Cascade elk season in the Big Game Regulations shall have on their person a Cascade elk rifle tag.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 6-1979, f. & ef. 2-6-79; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981 f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 28, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 35-1986, f. & ef. 8-7-86; FWC 41-1987, f. & ef. 7-6-87; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 38-1988, f. & cert. ef. 6-13-88; FWC 15-1989, f. & cert. ef. 3-28-89; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00

635-065-0301

Black Bear Season

Any person hunting bear during the general black bear season in the open area listed under general black bear season described in OAR 635, division 066 shall have on their person a general season black bear tag.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 63-1989, f. & cert. ef. 8-15-89; FWC 38-1997, f. & cert. ef. 6-17-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 2-2003, f. & cert. ef. 1-17-03

635-065-0401

Deadline for Purchase of General Season Tags

(1) No western Oregon deer rifle tag shall be issued after 11 p.m., September 29, 2006.

(2) No deer bow tag shall be issued after 11 p.m., August 25, 2006.

(3) No bear tag shall be issued after 11 p.m. September 29, 2006.

(4) No cougar (mountain lion) tag shall be issued after 11 p.m. September 29, 2006.

(5) No Rocky Mountain Elk Rifle First Season Tag shall be issued after 11 p.m., October 24, 2006.

(6) No Rocky Mountain Elk Rifle Second Season Tag shall be issued after 11 p.m., November 3, 2006.

(7) No Coast First Season Elk Tag shall be issued after 11 p.m., November 10, 2006.

(8) No Coast Second Season Elk Tag shall be issued after 11 p.m., November 17, 2006.

(9) No Cascade Elk Rifle Tag shall be issued after 11 p.m., October 20, 2006.

(10) No elk bow tag shall be issued after 11 p.m., August 25, 2006.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 28, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 41-1987, f. & ef. 7-6-87; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 38-1988, f. & cert. ef. 6-13-88; FWC 15-1989, f. & cert. ef. 3-28-89; FWC 63-1989, f. & cert. ef. 8-15-89; Renumbered from 635-065-0010; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 55-1990, f. & cert. ef. 6-21-90; FWC 20-1991, f. & cert. ef. 3-12-91; FWC 58-1991, f. & cert. ef. 6-24-91; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 4-1995, f. 1-23-95, cert. ef. 7-1-95; FWC 18-1996, f. 4-10-96, cert. ef. 8-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 108-2002(Temp), f. & cert. ef. 9-26-02 thru 12-31-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06

635-065-0501

Exchange of Deer and Elk Tags

(1) Tags may be exchanged only prior to the seasons for which both of the tags to be exchanged are valid. No tag may be exchanged after the start of the season for which it is valid.

(2) Exchanges of tags and duplicate tags may be obtained only through the department's regional offices or Salem headquarters.

(3) The fee to replace or exchange a tag is \$6.50.

(4) A "leftover" controlled hunt deer tag may only be exchanged for a general season deer tag, but only if the person does not already possess a deer tag authorized by OAR 635-065-0015(4)(a), (b), or (c).

(5) A "leftover" controlled hunt elk tag may only be exchanged for a general season elk tag but only if the person does not already possess an elk tag authorized by OAR 635-065-0015(5)(a), (b), (c), (d), (e), (f), (g) or (h).

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 28, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 38-1988, f. & cert. ef. 6-13-88; FWC 15-1989, f. & cert. ef. 3-28-89; FWC 63-1989, f. & cert. ef. 8-15-89; Renumbered from 635-65-022; FWC 55-1990, f. & cert. ef. 6-21-90; FWC 58-1991, f. & cert. ef. 6-24-91; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 4-1995, f. 1-23-95, cert. ef. 7-1-95; FWC 18-1996, f. 4-10-96, cert. ef. 8-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 52-2001(Temp), f. & cert. ef. 6-27-01 thru 12-24-01; DFW 34-2002, f. & cert. ef. 4-18-02; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04

635-065-0625

Regulations on State Wildlife Areas, Refuges and Special Areas

State wildlife areas, refuges and special areas shall be open to hunting during authorized seasons, subject to the following special regulations and exceptions:

(1) Bear Valley National Wildlife Refuge (Klamath County): The Bear Valley Refuge shall be closed to all entry from November 1 through March 31 annually.

(2) Bridge Creek Wildlife Area (Umatilla County): Open to public access and hunting. Motorized vehicle travel restricted to open roads. Entry by permit only December 1 through April 30.

(3) Cascade Head Area: The Cascade Head Area shall be closed to hunting with centerfire rifles, muzzleloaders, or handguns. Hunting shall be restricted to archery and shotguns only during authorized seasons. Hunters using shotguns for elk shall use slugs (single projectile) only. The Cascade Head Area boundaries shall be defined as follows: Beginning at the Pacific Ocean at Roads End (Lincoln City); east along the northern boundary of the Lincoln City limits to U.S. Highway 101; north along U.S. Highway 101 to Highway 18; east along Highway 18 to Old Scenic Highway 101; north along Old Scenic Highway 101

to Three Rocks Road; west on Three Rocks Road to U.S. Highway 101; north on U.S. Highway 101 to Forest Service road 1861; west on Forest Service road 1861 to the Harts Cove trailhead; west on Harts Cove Trail to the Pacific Ocean; south along the Pacific Ocean coastline to Roads End (Lincoln City), point of beginning.

(4) Cold Springs Refuge (Umatilla County): The Cold Springs Refuge shall be closed to deer and elk hunting.

(5) Dean Creek Elk Viewing Area (Douglas County): Approximately 1,800 acres in the Tioga Unit including all BLM property between Hakki Ridge Road and State Highway 38, are closed to all hunting.

(6) Denman Wildlife Area (Jackson County): The Denman Wildlife Area shall be open to hunting only during game mammal and game bird seasons. Use of rifles and handguns is prohibited at all times.

(7) Dunes National Recreational Area: Use of rifles and handguns is prohibited for all hunting in that portion of the Siuslaw Unit west of Highway 101 and north of Tahkenitch Creek.

(8) North Bank Habitat Management Area (previously known as the Dunning Ranch Area in Douglas County): 6,500 acres located approximately eight miles northeast of Roseburg. Area: All BLM lands located in T25S, R5W, Sections 35,36; T26S, R5W, Sections 1,2,11,12,13,14; T25S, R4W, Sections 31,32,33; T26S, R4W, Sections 4,5,6,7,8,18. This area shall be closed to all big game hunting except for and during controlled deer hunts specific to the management area by hunters possessing a controlled hunt tag for the area.

(9) E.E. Wilson Wildlife Area (Benton County): This area is open to deer hunting during authorized seasons, except closed to bow hunting for deer when juvenile pheasant hunts are in progress. Rabbit hunting is permitted from November 1 through February each year. Hunting by permit only. Permits are available at area headquarters and shall be filled out and returned each day hunted. Use of rifles, handguns, and crossbows shall be prohibited at all times.

(10) Elkhorn Wildlife Area (Baker/Union counties): Closed to all entry December 1 through April 10 annually. The Roth Tract is closed to all hunting. The Roth Tract is closed to public entry except by entry permit; an entry permit is required at all times of the year.

(11) Enterprise Wildlife Area (Wallowa County): Open to hunting seven days a week. No entry permit is required. Posted portions of the area lying south of the Union Pacific Railroad line and the entire Marr Tract are closed to all hunting.

(12) Fern Ridge Wildlife Area (Lane County): Open to black-tailed deer hunting during authorized seasons, except that East and West Coyote units are closed after October 31, and hunting in Fisher Butte Unit after October 31 is limited to Saturdays, Sundays, Wednesdays, Thanksgiving Day, Christmas Day, New Year's Day, and Veteran's Day only. A free daily hunting permit is required for East Coyote, West Coyote, Fisher Butte, and Royal Amazon units. Permits are available at check stations located at area access points. Hunters are limited to shotguns and archery equipment only. The discharging of rifles and handguns within the wildlife area is prohibited.

(13) William Finley National Wildlife Refuge (Benton County):

(a) Portions of the refuge shall be open to deer hunting August 26 through September 24, 2006 under the regulations for bowhunting seasons.

(b) Portions of the refuge shall be open to hunting for buck deer September 30 through October 31, 2006 under regulations for the general western Oregon deer buck season. Use of rifles is prohibited.

(c) All hunters shall obtain a refuge permit and check in and out of the refuge daily. Information on open areas and special regulations are available at the refuge.

(14) Gods Valley Wildlife Area (Clatsop County): Vehicles shall be restricted to county roads.

(15) Government Island State Recreation Area (Multnomah County): Use of rifles, handguns, and shotguns with slugs or buckshot, and bows is prohibited at all times.

(16) Irrigon, Coyote Springs, Power City, and Boardman wildlife management areas (Morrow and Umatilla counties): Use of rifles and handguns are prohibited at all times.

(17) Hart Mountain National Antelope Refuge (Lake County): Portions of the refuge shall be open for hunting as prescribed under chukar season, controlled pronghorn antelope and bighorn sheep hunts, deer bowhunting season, and muzzleloader deer season.

(18) Heppner Regulated Hunt Area: Open fires and camping prohibited in posted areas. Approximately 69 square miles in Townships 2, 3, and 4 South, Ranges 26, 27 and 28 East;

(19) Jewell Meadows Wildlife Area (Clatsop County): The Beneke Tract and the Humbug Tract shall be open to hunting only during authorized game mammal and game bird seasons. The Beneke Tract is closed to all public entry during any open Saddle Mountain elk season. It is unlawful to shoot rifles and bows from or across open fields during any open Saddle Mountain Unit or Wilson Unit elk seasons. The Fishhawk Tract is closed to public access. Posted lands of Cavenham Forest Industries, Inc., in T5N, R7W, Sections 2, 3 and 4, 9, 10 and 11 and T6N, R7W, Sections 33 and 34, are closed to all hunting. All areas posted as Refuge are closed to public access. Entry for other purposes is only by permit obtained at the Jewell Wildlife Area Headquarters.

(20) John Day Fossil Beds National Monument: Those parts of the National Monument in the Grizzly, Biggs, Fossil, and Northside Units are closed to all hunting and trapping.

(21) John Day River Refuge: All land within 1/4 mile of the John Day River mean high water line from the Columbia River upstream to Thirty Mile Creek. The area shall be open to hunting of upland game birds during authorized seasons only between September 1 and October 31 annually but closed to all waterfowl hunting. Hunting of big game is allowed during authorized seasons.

(22) Klamath Wildlife Area (Klamath County): This area is closed to all deer hunting.

(23) Klamath Marsh National Wildlife Refuge: Closed to deer and elk hunting.

(24) Ladd Marsh Wildlife Area (Union County): All land north and east of Foothill Road shall be closed to all deer and elk hunting except during controlled youth deer hunts and closed to all rifle and handgun shooting.

(25) Long Ranch (Linn County): Forty-eight acres in T13S, R4E, S32 shall be closed to all hunting.

(26) Lower Deschutes Wildlife Area: Open to hunting of big game, game birds, and waterfowl during authorized seasons. Discharge of firearms prohibited the remainder of the year. Access by foot, boat or bicycle only.

(27) Malheur National Wildlife Refuge (Harney County): Portions of the refuge in Blitzen Valley lying west of State Highway 205 shall be open during authorized rifle and bow deer seasons.

(28) McDonald Forest-Dunn Forest Area (Benton County): The area is closed to all hunting except during controlled hunts as authorized by the commission.

(29) McKay Creek Refuge (Umatilla County): This refuge is closed to deer and elk hunting.

(30) Metolius Wildlife Refuge (Jefferson County). All hunting, injuring, taking, killing, or destroying any wild bird or mammal on public land is prohibited on public lands within T12 and T13S, R9E, bounded by USFS road 1420 and 1419 on the west; road 1400 on the south and east; and road 1420-400, Metolius River, and posted boundary from the Metolius River to road 1400 on the north (approximately five square miles). (36 CFR 261.58(v)).

(31) Mill Creek Watershed (Umatilla County): This watershed is closed to all access and hunting except by holders of a Mill Creek Watershed controlled elk tag and a Forest Service entry permit.

(32) Newberry Crater Wildlife Refuge (Deschutes County). All hunting, injuring, taking, killing, or destroying any wild bird or mammal on public land is prohibited on public lands within the rim of Newberry Crater in: T21S, R12E; T22S, R12E; T21S, R13E; T22S, R13E (approximately 15 square miles).

(33) Rimrock Springs Wildlife Area (Grizzly Unit): This area is closed to all hunting.

(34) Rogue River Area:

(a) All land within one mile of the Rogue River between Grave Creek and Lobster Creek is closed to bear hunting.

(b) All land within 1/4 mile of the Rogue River in the wild river section from Grave Creek downstream to Watson Creek is closed to all hunting except during authorized seasons.

(35) Saddle Mountain Unit (White-tailed Deer Area): That portion of Saddle Mountain Wildlife Unit north of Burlington Northern railroad tracks to Astoria is closed to all deer hunting.

(36) Sauvie Island Wildlife Area (Multnomah-Columbia counties): This area shall be open to bowhunting for black-tailed deer

August 26 through September 24, 2006. Daily permits are required. Hunters shall check in and out daily. This area shall be closed to deer hunting after September 24, 2006. Oak Island shall be closed to deer hunting. Use of rifles, handguns and crossbows shall be prohibited at all times. Parking permits are required.

(37) Phillip W. Schneider Wildlife Area (Grant County): Open to public access and hunting. Motorized vehicle travel restricted to open roads. Some roads closed seasonally from December 1 through April 30, or year-round; including BLM land within the exterior boundaries of the Wildlife Area.

(38) Snake River Islands (Malheur County): Closed to hunting with centerfire rifles and centerfire handguns.

(39) South Slough National Estuarine Reserve: Specific areas are closed to hunting due to public health and safety. Contact reserve headquarters office for specific closures.

(40) Starkey Experimental Forest Enclosure (Union County): That portion of The Starkey Experimental Forest within the eight foot elk-proof fence enclosure is closed to all hunting during deer and elk season except for persons possessing a controlled hunt tag for the area. A posted 1/4 mile buffer zone on the National Forest lands surrounding the enclosure is closed to all hunting with a centerfire rifle. The enclosure is open to deer and elk hunting only by permit during controlled hunts. The 12-foot right-of-way along each side of all 8-foot-high perimeter and internal game fences is closed to all motorized travel. Public entry is allowed only through the main gate. The Experimental Forest is closed to all public entry during the winter closure, which runs from the day after the controlled antlerless elk hunt until May 1 annually.

(41) Summer Lake Wildlife Area (Lake County): Open to public access and hunting during authorized mule deer and game bird hunting seasons. Closed to deer hunting during any pheasant, quail or waterfowl hunting seasons and posted refuge areas are closed to hunting. Motorized vehicle travel restricted to open roads. Some roads may be closed seasonally from Mar. 15–Aug. 15 and 3 days prior to and during waterfowl hunting seasons. Hunters must obtain a daily hunting permit and check out at the end of the day. Permits and Area maps are available at Headquarters (1.3 mi. south of the town of Summer Lake). It is unlawful to discharge firearms except during deer and game bird hunting seasons or by permit.

(42) Umatilla Refuge (Morrow County): This refuge shall be closed to deer and elk hunting except during controlled hunts specific to the refuge and emergency hunts as provided in OAR chapter 635, division 078.

(43) Wallowa Lake (Wallowa County): All land on or within 1/4 mile of the Wallowa River from Wallowa Lake upstream to the falls and within 1/4 mile along the west side of Wallowa Lake from the Wallowa Lake State Park to the Wallowa River outlet is closed to all big game hunting.

(44) Wenaha Wildlife Area (Union County): Open to public access and hunting. Motorized vehicle travel restricted to open roads.

(45) Willamette River Greenway Corridor: Hunting is permitted with shotguns or bows and arrows only during authorized season on Willamette River Greenway parcels, except in those parcels where hunting is prohibited.

(46) White River Wildlife Area: Open to hunting during authorized seasons.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 28, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 41-1987, f. & ef. 6-7-87; FWC 38-1988, f. & ef. 6-13-88; FWC 94-1988(Temp), f. & cert. ef. 9-19-88; FWC 15-1989, f. & cert. ef. 3-28-89; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 55-1990, f. & cert. ef. 6-21-90; FWC 20-1991, f. & cert. ef. 3-12-91; FWC 58-1991, f. & cert. ef. 6-24-91; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. & cert. ef. 5-1-94; FWC 4-1995, f. & cert. ef. 1-23-95; FWC 7-1-95; FWC 18-1996, f. & cert. ef. 8-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 1-1-01; DFW 121-2001, f. & cert. ef. 1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 9-2003(Temp), f. & cert. ef. 1-28-03 thru 6-16-03; DFW 118-2003, f. & cert. ef. 1-1-04; DFW 122-2004, f. & cert. ef. 1-1-05; DFW 128-2005, f. & cert. ef. 1-1-05, cert. ef. 1-1-06

635-065-0635

Winter Range Closure Areas

The following winter closures shall be effective during the specified periods each year:

(1) Tumalo Winter Range: December 1 through March 31, — That part of the Upper Deschutes Unit as follows: 125 square miles in Townships 15, 16, 17, 18, and 19 South, Ranges 10 and 11 East.

(2) Doak Mountain: Permanent Closure — January 1 through July 31 — That part of the Keno Unit as follows: seven square miles in Township 37 South, Ranges 7 and 8 East.

(3) Bear Valley: Closed to motor vehicle use year round — That part of the Keno Unit as follows: six square miles in Township 40 South, Ranges 7 and 8 East.

(4) Lost River: December 1 through April 15 — That part of the Klamath Falls Unit as follows: 6 square miles in Township 39 South, Ranges 11, 11-1/2, and 12 East.

(5) Lost River: December 1 through April 15 — That part of the Interstate Unit as follows: 6 square miles in Township 41 South, Range 14 East.

(6) Cabin Lake-Silver Lake: December 1 through March 31 — That part of the Paulina Unit as follows: 342 square miles in Townships 23, 24, 25, 26, 27, 28, and 29 South, Ranges 11, 12, 13, 14, 15, and 16 East.

(7) Spring Creek Winter Range: December 15 through April 30 — That part of the Starkey Unit as follows: 14 square miles in Townships 2 and 3 South, Range 36 East.

(8) McCarty Winter Range: December 15 through March 31 — That part of the Starkey Unit as follows: 12 square miles in Townships 4 and 5 South, Ranges 34 and 35 East.

(9) Coombs Canyon Regulated Hunt Area: 19.5 square miles in the Columbia Basin Unit. Closed to entry August 15 through the day prior to the statewide pheasant season annually (Exception: entry is allowed for people possessing Coombs Canyon youth buck deer tags and their adult chaperone. People hunting antlerless deer must possess a permit which can be obtained at the Watershed District Office in Pendleton).

(10) Metolius Winter Range: December 1 through March 31 — That part of the Metolius Unit as follows: 40 square miles in Townships 11, 12, and 13 South and Ranges 11 and 12 East.

(11) Bryant Mountain: November 1 through April 15 — That part of the Klamath Falls Unit as follows: 50 square miles in Townships 39, 40, and 41 South and Ranges 12 and 13 East.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. & cert. ef. 3-30-94, cert. ef. 5-1-94; FWC 4-1995, f. & cert. ef. 1-23-95, cert. ef. 7-1-95; FWC 18-1996, f. & cert. ef. 4-10-96, cert. ef. 8-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 1-21-00, cert. ef. 1-1-01; DFW 122-2004, f. & cert. ef. 1-1-05; DFW 128-2005, f. & cert. ef. 1-1-05, cert. ef. 1-1-06

635-065-0655

Unit Boundary Requirements

Any person hunting in a season which is defined by a unit or units description shall abide by unit boundaries as described by the Oregon Wildlife Unit Map and descriptions under OAR 635, division 080.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: FWC 63-1989, f. & cert. ef. 8-15-89

Arms and Ammunition Requirements

635-065-0700

Rifles

Hunters shall only use:

(1) Any .24 caliber or larger centerfire rifle that is not fully automatic to hunt bighorn sheep, Rocky Mountain goat, or elk. Semiautomatics shall have a magazine capacity of no more than five cartridges.

(2) Any centerfire rifle .22 caliber or larger that is not fully automatic to hunt pronghorn antelope, black bear, cougar (mountain lion), or deer. Semiautomatics shall have a magazine capacity of no more than five cartridges.

(3) Any rifle that is not fully automatic to hunt western gray squirrels.

(4) For hunting seasons designated as rifle hunts, hunters shall use only firearms legal for that species:

(a) A person hunting deer with either a western Oregon deer rifle tag or eastern Oregon deer rifle tag shall use a legal centerfire or muzzleloading rifle, a shotgun, or a centerfire handgun.

(b) A person hunting elk with any elk rifle tag shall use a legal centerfire or muzzleloading rifle, a shotgun, or a centerfire handgun.

(5) Hunters shall not use military or full metal-jacket bullets in original or altered form.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 21-1982, f. & ef. 3-31-82; FWC 37-1982, f. & ef. 6-25-82; FWC 15-1983, f. & ef. 4-19-83; FWC 28, f. & ef. 7-8-83; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 41-1987, f. & ef. 7-6-87; FWC 38-1988, f. & cert. ef. 6-13-88; FWC 15-1989, f. & cert. ef. 3-28-89; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 4-1995, f. 1-23-95, cert. ef. 7-1-95; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01

635-065-0703

Shotguns

Hunters shall use:

(1) Any shotgun, including those with rifled barrels, with number 1 or larger buckshot or slugs to hunt pronghorn antelope, black bear, cougar (mountain lion), or deer.

(2) Any shotgun, including those with rifled barrels, using slugs (single projectile) to hunt elk.

(3) Any shotgun to hunt western gray squirrels.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 28, f. & ef. 7-8-83; FWC 43-1985, f. & ef. 8-22-85; FWC 11-1987, f. & ef. 3-6-87; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 38-1997, f. & cert. ef. 6-17-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01

635-065-0705

Muzzleloading Rifles

During controlled muzzleloader only seasons:

(1) Hunters shall use any long gun that:

(a) Is fired from the shoulder;

(b) Is loaded from the muzzle;

(c) Has an open ignition system;

(d) Is a single shot except for muzzleloading shotguns that may be double barreled;

(e) Has only open or aperture (peep) sights.

(2) Hunters shall use only round ball, conical lead or lead alloy bullets whose length does not exceed two times the diameter.

(3) Hunters shall use only flint or percussion caps as a source of ignition.

(4) Hunters shall use only loose or granular black powder or black powder substitutes as propellants.

(5) Any .40 caliber or larger muzzleloader as described in OAR 635-065-0705(1)–(4) to hunt pronghorn antelope, black bear, cougar (mountain lion), or deer.

(6) Any .50 caliber or larger muzzleloader as described in OAR 635-065-0705(1)–(4) to hunt bighorn sheep, Rocky Mountain goat, or elk.

(7) Hunters shall use only number 1 or larger buckshot or bullets as described in OAR 635-065-0705(2) for hunting deer, black bear or cougar (mountain lion).

(8) Hunters shall use only single projectiles as described in OAR 635-065-0705(2) for hunting pronghorn antelope, elk, bighorn sheep, or Rocky Mountain goat

(9) Hunters may only use a legal muzzleloading firearm as described in OAR 635-065-0705. During centerfire firearms seasons where muzzleloaders are also a legal firearm, hunters may:

(a) Use any .40 caliber or larger muzzleloading firearm to hunt pronghorn antelope, black bear, cougar (mountain lion), or deer.

(b) Use any .50 caliber or larger muzzleloading firearm to hunt bighorn sheep, Rocky Mountain goat, or elk.

(c) Use any muzzleloader ignition type (excepting matchlock), any sight, any propellant, or any bullet type.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 21-1982, f. & ef. 3-31-82; FWC 37-1982, f. & ef. 6-25-82; FWC 15-1983, f. & ef. 4-19-83; FWC 28, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 21-1985, f. & ef. 5-7-85; FWC 43-1985, f. & ef. 8-22-85; FWC 11-1987, f. & ef. 3-6-87; FWC 38-1988, f. & cert. ef. 6-13-88; FWC 15-1989, f. & cert. ef. 3-28-89; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 85-2003(Temp), f. & cert. ef. 8-27-03 thru 2-23-04; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04

635-065-0710

Handguns

Hunters shall use:

(1) Any centerfire handgun .22 caliber or larger that is not fully automatic to hunt pronghorn antelope, black bear, cougar (mountain lion), or deer.

(2) Any centerfire handgun .24 caliber or larger that is not fully automatic to hunt bighorn sheep, Rocky Mountain goat, or elk.

(3) Any handgun that is not fully automatic to hunt western gray squirrels.

(4) Hunters shall not use military or full metal-jacket bullets in original or altered form.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 21-1982, f. & ef. 3-31-82; FWC 37-1982, f. & ef. 6-25-82; FWC 28, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 38-1988, f. & cert. ef. 6-13-88; FWC 15-1989, f. & cert. ef. 3-28-89; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 55-1990, f. & cert. ef. 6-21-90; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01

635-065-0720

Bows and Arrows

Hunters shall use:

(1) Any long, recurve, or compound bow with 40-pound or heavier pull rating to hunt pronghorn antelope, black bear, cougar (mountain lion), or deer.

(2) Any long, recurve, or compound bow to hunt western gray squirrels.

(3) Any long, recurve, or compound bow with a 50-pound or heavier pull rating to hunt bighorn sheep, Rocky Mountain goat, or elk.

(4) Only unbarbed fixed position blade broadheads at least 7/8-inch wide to hunt game mammals other than western gray squirrel. See 635-045-0002(77). Possession of moveable blade broadheads is prohibited when hunting game mammals, except western gray squirrels may be hunted with moveable blade broadheads.

(5) A long, recurve, or compound bow and shall not possess any crossbow while hunting within an authorized bowhunting area or season.

(6) Only a long, recurve, or compound bow during any authorized pronghorn antelope, deer or elk bowhunting season to hunt pronghorn antelope, deer, or elk.

(7) For hunting seasons designated as bowhunting, hunters shall only use the bows legal for the species being hunted. Bows may be used during controlled antlerless deer seasons. Bows shall not be used during any designated rifle hunt.

(8) Hunters shall not use any electronic device(s) attached to bow or arrow.

(9) Hunters shall not use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw (Persons unable to comply because of a disability may be eligible for a temporary permit from the department).

(10) Hunters shall not use any device secured to or supported by a bow's riser which supports or guides an arrow from a point rearward of a bow's brace height (i.e. the position of the bows string when the bow is undrawn).

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 21-1982, f. & ef. 3-31-82; FWC 37-1982, f. & ef. 6-25-82; FWC 15-1983, f. & ef. 4-19-83; FWC 28, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 41-1987, f. & ef. 7-6-87; FWC 15-1989, f. & cert. ef. 3-28-89;

FWC 63-1989, f. & cert. ef. 8-15-89; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 20-1991, f. & cert. ef. 3-12-91; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06

635-065-0725

Other Weapons

It is *unlawful* to hunt game mammals with a crossbow or any weapon other than those rifles, handguns, shotguns, muzzleloaders, and bows authorized.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 123, f. & ef. 6-9-77; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; DFW 1-1999, f. & cert. ef. 1-14-99

Unlawful Acts

635-065-0730

Shooting Hours

It is *unlawful* to hunt any game mammals from one-half hour after sunset to one-half hour before sunrise.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 123, f. & ef. 6-9-77; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 43-1985, f. & ef. 8-22-85; FWC 58-1991, f. & cert. ef. 6-24-91

635-065-0733

Decoys

Except for purposes of law enforcement or wildlife management, the use of decoys with moving parts is prohibited. This prohibition includes, but is not limited to, decoys with parts that are powered by a motor, battery, human action (for example, cable or pull-string) or the wind. Flexible or adjustable parts that permit placement or adjustment of a decoy but do not otherwise move do not constitute “moving parts” for the purpose of this rule. This rule is intended to ban decoys that attract wildlife via movement.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 498.002

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: DFW 123-2002, f. 10-25-02, cert. ef. 7-1-03

635-065-0735

Vehicles, Boats, Aircraft

It is *unlawful*:

(1) To hunt any big game from a motor-propelled vehicle. Exception: A qualified disabled hunter may obtain an Oregon Disabilities Hunting and Fishing Permit to hunt from a motor vehicle except while the vehicle is in motion or on any public road or highway. For the purpose of this regulation, “motor vehicle” includes All Terrain Vehicles (ATVs).

(2) To communicate information on the location of game mammals from an aircraft.

(3) To hunt within eight hours after having been transported by helicopter or fixed-wing aircraft to any point other than an established airport adequate for fixed-wing aircraft.

(4) To shoot at pronghorn antelope from a point within 50 yards of a motor-propelled vehicle including aircraft, except for qualified disabled hunters as shown in 635-065-735(1).

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 38-1988, f. & cert. ef. 6-13-88; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 58-1991, f. & cert. ef. 6-24-91; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 142-2005, f. & cert. ef. 12-16-05

635-065-0740

Hunting Prohibited

It is *unlawful*:

(1) To hunt with a centerfire or muzzleloading rifle during eastern Oregon controlled buck season (September 30–October 11, 2006, Cascade bull elk season, Coast bull elk seasons, Rocky Mountain bull or either-sex elk seasons, or the standard Rocky Mountain unit’s antler-

less elk seasons (Nov. 18–Nov. 26, 2006) without a valid, unused tag for that species, time period and area on their person.

EXCEPTION: Landowners, or their agent, hunting predators on lands they own or lease may use centerfire or muzzleloading rifles to hunt on such lands.

EXCEPTION: Hunters may use .22 caliber or smaller centerfire rifles for hunting coyotes (*Canis latrans*) in the Juniper, Beatys Butte, East Beulah, Whitehorse and Owyhee units and in the Wagonite Unit south of the Lake County Road 5-14 during Rocky Mountain bull or either-sex elk seasons, or the standard Rocky Mountain unit’s antlerless elk seasons (Nov. 18–Nov. 26, 2006).

(2) To hunt on any refuge closed by the state or federal government.

(3) To hunt within the corporate limits of any city or town, public park or cemetery, or on any campus or grounds of a public school, college, or university or from a public road, road right-of-way, or railroad right-of-way.

(4) Notwithstanding section (4) of this rule, controlled antlerless elk hunts are permitted within the south city limits of Seaside if the herd should become a serious problem.

(5) To hunt game mammals outside any area designated by a controlled hunt tag when such tag is required for that hunt season.

(6) To hunt in any Safety Zones created and posted by the department.

(7) To hunt protected wildlife except:

(a) By a permit or during an authorized season established by the commission.

(b) That crow, blackbirds, cowbirds, and magpies may be taken under Federal regulations for reason of depredation or health hazards as described in the Code of Federal Regulations.

(8) To pursue or assist another to pursue a cougar (mountain lion) during an authorized cougar (mountain lion) season unless in possession of an unused cougar (mountain lion) tag or accompanied by the holder of an unused cougar (mountain lion) tag which is valid for that area and time period.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 41-1987, f. & ef. 7-6-87; FWC 15-1989, f. & cert. ef. 3-28-89; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 20-1991, f. & cert. ef. 3-12-91; FWC 58-1991, f. & cert. ef. 6-24-91; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 4-1995, f. 1-23-95, cert. ef. 7-1-95; FWC 18-1996, f. 4-10-96, cert. ef. 8-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 85-2003(Temp), f. & cert. ef. 8-27-03 thru 2-23-04; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06

635-065-0745

Prohibited Methods

It is *unlawful*:

(1) To shoot from or across a public road, road right-of-way, or railroad right-of-way, except that persons legally hunting on closed roads within department Cooperative Travel Management Areas are not violating current prohibitions on shooting from or across a public road.

(2) To hunt for or kill any wildlife for another person except as provided in ORS 498.170 for visually impaired hunters, and OAR 635-065-0090 for hunters with permanent disability permits.

(3) To hunt any game mammal with dogs, except western gray squirrel.

(4) To use an artificial light for hunting any wildlife, except raccoon, bobcat, and opossum provided the light is not cast from or attached to a motor vehicle. This includes laser sights or any other sights which project a beam to the target. This does not include battery operated sights which only light the reticle.

(5) To hunt any wildlife with infrared or any other “night vision” sight.

(6) To cast from or within 500 feet of a motor vehicle an artificial light on game mammals, predatory animals or livestock while having in possession or immediate physical presence a weapon with which the game mammals or livestock could be killed.

(7) To take any game mammals with trap or snare.

(8) To use any poisoning, immobilizing, or tranquilizing drug or chemical to hunt or kill any game mammal.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-

1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 38-1988, f. & cert. ef. 6-13-88; FWC 15-1989, f. & cert. ef. 3-28-89; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 58-1991, f. & cert. ef. 6-24-91; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 90-1994(Temp), f. & cert. ef. 12-8-94; FWC 10-1995, f. & cert. ef. 2-3-95; FWC 38-1995, f. & cert. ef. 5-4-95; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05

635-065-0750

Disguising Sex, Waste, and Sale

It is *unlawful*:

(1) To disguise the sex or kind of any wildlife while in the field or in transit from the field.

(2) To waste any game mammal or parts thereof, except that the meat of cougar is considered inedible and need not be salvaged. The hide of a cougar must be sealed and retained.

(3) To sell or offer for sale, barter, or exchange, any game mammals or parts thereof except deer, elk, and antelope hides, and shed or legally taken cervid antlers used for handcrafted items and cervid antlers which have been handcrafted as described in OAR 635-200-0050.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 34-1984, f. & ef. 7-24-84; FWC 35-1986, f. & ef. 8-7-86; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 38-1988, f. & cert. ef. 6-13-88; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 58-1991, f. & cert. ef. 6-24-91; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 9-1997, f. & cert. ef. 2-27-97

635-065-0755

Trespass

It is *unlawful* to hunt on the cultivated or enclosed land of another without permission. Enclosed land may be bounded by a fence, ditch, water, posted line or any other line indicating separation from surrounding territory.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 123, f. & ef. 6-9-77; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85

635-065-0760

Other Restrictions

It is *unlawful*:

(1) To take or hold in captivity the young of any game mammal.

(2) To hold in captivity any wildlife of this state for which a permit is required without first securing a permit.

(3) To release without a permit any wildlife brought from another state or country, or raised in captivity in this state.

(4) To resist game law enforcement officers.

(5) To refuse inspection of any license, tag or permit by an employee of the department; any person authorized to enforce the wildlife laws; or a landowner or agent of the landowner on his land.

(6) To take or attempt to take any game mammals, game birds, migratory waterfowl or any protected wildlife species of any size or sex or amount, by any method or weapon, during any time or in any area not prescribed in these rules.

(7) To disturb, damage, remove, alter or possess any official department signs.

(8) To sell, lend, or borrow any big game tag.

(9) It is unlawful to operate or to be transported in a motor-propelled vehicle in violation of Cooperative Travel Management Areas. "Motor-propelled vehicle" includes aircraft not landing on designated airstrips. Through cooperative agreement, motor vehicle use is limited to specific roads during the dates for the areas listed below. There are two methods of posting road access information; 1. signs showing road closed, or 2. round green reflectors marking roads open to motorized travel. Unit descriptions may be found in OAR 635-080-0000 through 635-080-0077. The following closures shall be effective during the specified periods each year:

(a) North Coast Access Area: Three days prior to opening of general archery season through December 1 — Applies to all gated, posted, and/or barrier-closed roads within the Saddle Mountain, Scappoose, Trask and Wilson wildlife management units.

(b) Upper Tualatin-Trask: Three days prior to the opening of controlled buck deer rifle season through the close of all bull elk rifle seasons — That part of the Trask Unit as follows: 60 square miles in Townships 1 and 2 North and 1 South, and Ranges 5 and 6 West;

(c) Rickreall Regulated Hunt Area: November 1 through November 30 annually — That part of Stott Mt. Unit as follows: 12 square miles in Townships 7 and 8 South, Ranges 6 and 7 West;

(d) Luckiamute: Permanent Closure — Those parts of the Stott Mt./Alsea Units as follows: 9 square miles in Townships 8 and 9 South, Ranges 7 and 8 West.

(e) Mid-Coast: Permanent Closure — That part of the Alsea Unit as follows: Individual gated and posted roads on Alsea, Mapleton, and Waldport Ranger Districts, Siuslaw National Forest;

(f) Smith Ridge: Permanent Closure — That part of the McKenzie Unit as follows: 8 square miles in Townships 13 and 14 South, Ranges 6 and 7 East;

(g) Chucksney Mountain: September 1 through November 30 annually — That part of the McKenzie Unit as follows: 6 square miles in Township 19 South, Range 5 1/2 East;

(h) Skookum Flat: Permanent Closure — That part of the McKenzie Unit as follows: 8 square miles in Townships 19 and 20 South, Range 6 East;

(i) Eagle Creek: Three days prior to opening of general Cascade elk season through close of general Cascade elk season — That part of the McKenzie Unit as follows: 66 square miles in Townships 21 and 22 South, Ranges 5, 5 1/2 and 6 East;

(j) Scott Creek: Permanent Closure — That part of the McKenzie Unit as follows: 51 square miles in Townships 14, 15, and 16 South, Ranges 6 and 7 East;

(k) Hadsall: Permanent Closure — That part of the Siuslaw Unit as follows: 6 square miles in Township 18 South, Ranges 9 and 10 West;

(l) Coos Bay BLM: Permanent Closure — That part of the Tioga Unit as follows: Individual posted roads on lands administered by BLM, Coos Bay District.

(m) Upper Rogue: Three days prior to the general Cascade elk season through the end of the general Cascade elk season — That part of the Rogue Unit as follows: Butte Falls and Prospect Ranger Districts, Rogue River National Forest;

(n) Jackson: Three days prior to the general Cascade elk season through April 30 annually — That part of the Rogue, Dixon, and Evans Creek units as follows: 87 square miles in Townships 32, 33, 34, and 35 South, Ranges 1 and 2 West and 1 and 2 East; off-road motor vehicle travel is prohibited at all times;

(o) Pokegama: November 20 through March 31 annually — That part of the Keno Unit as follows: 97 square miles in Townships 40 and 41 South, Ranges 4, 5, and 6 East;

(p) Lower Klamath Hills: Permanent Closure — That part of the Klamath Unit as follows: 3 square miles in Township 40 South, Range 9 East;

(q) Goodlow Mountain Area Closure: December 1 through March 31 annually — That part of the Klamath Unit as follows: 17 square miles in Townships 38 and 39 South, Ranges 12 and 13 East;

(r) Sun Creek: November 1 through June 30 annually — That part of the Sprague Unit as follows: 14 square miles in Township 32 South, Ranges 6 and 7 1/2 East;

(s) Fox Butte: Three days prior to the opening of controlled buck deer season through the close of the controlled buck deer season — That part of the Paulina Unit as follows: 230 square miles in Townships 20, 21, 22, 23, and 24 South, Ranges 14, 15, and 16 East;

(t) Timbers: Permanent Closure — That part of the Paulina Unit as follows: 25 square miles in Townships 23 and 24 South, Ranges 9 and 10 East;

(u) Rager: Three days prior to the opening of controlled buck deer rifle season through the close of antlerless elk rifle season — That part of the Ochoco Unit as follows: 352 square miles south of U.S. Highway 26 and west of the South Fork John Day River.

(v) White River Wildlife Area: December 1 through March 31 annually — That part of the White River Unit as follows: 59 square miles along the eastern edge of the Mt. Hood National Forest in the southern half of the White River Unit;

(w) Lower Deschutes: Permanent Closure — That part of the Biggs Unit as follows: 12 square miles along lower 17 miles of Deschutes River except the county access road to Kloan;

(x) Murderers Creek-Flagtail: Three days prior to the opening of controlled buck deer rifle season through the close of controlled buck deer rifle season and from three days prior to the controlled Rocky Mountain bull elk first season through the Rocky Mountain bull elk second season — That part of the Murderers Creek Unit as follows: 185 square miles in Townships 13, 14, 15, 16, and 17 South, Ranges 26, 27, 28, and 29 East;

(y) Camp Creek: Three days prior to opening of controlled buck deer rifle season through the close of controlled buck deer rifle season and from three days prior to the controlled Rocky Mountain bull elk first season through the Rocky Mountain bull elk second season — That part of the Northside Unit as follows: 54 square miles in Townships 10, 11, and 12 South, Ranges 31, 32, and 33 East.

(z) Heppner Regulated Hunt Area: Year-round, unless posted otherwise. That part of the Heppner Unit as follows: Approximately 69 square miles in Townships 2, 3, 4, 6, and 7 South, Ranges 26, 27, and 28 East;

(aa) Bridge Creek Wildlife Area: December 1 through April 30 annually — That part of the Ukiah Unit as follows: 20 square miles in Townships 5 and 6 south, Ranges 31 and 32 East in the Southwest corner of Ukiah Unit;

(bb) Dark Canyon: Three days prior to the opening of controlled buck deer season through the close of the last elk season encompassing this travel management area. That part of the Sumpter Unit as follows: 20 square miles in Townships 11 and 12 South, Ranges 40 and 41 East;

(cc) Patrick Creek: Three days prior to the opening of controlled buck deer season through the close of the last elk season encompassing this travel management area. That part of the Sumpter Unit as follows: 8 square miles in Townships 10 and 11 South, Ranges 35 1/2 and 36 East;

(dd) Dry Beaver/Ladd Canyon: Permanent Closure — That part of the Starkey Unit as follows: 125 square miles in Townships 4, 5 and 6 South, Ranges 35, 36, 37 and 38 East;

(ee) Clear Creek: Three days prior to opening of Rocky Mountain bull elk season through close of Rocky Mountain bull elk second season — That part of the Starkey Unit as follows: 21 square miles in Township 5 South, Ranges 37 and 38 East;

(ff) Trail Creek: Three days prior to opening of Rocky Mountain bull elk season through close of Rocky Mountain bull elk second season — That part of the Starkey Unit as follows: 29 square miles in Townships 6 and 7 South, Ranges 35 1/2 and 36 East;

(gg) Indian Creek-Gorham Butte: Three days prior to opening of Rocky Mountain bull elk season through close of Rocky Mountain bull elk second season — That part of the Starkey Unit as follows: 24 square miles in Townships 6 and 7 South, Ranges 36 and 37 East;

(hh) Elkhorn Wildlife Area: Permanent Closure — Those parts of the Starkey and Sumpter units as follows: 7 square miles in Township 6 South, Range 38 East;

(ii) Starkey Experimental Forest Enclosure: Permanent Closure — That part of the Starkey Unit as follows: 40 square miles in Townships 3 and 4 South, Range 34 East;

(jj) Hall Ranch: October 22, 2006 through April 30, 2007 — that part of the Catherine Creek Unit as follows: 3 square miles in Township 5 South, Range 41 East;

(kk) Little Catherine Creek: Three days prior to opening of archery season through May 31 — That part of the Catherine Creek Unit as follows: 17 square miles in Townships 4 and 5 South, Range 41 East;

(ll) Walla Walla: Permanent Closure — Those parts of Walla Walla, Wenaha, and Mt. Emily units as follows: All gated, posted, and closed roads within the Walla Walla Ranger District of the Umatilla National Forest.

(mm) Wenaha Wildlife Area: Permanent Closure — That part of the Wenaha Unit as follows: 17 square miles in Townships 5 and 6 North, Ranges 42 and 43 East along eastern edge of Umatilla Forest in northeast corner of Wenaha Unit;

(nn) Noregaard: Three days prior to archery season through May 31. However, roads will be open to permit removal of camping equipment during a time period extending through two Sundays following the end of the last antlerless elk rifle season. That part of the Sled Springs Unit as follows: 175 square miles in west one-third of Sled Springs Wildlife Unit.

(oo) Shamrock: Three days prior to archery season through May 31. However, roads will be open to permit removal of camping equip-

ment during a time period extending through two Sundays following the end of the last antlerless elk rifle season. — That part of the Sled Springs Unit as follows: 20 square miles in Township 4 North, Range 44 East;

(pp) Chesnimnus: Three days prior to Chesnimnus rifle bull season through end of Chesnimnus rifle bull season — That portion of the Chesnimnus Wildlife Unit within the boundaries of the Wallawa-Whitman National Forest;

(qq) Cemetery Ridge Road: Permanent Closure — That part of the Chesnimnus Unit as follows: Cemetery Ridge Road north of the south boundary of Section 4, Township 3 North, Range 48 East.

(rr) Lord Flat Trail (#1774): Three days prior to archery season through the end of all elk rifle seasons — 15 miles of road in Townships 1 South and 1 and 2 North, Ranges 49 and 50 East;

(ss) Grouse-Lick Creeks: Three days prior to opening of Rocky Mountain bull elk first season through the close of Rocky Mountain bull elk second season — That part of the Imnaha Unit as follows: 100 square miles in Townships 2, 3, 4, and 5 South, Ranges 46, 47 and 48 East;

(tt) Clear Lake Ridge: Three days prior to opening of archery season through December 1 annually — That part of the Imnaha Unit as follows: Five square miles in Township 2 South, Range 47 East, Sections 3 and 4 and Township 1 South, Range 47 East, Sections 28, 15, 33, 34 and 22.

(uu) Melhorn: May 1 through December 1: That part of the Pine Creek Unit as follows: 26 square miles in Township 6 South, Ranges 45 and 46 East;

(vv) Lake Fork-Dutchman: Three days prior to opening of archery season to the end of all elk rifle seasons and from May 1 to July 1 — That part of the Pine Creek Unit as follows: 42 square miles in Townships 6 and 7 South, Ranges 46 and 47 East;

(ww) Okanogan-Fish: Three days prior to the opening of buck deer rifle season to the end of elk rifle seasons and from May 1 to July 1 — That part of the Pine Creek Unit as follows: 20 square miles in Township 6 and 7 South, Ranges 46 and 47 East;

(xx) Summit Point: May 1 to December 1: That part of the Keating Unit as follows: 14 square miles in Townships 6 and 7 South, Ranges 44 and 45 East.

(yy) Eagle Creek: December 1 through March 31 annually — That part of the Keating Unit as follows: 17 square miles in Townships 7 and 8 South, Range 44 and 45 East;

(zz) Conroy Cliff: September 27 through October 11, 2006 and October 22 through November 12, 2006 — That part of the Malheur River Unit as follows: 46 square miles in Townships 16, 17, and 18 South, Ranges 32 1/2, 34, and 35 East;

(aaa) Devine Ridge-Rattlesnake: September 27 through October 11, 2006 and October 22 through November 12, 2006 — That part of the Malheur River Unit as follows: 59 square miles in Townships 20 and 21 South, Ranges 31, 32, 32 1/2 East;

(bbb) Dairy Creek: September 27 through October 11, 2006 and October 22 through November 12, 2006 — That part of the Silvies Unit as follows: 98 square miles in Townships 19, 20, 21, and 22 South, Ranges 24, 25, and 26 East;

(ccc) Burnt Cabin: September 27 through October 11, 2006 and October 22 through November 12, 2006 — That part of the Silvies Unit as follows: 22 square miles in Townships 18 and 19 South, Ranges 26 and 27 East;

(ddd) Walker Rim: Three days prior to the opening of controlled buck deer season through the close of the controlled buck deer season — That part of the Fort Rock Unit as follows: 113 square miles in Townships 24, 25, and 26 South, Ranges 8, 9, and 10 East;

(eee) North Paunina: Permanent Closure — That part of the Fort Rock Unit as follows: 12 square miles in Townships 25 and 26 South; Range 8 East;

(fff) Sugarpine Mountain: Permanent Closure — That part of the Fort Rock Unit as follows: 40 square miles in Township 28, Ranges 9 and 10 East;

(ggg) Stott Mt.-North Alsea: One day prior to opening of archery season through the bull elk rifle seasons — All gated and/or barrier closed roads within the Alsea Unit north of US Hwy 20 and west of State Hwy 233 (Kings Valley Hwy); and in the Stott Mt. Unit. Cooperators require: day use only on private lands, no ATV use on private lands and designated state lands, no vehicle may block any road or gate. Access may be closed during extreme fire danger;

(hhh) Spring Butte: Permanent Closure — That part of the Paulina Unit as follows: 30 square miles in Township 23 South, Range 11 East;

(iii) Wildhorse Ridge/Teepee Butte: Three days prior to archery season through the end of all elk rifle seasons. Posted and gated roads north of 46 road in Chesnimnus Unit are closed;

(jjj) Hells Canyon National Recreation Area — Permanent Closure. Those parts of the Chesnimnus, Imnaha, Snake River, and Pine Creek Units in Eastern Wallowa County that are closed by the National Recreation Area;

(kkk) PO Saddle Road — Three days prior to opening of archery season through June 15th, annually — Three miles of road in Townships 3 and 4 South, Range 48 East.

(lll) Whiskey Creek — Three days prior to archery season through May 31. However, roads will be open to permit removal of camping equipment during a time period extending through two Sundays following the last antlerless elk season. That part of the Sled Springs unit as follows — 45 square miles in Townships 2 and 3 North, Ranges 43, 44, and 45 East.

(mmm) South Boundary: Permanent Closure — That part of the Ochoco Unit as follows: 47 square miles in Townships 15 and 16 South, Ranges 20, 21, and 22 East.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 28, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 15-1989, f. & cert. ef. 3-28-89; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 55-1990, f. & cert. ef. 6-21-90; FWC 58-1991, f. & cert. ef. 6-24-91; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. & cert. ef. 3-30-94, cert. ef. 5-1-94; FWC 4-1995, f. & cert. ef. 1-23-95, cert. ef. 7-1-95; FWC 30-1995, f. & cert. ef. 4-17-95; FWC 18-1996, f. & cert. ef. 4-10-96, cert. ef. 8-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. & cert. ef. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. & cert. ef. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. & cert. ef. 12-24-01, cert. ef. 1-1-02; DFW 5-2003, f. & cert. ef. 1-17-03, cert. ef. 7-1-03; DFW 116-2003(Temp), f. & cert. ef. 11-25-03 thru 3-31-04; DFW 120-2003, f. & cert. ef. 12-4-03, cert. ef. 6-16-04; DFW 125-2004, f. & cert. ef. 12-21-04, cert. ef. 6-1-05; DFW 133-2005, f. & cert. ef. 12-1-05, cert. ef. 6-1-06

635-065-0765

Tagging, Possession, Transportation and Evidence of Sex

(1) When the owner of any game mammal tag kills a game mammal for which a tag is issued, the owner shall immediately remove in its entirety only the month and day of kill and attach the tag in plain sight securely to the game mammal. The tag shall be kept attached to such carcass or remain with any parts thereof so long as the same are preserved.

(2) It is unlawful to have in possession any game mammal tag from which all or part of any date has been removed or mutilated except when the tag is legally validated and attached to a game mammal.

(3) It is unlawful to possess the meat or carcass of any pronghorn antelope, bighorn sheep, or Rocky Mountain goat without the animal's scalp while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. The scalp shall include the attached eyes and ears, if the animal is female; or ears, horns, and eyes if the animal is male.

(4) It is unlawful to possess the meat or carcass of any deer or elk without evidence of sex while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. Evidence of sex for deer and elk is:

(a) Evidence of sex for deer and elk which will be taken out of Oregon is:

(A) For Bucks and Bulls: Either the head with antlers naturally attached to at least one quarter of the carcass or testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat. For hunts with antler restrictions, if the head is not attached to the carcass, in addition to leaving the testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat, the head or skull plate with both antlers naturally attached shall accompany the carcass or major portions of meat while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat.

(B) For Does and Cows: Either the head naturally attached to at least one quarter of the carcass or vulva or udder (mammary) naturally

attached to one quarter of the carcass or to another major portion of meat.

(C) For Either Sex Hunts: Either the head naturally attached to at least one quarter of the carcass or reproductive organs (testicles, scrotum, penis, vulva, udder, mammary) naturally attached to one quarter of the carcass or to another major portion of meat. For bucks or bulls killed in either sex hunts with antler restrictions, if the head is not attached to the carcass, in addition to leaving the testicles, scrotum, or penis naturally attached to one quarter of the carcass or to another major portion of meat, the head or skull plate with both antlers naturally attached shall accompany the carcass or major portions of meat while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat.

(D) For hunts where only white-tailed deer and for hunts where only mule deer are legal: in addition to evidence of sex, either the head or tail shall remain naturally attached to one quarter of the carcass or to another major portion of meat as evidence of the species taken while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat.

(b) Evidence of sex for deer and elk which will not be taken out of Oregon is either :

(A) The animal's scalp while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. The scalp shall include the attached eyes and ears, if the animal is female; or ears, antlers, and eyes if the animal is male; Or

(B) The head naturally attached to at least one quarter of the carcass or reproductive organs naturally attached to one quarter of the carcass or to another major portion of meat as described in (4)(a)(A)–(D) above.

(5) When any game mammal or part thereof is transferred to the possession of another person, a written record describing the game mammal or part being transferred indicating the name and address of the person whose tag was originally attached to the carcass and the number of that tag shall accompany such transfer and shall remain with such game mammal or part so long as the same is preserved or until replaced by a tag or seal of the department.

(6) All game mammals in possession in the field or forest or in transit more than 48 hours after the close of the open season for such mammal must be tagged with a tag or metal seal by the department or by the Oregon State Police.

(7) All game mammals or portions thereof shipped by commercial carrier shall be tagged with a tag or metal seal provided by the department or by the Oregon State Police.

(8) It is unlawful to receive or have in possession any game mammal or part thereof which:

(a) Is not properly tagged;

(b) Was taken in violation of any wildlife laws or regulations; or

(c) Was taken by any person who is or may be exempt from the jurisdiction of such laws or regulations.

(9) No person shall possess any game mammal or part thereof which has been illegally killed, found or killed for humane reasons, except shed antlers, unless he has notified and received permission from the department or personnel of the Oregon State Police prior to transporting.

(10) No person shall possess the horns of bighorn sheep or Rocky Mountain goat that were not taken legally during an authorized season. Any horns of bighorn sheep or Rocky Mountain goat obtained by the department may be made available to scientific and educational institutions and for ceremonial purposes.

(11) Except for the following parts, importation of a cervid carcass or parts of a cervid carcass is prohibited if the cervid was killed in a state or province with a documented case of Chronic Wasting Disease:

(a) Meat that is cut and wrapped commercially or privately;

(b) Meat that has been boned out;

(c) Quarters or other portions of meat with no part of the spinal column or head attached;

(d) Hides and/or capes with no head attached;

(e) Skull plates with antlers attached that have been cleaned of all meat and brain tissue;

(f) Antlers with no tissue attached;

- (g) Upper canine teeth (buglers, whistlers, ivories);
- (h) Finished taxidermy heads.

(12) For the purposes of the parts and carcass import ban in subsection (11), the states or provinces with a documented case of Chronic Wasting Disease (CWD) are Alberta, Colorado, Illinois, Kansas, Minnesota, Montana, Nebraska, New Mexico, New York, Oklahoma, South Dakota, Wisconsin, Wyoming, Utah, West Virginia, and Saskatchewan. The Department shall add by temporary rule any additional states or provinces when any new cases of CWD arise.

(13) The parts and carcass import ban in subsection (11) does not apply to parts or carcasses shipped to the National Fish and Wildlife Forensics Laboratory (Ashland, Oregon) for the purpose of law enforcement investigations and also does not apply to parts or carcasses of reindeer/caribou.

(14) Cervid carcasses or parts of cervid carcasses found in Oregon in violation of the parts and carcass ban in subsection (11) shall be disposed of in a manner as follows:

(a) Brain tissue, spinal columns, and whole heads or heads minus the cleaned skull plate and attached antlers, shall be disposed of either by incineration at temperatures exceeding 800° F or at lined landfills registered by Oregon Department of Environmental Quality capable of accepting animal carcasses without environmental contamination; rendering is not an allowed means of disposal.

(b) The person(s) who imported parts in violation of the parts and carcass ban in subsection (11) shall pay for appropriate disposal of cervid carcasses or parts of cervid carcasses.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1988, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 41-1987, f. & ef. 7-6-87; FWC 13-1988, f. & cert. ef. 3-10-88; FWC 63-1989, f. & cert. ef. 8-15-89; FWC 24-1990, f. & cert. ef. 3-21-90; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 82-2000, f. & cert. ef. 1-1-01; DFW 90-2002(Temp), f. & cert. ef. 8-16-02 thru 2-11-03; DFW 114-2002(Temp), f. & cert. ef. 10-18-02 thru 2-11-03; DFW 126-2002, f. & cert. ef. 11-12-02; DFW 127-2002(Temp), f. & cert. ef. 11-14-02 thru 2-11-03; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 61-2003, f. & cert. ef. 7-16-03; DFW 118-2003, f. & cert. ef. 1-1-04; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 111-2005(Temp), f. & cert. ef. 9-23-05 thru 10-31-05; Administrative correction 11-18-05; DFW 128-2005, f. & cert. ef. 1-1-06

635-065-0772

Tags for Terminally Ill Children

(1) "Organization" means a non-profit organization qualified under Internal Revenue Code section 501(c)(3) with the principle purpose of granting hunting and fishing adventures for children that have been diagnosed with a terminal illness by a licensed physician.

(2) "Qualified child" means a terminally ill child sponsored by an organization who provides to the Department supporting documentation demonstrating compliance with the prerequisites provided in this rule.

(3) Annually upon approval by the Director, the Department may issue no more than 25 big game tags free of charge to organizations for use by qualified children. The 25 tags will be distributed across deer, elk, and pronghorn antelope with no more than 10 tags to hunt either-sex deer, no more than 10 tags to hunt either-sex elk, and no more than five tags to hunt either-sex pronghorn antelope.

(a) Each organization is limited to five tags total for all species per year.

(b) An individual tag entitles the holder to only one deer, or one elk, or one pronghorn antelope.

(c) A qualified child may obtain only one tag pursuant to this rule.

(d) Tags issued under this rule may be used to hunt within any Oregon Wildlife Management Unit (as defined in OAR chapter 635 division 080), except specific area closures as identified in the current Oregon Big Game Regulations, Hart Mountain Antelope Refuge, or Starkey Experimental Forest enclosure.

(4) A qualified child must be between 12 and 21 years of age at the time of the hunt, and must comply with all requirements concerning:

- (a) Minimum hunting age (ORS 497.350);
- (b) Hunter education (ORS 497.360);
- (c) Hunting hours (OAR 635-065-0730);
- (d) Holding a valid Oregon hunting license, and

(e) Using legal weapon for hunting the species for which the tag is issued.

(5) A qualified child may be either resident or non-resident.

(6) A qualified child under the age of 18 must hunt in the company of an adult 21 years of age or older.

(7) For tags issued under this rule, open seasons are as follows:

(a) For deer and elk: September 1 through November 30 of the year the tag is issued.

(b) For pronghorn antelope: August 1 through September 30 of the year the tag is issued.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162

Hist.: DFW 80-2006, f. & cert. ef. 8-11-06

DIVISION 66

BLACK BEAR SEASONS

635-066-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods, and other restrictions for hunting black bear pursuant to ORS Chapter 496.

(2) OAR chapter 635, division 066 incorporates, by reference, the requirement for black bear hunting set out in the document entitled "2006 Oregon Big Game Regulations," into Oregon Administrative Rules. Therefore, persons must consult the "2006 Oregon Big Game Regulations" in addition to OAR chapter 635, to determine all applicable requirements for the hunting of black bear. The annual Oregon Big Game Regulations are available at authorized license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 64-1989, f. & cert. ef. 8-15-89; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 82-2000, f. & cert. ef. 1-1-01; DFW 121-2001, f. & cert. ef. 1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. & cert. ef. 1-1-04; DFW 122-2004, f. & cert. ef. 1-1-05; DFW 128-2005, f. & cert. ef. 1-1-06

635-066-0001

General Bear Season

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & ef. 6-9-77; FWC 9-1978, f. & ef. 3-7-78; FWC 17-1979, f. & ef. 3-24-78; FWC 4-1979, f. & ef. 2-6-79; FWC 28-1979, f. & ef. 8-2-79; FWC 8-1980, f. & ef. 2-27-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 9-1982, f. & ef. 1-29-82; FWC 10-1981, f. & ef. 2-10-82; FWC 37-1982, f. & ef. 6-25-82, Renumbered from 635-065-0400; FWC 66-1982(Temp), f. & ef. 9-24-82; FWC 6-1983, f. & ef. 2-3-83; FWC 28-1983, f. & ef. 7-8-83; FWC 5-1984, f. & ef. 2-29-84; FWC 14-1985, f. & ef. 3-11-85; FWC 7-1986, f. & ef. 2-19-86; FWC 11-1987, f. & ef. 3-6-87; FWC 8-1988, f. & cert. ef. 2-24-88; FWC 64-1989, f. & cert. ef. 8-15-89; FWC 56-1990, f. & cert. ef. 6-21-90; FWC 59-1991, f. & cert. ef. 6-24-91; FWC 128-1992, f. & cert. ef. 12-9-92; FWC 83-1993, f. & cert. ef. 12-28-93; FWC 5-1995, f. & cert. ef. 1-23-95; FWC 10-1995, f. & cert. ef. 2-3-95; FWC 13-1996, f. & cert. ef. 3-26-96, cert. ef. 4-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 1-1999, f. & cert. ef. 1-14-99

635-066-0002

Controlled Black Bear Hunts

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 5-1984, f. & ef. 2-29-84; FWC 14-1985, f. & ef. 3-11-85; FWC 7-1986, f. & ef. 2-19-86; FWC 11-1987, f. & ef. 3-6-87; FWC 8-1988, f. & cert. ef. 2-24-88; FWC 3-1989, f. & cert. ef. 1-31-89; FWC 64-1989, f. & cert. ef. 8-15-89; FWC 13-1990, f. & cert. ef. 2-2-90; FWC 8-1991, f. & cert. ef. 1-29-91; FWC 128-1992, f. & cert. ef. 12-9-92; FWC 83-1993, f. & cert. ef. 12-28-93; FWC 5-1995, f. & cert. ef. 1-23-95; FWC 10-1995, f. & cert. ef. 2-3-95; FWC 13-1996, f. & cert. ef. 3-26-96, cert. ef. 4-1-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 1-1999, f. & cert. ef. 1-14-99

635-066-0010

General Season Regulations

(1) Pursuant to ORS 497.112, annual black bear tag sales to non-resident black bear hunters for the general fall season shall be limited to no more than three percent of the total tag sales based on previous year's hunter densities.

(a) Tags shall be available at any authorized license agent and through the Salem Headquarters office on a first-come, first-served basis.

(b) The application procedure shall be as follows:

(A) An applicant may purchase a nonresident general black bear tag at any hunting license agent or;

(B) An applicant shall mail or fax copies, through the Salem Headquarters only, of his/her nonresident driver's license or adult nonresident hunting license or provide documentation which includes the following information:

(1) Applicant's full name and current address;

(2) Applicant's date of birth;

(3) Applicant's Social Security number;

(4) Applicant's telephone number;

(c) An applicant shall include a fee of \$151.50 with the application.

(d) The applicant shall state the areas for which he/she is applying in order of choice.

(2) Open Area: The entire state is open, except that lands within one mile of the Rogue River between Grave Creek and Lobster Creek are closed to all black bear hunting. Nonresidents shall be restricted to hunting black bear only in specific areas as described below.

(a) Nonresident black bear tags shall be distributed by areas as described in the Black Bear Management Plan. These areas are described as follows:

(A) Northwest: All of wildlife management units: 10, 11, 12, 14, 15, 17, and 18.

(B) Southwest: All of wildlife management units: 20, 23, 24, 25, 26, 27, 28, and 29.

(C) Cascades: All of wildlife management units: 16, 19, 21, 22, 30, 31, 34, 39, 41, and 42 and those portions of wildlife management units 33 and 77 lying west of Highway 97.

(D) Eastern: All of wildlife management units: 32, 35, 38, 40, and 43 and those portions of wildlife management units 33 and 77 lying east of Highway 97; and all other wildlife management units to the east of these units.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04

635-066-0020

Controlled Seasons

Tags will be issued by way of a controlled hunt drawing. The number of tags issued to nonresidents will be limited to no more than three percent of the total tags authorized for each hunt. Persons receiving a controlled black bear tag may also purchase a general season black bear tag and one SW Oregon additional bear tag and one "left-over" controlled spring bear tag. No person shall use dogs to hunt or pursue black bear. No person shall use bait to attract or hunt black bear.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 9-1997, f. & cert. ef. 2-27-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 2-2003, f. & cert. ef. 1-17-03

DIVISION 67

PRONGHORN ANTELOPE, COUGAR, ROCKY MOUNTAIN GOAT, BIGHORN SHEEP REGULATIONS

635-067-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods, and other restrictions for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat pursuant to ORS Chapter 496.

(2) OAR chapter 635, division 067 incorporates, by reference, the requirements for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat set out in the document entitled "2006 Oregon Big Game Regulations," into Oregon Administrative Rules. Therefore, persons must consult the "2006 Oregon Big Game Regulations" in addition to OAR Chapter 635, to determine all applicable requirements for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat. The annual Oregon Big Game Regulations

are available at authorized license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

(3) Controlled hunt tags shall be issued by a controlled hunt drawing following the procedures established in OAR chapter 635, division 060. Permitted arms and ammunition are established in OAR chapter 635, division 065. Controlled hunt tag numbers for 2006 are listed in Tables 1, 2, and 3 and are adopted and incorporated into OAR chapter 635, division 067 by reference.

[ED. NOTE: Tables referenced are available from the agency.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 65-1989, f. & cert. ef. 8-15-89; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 41-2006, f. & cert. ef. 6-14-06

635-067-0001

General Information

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 21-1982, f. & cert. ef. 3-31-82; FWC 15-1983, f. & cert. ef. 4-19-83; FWC 16-1984, f. 4-6-84, cert. ef. 4-15-84; FWC 21-1985, f. & cert. ef. 5-7-85; FWC 29-1986, f. & cert. ef. 7-23-86; FWC 11-1987, f. & cert. ef. 3-6-87; FWC 65-1989, f. & cert. ef. 8-15-89; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97

635-067-0002

Cougar Hunting Regulations

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 90-1994(Temp), f. & cert. ef. 12-8-94; FWC 10-1995, f. & cert. ef. 2-3-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 83-1995, f. & cert. ef. 10-5-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02

635-067-0004

Cougar Hunting Regulations

(1) Tag Requirement: Any person hunting cougar shall have on his/her person a general season cougar tag or a Blue Mountain additional cougar tag. General season cougar tags may be purchased through any authorized license agent;

(2) Hunt Area: Hunt zones, and harvest quotas for each hunt zone, are established in OAR 635-067-0015;

(a) Hunters may hunt within all hunt zones;

(b) Hunt zones will be closed to hunting when individual zone harvest quotas are reached.

(3) All hunters are required to check in the hide with skull and proof of sex attached of any cougar killed within ten days of harvest at a Department of Fish and Wildlife office;

(a) Hunters are also required to submit the reproductive tract of any female cougar taken.

(4) No person shall hunt or assist another to hunt a cougar during an authorized cougar season unless in possession of an unused cougar tag or accompanied by the holder of an cougar tag which is valid for that area and time period.

(5) No person shall use dogs to hunt or pursue cougar.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 41-2006, f. & cert. ef. 6-14-06

635-067-0015

General Cougar Season Zone Harvest Quotas

(1) Hunt Zone: A — Hunt Name: Coast/North Cascades;

(a) Harvest Quota: 120;

(b) Hunt Area: All of Wildlife Units: 10, 11, 12, 14, 15, 16, 17, 18, 20, 24, 25, 26, 27, 39, 41, and 42;

(2) Hunt Zone: B — Hunt Name: Southwest Cascades;

(a) Harvest Quota: 165;

(b) Hunt Area: All of Wildlife Units: 19, 21, 22, 23, 28, 29, 30, and 31;

(3) Hunt Zone: C — Hunt Name: Southeast Cascades;

(a) Harvest Quota: 65;

(b) Hunt Area: All of Wildlife Units: 32, 33, 34, 35, 75, 76, and 77;

(4) Hunt Zone: D — Hunt Name: Columbia Basin;

(a) Harvest Quota: 62;

(b) Hunt Area: All of Wildlife Units: 38, 40, 43, 44, and 45;

(5) Hunt Zone: E — Hunt Name: Blue Mountains;

(a) Harvest Quota: 245;

(b) Hunt Area: All of Wildlife Units: 37, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, and 64;

(6) Hunt Zone: F — Hunt Name: Southeast Oregon;

(a) Harvest Quota: 120;

(b) Hunt Area: All of Wildlife Units: 36, 65, 66, 67, 68, 69, 70, 71, 72, 73, and 74.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 118, f. & ef. 6-3-77; FWC 32-1978, f. & ef. 6-30-78; FWC 12-1979, f. & ef. 3-28-79; FWC 29-1979, f. & ef. 8-2-79; FWC 14-1980, f. & ef. 4-8-80; FWC 19-1980, f. & ef. 4-18-80; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82, Renumbered from 635-060-0700; FWC 15-1983, f. & ef. 4-19-83; FWC 16-1984, f. & ef. 4-6-84, ef. 4-15-84; FWC 21-1985, f. & ef. 5-7-85; FWC 29-1986, f. & ef. 7-23-86; FWC 11-1987, f. & ef. 3-6-87; FWC 14-1988, f. & ef. 3-10-88; FWC 65-1989, f. & ef. 8-15-89; FWC 57-1990, f. & ef. 3-12-91; FWC 60-1991, f. & ef. 6-24-91; FWC 45-1992, f. & ef. 7-15-92; FWC 36-1993, f. & ef. 6-14-93; FWC 46-1993, f. & ef. 6-14-93; FWC 18-1994, f. & ef. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & ef. 6-28-94; FWC 90-1994(Temp), f. & ef. 6-28-94; FWC 6-1995, f. & ef. 1-23-95, cert. ef. 4-1-95; FWC 10-1995, f. & ef. 2-3-95; FWC 54-1995, f. & ef. 6-20-95; FWC 38-1997, f. & ef. 6-17-97; DFW 49-1998, f. & ef. 6-22-98; DFW 47-1999, f. & ef. 6-16-99; DFW 92-1999, f. & ef. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & ef. 6-14-00; DFW 121-2001, f. & ef. 12-24-01, cert. ef. 1-1-02; DFW 2-2003, f. & ef. 1-17-03; DFW 118-2003, f. & ef. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. & ef. 12-21-04, cert. ef. 1-1-05; DFW 128-2005, f. & ef. 12-1-05, cert. ef. 1-1-06; DFW 41-2006, f. & ef. 6-14-06

635-067-0016

Extended Cougar Seasons

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 38-1997, f. & ef. 6-17-97; FWC 71-1997, f. & ef. 12-29-97; DFW 92-1999, f. & ef. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & ef. 6-14-00; DFW 121-2001, f. & ef. 12-24-01, cert. ef. 1-1-02

635-067-0020

Controlled Pronghorn Antelope Rifle Hunts

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 118, f. & ef. 6-3-77; FWC 32-1978, f. & ef. 6-30-78; FWC 12-1979, f. & ef. 3-28-79; FWC 29-1979, f. & ef. 8-2-79; FWC 14-1980, f. & ef. 4-8-80; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82, Renumbered from 635-060-0650; FWC 15-1983, f. & ef. 4-19-83; FWC 16-1984, f. & ef. 4-6-84, ef. 4-15-84; FWC 21-1985, f. & ef. 5-7-85; FWC 29-1986, f. & ef. 7-23-86; FWC 11-1987, f. & ef. 3-6-87; FWC 14-1988, f. & ef. 3-10-88; FWC 16-1989, f. & ef. 3-28-89; FWC 65-1989, f. & ef. 8-15-89; FWC 121-1989(Temp), f. & ef. 5-25-90; FWC 21-1991, f. & ef. 3-12-91; FWC 60-1991, f. & ef. 6-24-91; FWC 45-1992, f. & ef. 7-15-92; FWC 36-1993, f. & ef. 6-14-93; FWC 46-1993, f. & ef. 8-4-93; FWC 18-1994, f. & ef. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & ef. 6-28-94; FWC 50-1994(Temp), f. & ef. 8-17-94; FWC 6-1995, f. & ef. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & ef. 6-20-95; FWC 17-1996, f. & ef. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & ef. 6-7-96; FWC 9-1997, f. & ef. 6-22-98; DFW 49-1998, f. & ef. 6-22-98

635-067-0023

Controlled Pronghorn Antelope Youth Rifle Hunts

Hunt 441T — Hunt Name: Postage Stamp.

(1) Bag Limit: One buck, horns longer than ears;

(2) Open season: August 18 through August 26, 2001;

(3) Hunt area: 100% public lands. Beginning at Friend, west on Friend Road to Forest Road 27; south on Forest Road 27 to White River Wildlife Area boundary fence; continue along boundary fence to Tooter Creek; southeast along Tooter Creek to Highway 197; northeast along Highway 197 to juncture of Highway 197 and the east section line of section 21 of T3S, R13E; north along east section line of sections 21, 16 and 9 of T3S, R13E to north section line of section 9; west on north section line of sections 9, 8, and 7 of T3S, R13E; south along west section line of section 7 to White River Wildlife Area boundary fence; west along boundary fence to Friend Road.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 6-1995, f. & ef. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & ef. 6-20-95; FWC 17-1996, f. & ef. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & ef. 6-7-96; FWC

9-1997, f. & ef. 2-27-97; DFW 49-1998, f. & ef. 6-22-98; DFW 77-2001(Temp), f. & ef. 8-17-01 thru 1-1-02

635-067-0024

Controlled Pronghorn Antelope Youth Rifle Hunt Application

Hunters must be 12 to 17 years of age at the time they hunt. An adult at least 21 years of age, who may not hunt, must accompany not more than two juveniles. Juveniles must have a hunter education certificate, a valid hunting license, and a controlled hunt permit valid for that area and time period in possession while hunting.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 9-1997, f. & ef. 2-27-97; DFW 49-1998, f. & ef. 6-22-98; DFW 82-2000, f. & ef. 12-21-00, cert. ef. 1-1-01; DFW 118-2003, f. & ef. 12-4-03, cert. ef. 1-1-04

635-067-0025

Controlled Pronghorn Antelope Bow Hunts

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 32-1978, f. & ef. 6-30-78; FWC 12-1979, f. & ef. 3-28-79; FWC 29-1979, f. & ef. 8-2-79; FWC 14-1980, f. & ef. 4-8-80; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82, Renumbered from 635-060-0765; FWC 15-1983, f. & ef. 4-19-83; FWC 16-1984, f. & ef. 4-6-84, ef. 4-15-84; FWC 21-1985, f. & ef. 5-7-85; FWC 29-1986, f. & ef. 7-23-86; FWC 11-1987, f. & ef. 3-6-87; FWC 14-1988, f. & ef. 3-10-88; FWC 16-1989, f. & ef. 3-28-89; FWC 65-1989, f. & ef. 8-15-89; FWC 25-1990, f. & ef. 3-21-90; FWC 21-1991, f. & ef. 3-12-91; FWC 45-1992, f. & ef. 7-15-92; FWC 36-1993, f. & ef. 6-14-93; FWC 46-1993, f. & ef. 8-4-93; FWC 18-1994, f. & ef. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & ef. 6-28-94; FWC 59-1994(Temp), f. & ef. 9-2-94; FWC 6-1995, f. & ef. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & ef. 6-20-95; FWC 17-1996, f. & ef. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & ef. 6-7-96; FWC 9-1997, f. & ef. 6-22-98; DFW 49-1998, f. & ef. 6-22-98

635-067-0027

Controlled Pronghorn Antelope Muzzleloader Hunts

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 16-1984, f. & ef. 4-6-84, ef. 4-15-84; FWC 21-1985, f. & ef. 5-7-85; FWC 29-1986, f. & ef. 7-23-86; FWC 11-1987, f. & ef. 3-6-87; FWC 14-1988, f. & ef. 3-10-88; FWC 16-1989, f. & ef. 3-28-89; FWC 65-1989, f. & ef. 8-15-89; FWC 25-1990, f. & ef. 3-21-90; FWC 21-1991, f. & ef. 3-12-91; FWC 45-1992, f. & ef. 7-15-92; FWC 36-1993, f. & ef. 6-14-93; FWC 18-1994, f. & ef. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & ef. 6-28-94; FWC 6-1995, f. & ef. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & ef. 6-20-95; FWC 17-1996, f. & ef. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & ef. 6-7-96; FWC 9-1997, f. & ef. 6-22-98; DFW 49-1998, f. & ef. 6-22-98

635-067-0028

Pronghorn Antelope Auction Tag

(1) One pronghorn antelope tag will be auctioned to the highest bidder annually in the manner and at such time as provided by the department. The department may contract with a sportsmen's group or organization to conduct the auction.

(2) The pronghorn antelope auction tag and auction shall be limited as follows:

(a) Bag Limit: One buck pronghorn antelope.

(b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.

(c) Open Season: The season shall begin on August 1 and shall end on September 30.

(d) Open Area: Any area where pronghorn antelope hunts and tags have been authorized for the current year.

(e) Auction Requirements:

(A) The minimum acceptable bid for a pronghorn antelope auction tag shall be \$2,000.00. The bid price includes the hunting license and tag fee. A valid pronghorn antelope tag will be provided to the winning bidder and a valid hunting license will be provided if the winning bidder has not already purchased one, so long as the winner is eligible to purchase an adult Oregon hunting license.

(B) Any person, resident or nonresident, is eligible to bid.

(C) If the highest bid is submitted by a person other than the person who is to receive the tag, the department shall be notified within five business days of the name, address, and phone number of the individual who is to receive the license and tag and his or her position or affiliation with the corporation or organization.

(D) Acceptance of the highest bid shall be conditional until the full amount of the bid is paid. Payment shall be made to the Oregon Department of Fish and Wildlife by cashiers check or certified check within 60 days of the date of the auction, whether conducted by the department or by a sportsman's group or organization authorized by the department to conduct the auction.

(E) If the full amount is not paid as provided in OAR 635-067-0032(2)(d)(D), the department may, at its discretion, reject the bid and offer the tag to the next highest bidder. If the department offers the tag to the next highest bidder, such next highest bidder must make payment to the Oregon Department of Fish and Wildlife by cashiers check or certified check within 30 days of notification of his or her opportunity to obtain the tag.

(F) The department shall reserve the right to accept or reject any or all bids.

Stat. Auth.: ORS 496.012, 496.138 & 496.146

Stats Implemented: ORS 496.012, 496.138 & 496.146

Hist.: DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05

635-067-0029

Controlled Pronghorn Antelope Raffle Tag

(1) One pronghorn antelope tag will be raffled annually to an individual selected at a public drawing. The department may contract with a sportsmen's group or organization to conduct the raffle.

(2) The pronghorn antelope raffle tag shall be limited as follows:

(a) Bag Limit: One buck pronghorn antelope.

(b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.

(c) Open Season: The season shall begin on August 1 and shall end on September 30.

(d) Open Area: Any area where pronghorn antelope hunts and tags have been authorized for the current year.

(3) Raffle Requirements:

(a) There is no limit on the number of tickets that a person may purchase.

(A) One ticket package at a cost of \$9.50 (plus a \$1.50 license agent fee).

(B) Six ticket package at a cost of \$49.50 (plus a \$1.50 license agent fee).

(C) Thirteen ticket package at a cost of \$99.50 (plus a \$1.50 license agent fee).

(b) Raffle tickets will be made available during the dates specified in the current Big Game Regulations to the public through the authorized license agents in the state or through licensing in the Salem headquarters office or may be purchased through the mail using Oregon Department of Fish and Wildlife accepted forms. Tickets may be sold by department representatives at various gatherings of sportsmen's groups.

(c) Residents and nonresidents shall be eligible to purchase tickets.

(d) There shall be no refunds on any purchases of raffle tickets.

(e) Tickets purchased through license agents and handled by mail shall be received in the Salem headquarters office of the department by the date specified in the current Big Game Regulations. Hand delivered tickets submitted for the drawing must be received by 5 p.m. at the Salem headquarters office no later than two days before the drawing event. Completed tickets delivered to the drawing event must be turned in by the time specified in the current Big Game Regulations. Additional tickets may be purchased at the actual raffle site prior to the drawing.

(f) All tickets submitted for the drawing must be complete with a name, address, and phone number.

(g) One winner and two alternate winners will be drawn at a public drawing; time and location to be announced by the department.

(h) The department will mail notification to the winner and two alternates. If the winner does not claim the tag by 5 p.m., July 1, the winner shall be disqualified and the department will offer the tag to the first alternate. If the first alternate does not claim the tag within 10 business days of July 1, the second alternate will be contacted. If the tag is not claimed by 5 p.m., July 31, it will not be issued.

(i) License and Tag Requirements: A valid pronghorn antelope tag will be provided to the winner of the raffle and a valid hunting license will be provided if the winner has not already purchased one, so long as the winner is eligible to purchase an adult Oregon hunting license.

(j) The pronghorn antelope tag shall be issued in the name of the person on the winning ticket provided that person meets all criteria outlined above. The tag may not be sold, assigned, or otherwise transferred.

Stat. Auth.: ORS 496.012, 496.138 & 496.146

Stats Implemented: ORS 496.012, 496.138 & 496.146

Hist.: DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05

635-067-0030

Controlled Bighorn Sheep Hunts

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 32-1978, f. & ef. 6-30-78; FWC 12-1979, f. & ef. 3-28-79; FWC 29-1979, f. & ef. 8-2-79; FWC 14-1980, f. & ef. 4-8-80; FWC 10-1981, f. & ef. 3-31-81; FWC 22-1981, f. & ef. 6-29-81; FWC 21-1982, f. & ef. 3-31-82, Renumbered from 635-060-0610; FWC 15-1983, f. & ef. 4-19-83; FWC 16-1984, f. 4-6-84, ef. 4-15-84; FWC 21-1985, f. & ef. 5-7-85; FWC 29-1986, f. & ef. 7-23-86; FWC 11-1987, f. & ef. 3-6-87; FWC 14-1988, f. & cert. ef. 3-10-88; FWC 16-1989, f. & cert. ef. 3-28-89; FWC 65-1989, f. & cert. ef. 8-15-89; FWC 25-1990, f. & cert. ef. 3-21-90; FWC 21-1991, f. & cert. ef. 3-12-91; FWC 45-1992, f. & cert. ef. 7-15-92; FWC 61-1992, f. & cert. ef. 7-30-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 99-2006(Temp), f. & cert. ef. 9-11-06 thru 9-30-06; Administrative correction 10-16-06

635-067-0031

Controlled Bighorn Sheep Hunt Regulations

Bighorn sheep taken by hunters shall have one horn permanently marked with an identification pin by department personnel prior to the hunter leaving the hunt area. Party applications are not allowed. All hunters are required to check out through the local district ODFW office within 72 hours of completion of their hunt.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 94-2003(Temp), f. & cert. ef. 9-12-03 thru 12-31-03; Administrative correction 4-7-06

635-067-0032

Bighorn Sheep Auction Tag

(1) One bighorn sheep tag will be auctioned to the highest bidder annually in the manner and at such time as provided by the department. The department may contract with a sportsmen's group or organization to conduct the auction.

(2) The bighorn sheep auction tag and auction shall be limited as follows:

(a) Bag Limit: One bighorn sheep ram.

(b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.

(c) Open Season: The season shall begin on the opening day of the first regularly scheduled bighorn sheep season for the current year and shall end on the last day of the last regularly scheduled bighorn sheep season for the current year.

(d) Open Area: Any area where bighorn sheep hunts and tags have been authorized for the current year. The remainder of the state is closed to bighorn sheep hunting.

(e) Auction Requirements:

(A) The minimum acceptable bid for a bighorn sheep auction tag shall be \$25,000. The bid price includes the hunting license and tag fee. A valid bighorn sheep tag will be provided to the winning bidder in the auction and a valid hunting license will be provided if the winning bidder has not already purchased one, so long as the winning bidder is eligible to purchase an adult Oregon hunting license.

(B) Any person, resident or nonresident, is eligible to bid.

(C) If the highest bid is submitted by a person other than the person who is to receive the tag, the department shall be notified within five business days of the name, address, and phone number of the individual who is to receive the license and tag and his or her position or affiliation with the corporation or organization.

(D) Acceptance of the highest bid shall be conditional until the full amount of the bid is paid. Payment shall be made to the Oregon Department of Fish and Wildlife by cashiers check or certified check within 60 days of the date of the auction, whether conducted by the department or by a sportsman's group or organization authorized by the department to conduct the auction.

(E) If the full amount is not paid as provided in OAR 635-067-0032(2)(d)(D), the department may, at its discretion, reject the bid and offer the tag to the next highest bidder. If the department offers the tag to the next highest bidder, such next highest bidder must make payment to the Oregon Department of Fish and Wildlife by cashiers check

or certified check within 30 days of notification of his or her opportunity to obtain the tag.

(F) The successful bidder may be required to complete a bighorn sheep hunting orientation course prior to their hunt. The hunter shall inform the department when and where the hunt will be conducted. The successful bidder shall be required to take appropriate steps to assure that any ram taken is marked with an identification pin by department personnel within five days of being taken.

(G) The department shall reserve the right to accept or reject any or all bids.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 497.112
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 497.112
 Hist.: FWC 16-1987, f. & cert. ef. 5-5-87; FWC 14-1988, f. & cert. ef. 3-10-88; FWC 16-1989, f. & cert. ef. 3-28-89; FWC 35-1989, f. & cert. ef. 6-6-89; FWC 65-1989, f. & cert. ef. 8-15-89; FWC 36-1990, f. & cert. ef. 4-25-90; FWC 128-1990, f. & cert. ef. 12-24-90; FWC 127-1991, f. & cert. ef. 10-28-91; FWC 61-1992, f. & cert. ef. 7-30-92; FWC 45-1993, f. & cert. ef. 8-4-93; FWC 91-1994, f. & cert. ef. 12-15-94; FWC 53-1995, f. & cert. ef. 6-20-95; FWC 39-1996, f. & cert. ef. 11-1-96; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 82-2000, f. & cert. ef. 1-1-01; DFW 121-2001, f. & cert. ef. 1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. & cert. ef. 1-1-04

635-067-0034

Bighorn Sheep Raffle Tag

(1) One bighorn sheep tag will be raffled during the current year to an individual selected at a public drawing. The department may contract with a sportsmen's group or organization to conduct the raffle.

(2) The bighorn sheep raffle tag shall be limited as follows:

(a) Bag Limit: One bighorn sheep ram.

(b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.

(c) Open Season: The season shall begin on the opening day of the first regularly scheduled bighorn sheep season for the current year and shall end on the last day of the last regularly scheduled bighorn sheep season for the current year.

(d) Open Area: Any area where bighorn sheep hunts and tags have been authorized for the current year. The remainder of the state is closed to bighorn sheep hunting.

(3) Raffle Requirements:

(a) There is no limit on the number of tickets that a person may purchase. Raffle tickets shall be available for purchase in the following denominations:

(A) One ticket package at a cost of \$9.50 (plus a \$1.50 license agent fee).

(B) Six ticket package at a cost of \$49.50 (plus a \$1.50 license agent fee).

(C) Thirteen ticket package at a cost of \$99.50 (plus a \$1.50 license agent fee).

(b) Raffle tickets will be made available during the dates specified in the current Big Game Regulations to the public through the authorized license agents in the state or through licensing in the Salem headquarters office or may be purchased through the mail using Oregon Department of Fish and Wildlife accepted forms. Tickets may be sold by department representatives at various gatherings of sportmen's groups.

(c) Residents and nonresidents shall be eligible to purchase tickets.

(d) There shall be no refunds on any purchases of raffle tickets.

(e) Tickets purchased through license agents and handled by mail shall be received in the Salem headquarters office of the department by the date specified in the current Big Game Regulations. Hand delivered tickets submitted for the drawing must be received by 5 p.m. at the Salem headquarters office no later than two days before the drawing event. Completed tickets delivered to the drawing event must be turned in by the time specified in the current Big Game Regulations. Additional tickets may be purchased at the actual raffle site prior to the drawing.

(f) All tickets submitted for the drawing must be complete with a name, address, and phone number.

(g) One winner and two alternate winners will be drawn at a public drawing; time and location to be announced by the department.

(h) The department will mail notification to the winner and two alternates. If the winner does not claim the tag by 5 p.m., July 1, the winner shall be disqualified and the department will offer the tag to the first alternate. If the first alternate does not claim the tag within 10

business days of July 1, the second alternate will be contacted. If the tag is not claimed by 5 p.m., August 18, it will not be issued.

(i) License and Tag Requirements: A valid bighorn sheep tag will be provided to the winner of the raffle and a valid hunting license will be provided if the winner has not already purchased one, so long as the winner is eligible to purchase an adult Oregon hunting license.

(j) The bighorn sheep tag shall be issued in the name of the person on the winning ticket provided that person meets all criteria outlined above. The tag may not be sold, assigned, or otherwise transferred.

(k) The winner of the bighorn sheep tag may be required to complete a bighorn sheep hunting orientation course prior to their hunt. The hunter shall inform the department as to where and when the hunt will be conducted.

(l) If the holder of the raffle bighorn sheep tag is successful in taking a bighorn sheep ram, that person shall present the ram to the department for permanent marking within five days of taking of the ram.

Stat. Auth.: ORS 496.012, 496.138 & 496.146
 Stats. Implemented: ORS 496.012, 496.138 & 496.146
 Hist.: FWC 127-1991, f. & cert. ef. 10-28-91; FWC 61-1992, f. & cert. ef. 7-30-92; FWC 45-1993, f. & cert. ef. 8-4-93; FWC 91-1994, f. & cert. ef. 12-15-94; FWC 53-1995, f. & cert. ef. 6-20-95; FWC 39-1996, f. & cert. ef. 11-1-96; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 1-2000(Temp), f. & cert. ef. 1-3-00 thru 6-30-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 1-1-01; DFW 121-2001, f. & cert. ef. 1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. & cert. ef. 1-1-04; DFW 122-2004, f. & cert. ef. 1-21-04, cert. ef. 1-1-05

635-067-0040

Controlled Rocky Mountain Goat Hunt Regulations

Rocky Mountain goat taken by hunters shall be inspected by department personnel prior to the hunter leaving the hunt area. Party applications are not allowed. All hunters are required to attend an orientation class with department personnel prior to hunting and to check out through the local district office of ODFW within 72 hours of completion of their hunt.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 2-2003, f. & cert. ef. 1-17-03

635-067-0041

Rocky Mountain Goat Raffle

(1) One Rocky Mountain goat tag will be raffled annually to an individual selected at a public drawing. The department may contract with a sportsmen's group or organization to conduct the raffle.

(2) The Rocky Mountain goat raffle tag shall be limited as follows:

(a) Bag Limit: One Rocky Mountain goat.

(b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.

(c) Open Season: The season shall begin on September 1 and shall end on October 31.

(d) Open Area: Any area where Rocky Mountain goat hunts and tags have been authorized for the current year. The remainder of the state is closed to Rocky Mountain goat hunting.

(3) Raffle Requirements:

(a) There is no limit on the number of tickets that a person may purchase.

(A) One ticket package at a cost of \$9.50 (plus a \$1.50 license agent fee).

(B) Six ticket package at a cost of \$49.50 (plus a \$1.50 license agent fee).

(C) Thirteen ticket package at a cost of \$99.50 (plus a \$1.50 license agent fee).

(b) Raffle tickets will be made available during the dates specified in the current Big Game regulations to the public through the authorized license agents in the state or through licensing in the Salem headquarters office or may be purchased through the mail using Oregon Department of Fish and Wildlife accepted forms. Tickets may be sold by department representatives at various gatherings of sportmen's groups.

(c) Residents and nonresidents shall be eligible to purchase tickets.

(d) There shall be no refunds on any purchases of raffle tickets.

(e) Tickets purchased through license agents and handled by mail shall be received in the Salem headquarters office of the department by the date specified in the current Big Game Regulations. Hand delivered tickets submitted for the drawing must be received by 5 p.m. at the Salem headquarters office no later than two days before the drawing event. Completed tickets delivered to the drawing event must be turning in by the time specified in the current Big Game Regulations. Additional tickets may be purchased at the actual raffle site prior to the drawing.

(f) All tickets submitted for the drawing must be complete with a name, address, and phone number.

(g) One winner and two alternate winners will be drawn at a public drawing; time and location to be announced by the department.

(h) The department will mail notification to the winner and two alternates. If the winner does not claim the tag by 5 p.m., July 1, the winner shall be disqualified and the department will offer the tag to the first alternate. If the first alternate does not claim the tag within 10 business days of July 1, the second alternate will be contacted. If the tag is not claimed by 5 p.m., August 31, it will not be issued.

(i) License and Tag Requirements: A valid Rocky Mountain goat tag will be provided to the winner of the raffle and a valid hunting license will be provided if the winner has not already purchased one, so long as the winner is eligible to purchase an adult Oregon hunting license.

(j) The Rocky Mountain goat tag shall be issued in the name of the person on the winning ticket provided that person meets all criteria outlined above. The tag may not be sold, assigned, or otherwise transferred.

(k) The winner of the Rocky Mountain goat tag will be required to complete a Rocky Mountain goat hunting orientation course prior to their hunt. The hunter shall inform the department as to where and when the hunt will be conducted.

(l) If the holder of the Rocky Mountain goat raffle tag is successful in taking a Rocky Mountain goat, that person shall present the animal to the department for permanent marking within five days of taking of the animal.

Stat. Auth.: ORS 496.012, 496.138 & 496.146

Stats Implemented: ORS 496.012, 496.138 & 496.146

Hist.: DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05

DIVISION 68

WESTERN OREGON DEER SEASONS

635-068-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting western Oregon deer pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2006 are listed in Tables 1 and 2 and are adopted and incorporated into OAR chapter 635, division 068 by reference.

(3) OAR chapter 635, division 068 incorporates, by reference, the requirements for hunting western Oregon deer set out in the document entitled “2006 Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “2006 Oregon Big Game Regulations” in addition to OAR Chapter 635, to determine all applicable requirements for hunting western Oregon deer. The annual Oregon Big Game Regulations are available at authorized license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

[ED. NOTE: Tables referenced are available from the agency.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 39-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 3-2003, f. 1-17-03, cert. ef. 1-20-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 121-2003, f. 12-4-03, cert. ef. 1-19-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 124-2004, f. 12-21-04, cert. ef. 3-1-05; DFW 53-2005, f.

& cert. ef. 6-14-05; DFW 131-2005, f. 12-1-05, cert. ef. 3-1-06; DFW 41-2006, f. & cert. ef. 6-14-06

635-068-0001

Western Oregon Buck Seasons

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & cert. ef. 6-9-77; FWC 33-1978, f. & cert. ef. 6-30-78; FWC 28-1979, f. & cert. ef. 8-2-79; FWC 33-1980, f. & cert. ef. 6-30-80; FWC 6-1981, f. & cert. ef. 1-23-81; FWC 11-1981, f. & cert. ef. 3-31-81; FWC 20-1981, f. & cert. ef. 6-19-81; FWC 37-1982, f. & cert. ef. 6-25-82, Renumbered from 635-065-0105; FWC 28-1983, f. & cert. ef. 7-8-83; FWC 34-1984, f. & cert. ef. 7-24-84; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 63-1986, f. & cert. ef. 10-2-86; FWC 42-1987, f. & cert. ef. 7-6-87; FWC 95-1987(Temp), f. & cert. ef. 11-6-87; FWC 39-1988, f. & cert. ef. 6-13-88; FWC 66-1989, f. & cert. ef. 8-15-89; FWC 58-1990, f. & cert. ef. 6-21-90; FWC 61-1991, f. & cert. ef. 6-24-91; FWC 46-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 9-1997, f. & cert. ef. 2-27-97

635-068-0005

High Cascade Buck Deer Hunt

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & cert. ef. 6-9-77; FWC 33-1978, f. & cert. ef. 6-30-78; FWC 28-1979, f. & cert. ef. 8-2-79; FWC 33-1980, f. & cert. ef. 6-30-80; FWC 6-1981, f. & cert. ef. 1-23-81; FWC 11-1981, f. & cert. ef. 3-31-81; FWC 20-1981, f. & cert. ef. 6-19-81; FWC 37-1982, f. & cert. ef. 6-25-82, Renumbered from 635-065-0107; FWC 28-1983, f. & cert. ef. 7-8-83; FWC 34-1984, f. & cert. ef. 7-24-84; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 29-1986, f. & cert. ef. 7-23-86; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 11-1987, f. & cert. ef. 3-6-87; FWC 15-1988, f. & cert. ef. 3-10-88; FWC 39-1988, f. & cert. ef. 6-13-88; FWC 17-1989, f. & cert. ef. 3-28-89; FWC 66-1989, f. & cert. ef. 8-15-89; FWC 26-1990, f. & cert. ef. 3-21-90; FWC 58-1990, f. & cert. ef. 6-21-90; FWC 22-1991, f. & cert. ef. 3-12-91; FWC 61-1991, f. & cert. ef. 6-24-91; FWC 46-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97

635-068-0022

W. High Cascade Buck Deer Hunt or Hood-White River Hunt and Western Oregon Controlled Deer Hunts

(1) Tags shall be issued by a controlled hunt drawing following the procedures established in OAR chapter 635, division 060. Each successful applicant for a W. High Cascade or Hood-White River hunt tag shall receive one tag valid for both the W. High Cascade hunt or Hood-White River and the Western Oregon General deer rifle season. Each hunter may take only one buck deer.

(2) A hunter successful in drawing a 600 series tag may also hunt in any general deer season or any 100 series controlled buck deer hunt and as provided in OAR chapter 635, division 090; if possessing the proper tag for the area and time period being hunted.

(3) A hunter drawing a 100 or 600 series deer tag or purchasing a general season western Oregon deer tag, also may possess a “left over” 100 and 600 series tag obtained through the first come-first served process.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 9-1997, f. & cert. ef. 2-27-97; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 28-2002(Temp), f. 4-1-02, cert. ef. 4-2-02 thru 9-28-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 124-2004, f. 12-21-04, cert. ef. 3-1-05

635-068-0025

Western Oregon Controlled Deer Hunts

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 37-1982, f. & cert. ef. 6-25-82; FWC 28-1983, f. & cert. ef. 7-8-83; FWC 34-1984, f. & cert. ef. 7-24-84; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 42-1987, f. & cert. ef. 7-6-87; FWC 95-1987(Temp), f. & cert. ef. 11-6-87; FWC 39-1988, f. & cert. ef. 6-13-88; FWC 66-1989, f. & cert. ef. 8-15-89; FWC 58-1990, f. & cert. ef. 6-21-90; FWC 61-1991, f. & cert. ef. 6-24-91; FWC 46-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97

635-068-0030

Additional Western Oregon Controlled Deer Hunt

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97

DIVISION 69

EASTERN OREGON DEER SEASONS

635-069-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting eastern Oregon deer pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2006 are listed in Tables 1 and 2 and are adopted and incorporated into OAR chapter 635, division 069 by reference.

(3) OAR chapter 635, division 069 incorporates, by reference, the requirements for hunting eastern Oregon deer set out in the document entitled “2006 Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “2006 Oregon Big Game Regulations” in addition to OAR Chapter 635, to determine all applicable requirements for hunting eastern Oregon deer. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

[ED. NOTE: Tables referenced are available from the agency.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 40-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 32-1999(Temp), f. & cert. ef. 5-4-99 thru 10-31-99; DFW 34-1999(Temp), f. & cert. ef. 5-12-99 thru 10-31-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 20-2000(Temp), f. & cert. ef. 4-12-00 thru 6-30-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. & cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 7-2003, f. & cert. ef. 1-17-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 122-2003, f. & cert. ef. 12-4-03; DFW 2-2004; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 123-2004, f. & cert. ef. 12-21-04; DFW 2-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 130-2005, f. & cert. ef. 2-1-06; DFW 41-2006, f. & cert. ef. 6-14-06

635-069-0005

Controlled Buck Hunts

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 37-1982, f. & cert. ef. 6-25-82; FWC 28-1983, f. & cert. ef. 7-8-83; FWC 34-1984, f. & cert. ef. 7-24-84; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 43-1987, f. & cert. ef. 7-6-87; FWC 16-1988, f. & cert. ef. 3-10-88; FWC 40-1988, f. & cert. ef. 6-13-88; FWC 18-1989, f. & cert. ef. 3-28-89; FWC 36-1989, f. & cert. ef. 6-6-89; FWC 67-1989, f. & cert. ef. 8-15-89; FWC 27-1990, f. & cert. ef. 3-21-90; FWC 46-1990, f. & cert. ef. 5-25-90; FWC 23-1991, f. & cert. ef. 3-12-91; FWC 62-1991, f. & cert. ef. 6-24-91; FWC 47-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. & cert. ef. 3-30-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. & cert. ef. 1-23-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. & cert. ef. 4-10-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97

635-069-0010

Controlled Antlerless Deer Hunts

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 37-1982, f. & cert. ef. 6-25-82; FWC 28-1983, f. & cert. ef. 7-8-83; FWC 34-1984, f. & cert. ef. 7-24-84; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 43-1987, f. & cert. ef. 7-6-87; FWC 40-1988, f. & cert. ef. 6-13-88; FWC 67-1989, f. & cert. ef. 8-15-89; FWC 59-1990, f. & cert. ef. 6-21-90; FWC 62-1991, f. & cert. ef. 6-24-91; FWC 114-1991, f. & cert. ef. 9-30-91; FWC 47-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. & cert. ef. 3-30-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. & cert. ef. 1-23-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. & cert. ef. 4-10-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 32-1999(Temp), f. & cert. ef. 5-4-99 thru 10-31-99; DFW 34-1999(Temp), f. & cert. ef. 5-12-99 thru 10-31-99; DFW 20-2000(Temp), f. & cert. ef. 4-12-00 thru 6-30-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 115-2005(Temp), f. & cert. ef. 9-30-05 thru 10-23-05; Administrative correction 11-18-05

635-069-0030

Controlled Eastern Oregon Deer Hunts

(1) Tags shall be issued by a controlled hunt drawing following the procedures established in OAR chapter 635, division 060. A person successful in drawing a 100 series eastern Oregon deer tag may not hunt in any general deer season.

(2) A person successful in drawing a 600 series tag may also hunt in any general season or any 100 series controlled buck deer hunt and as provided in OAR chapter 635, division 090; if possessing the proper tag for the area and time period being hunted.

(3) A hunter drawing a 100 or 600 series deer tag also may possess one “left over” deer tag in each 100 and 600 series obtained through the first come-first served process.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 9-1997, f. & cert. ef. 2-27-97; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 123-2004, f. & cert. ef. 12-21-04; cert. ef. 2-1-05

DIVISION 70

WESTERN OREGON ELK SEASONS

635-070-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting Cascade and Coast elk pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2006 are listed in Tables 1 and 2 and are adopted and incorporated into OAR chapter 635, division 070 by reference.

(3) OAR chapter 635, division 070 incorporates, by reference, the requirements for hunting western Oregon elk set out in the document entitled “2006 Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “2006 Oregon Big Game Regulations” in addition to OAR Chapter 635, to determine all applicable requirements for hunting western Oregon elk. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

[ED. NOTE: Tables referenced are available from the agency.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 41-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. & cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. & cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 9-2003(Temp), f. & cert. ef. 1-28-03 thru 6-16-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 119-2003, f. & cert. ef. 12-4-03; DFW 4-1-04; DFW 130-2003(Temp), f. & cert. ef. 12-24-03 thru 3-1-04; DFW 8-2004(Temp), f. & cert. ef. 2-2-04 thru 7-31-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 107-2004(Temp), f. & cert. ef. 10-18-04 thru 11-27-04; DFW 131-2004, f. & cert. ef. 12-21-04; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 132-2005, f. & cert. ef. 12-1-05; DFW 41-2006, f. & cert. ef. 6-14-06

635-070-0001

Coast Elk Rifle Seasons

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 123, f. & cert. ef. 6-9-77; FWC 33-1978, f. & cert. ef. 6-30-78; FWC 6-1979, f. & cert. ef. 2-6-79; FWC 28-1979, f. & cert. ef. 8-2-79; FWC 33-1980, f. & cert. ef. 6-30-80; FWC 6-1981, f. & cert. ef. 1-23-81; FWC 11-1981, f. & cert. ef. 3-31-81; FWC 20-1981, f. & cert. ef. 6-19-81; FWC 37-1982, f. & cert. ef. 6-25-82; Renumbered from 635-065-0220; FWC 28-1983, f. & cert. ef. 7-8-83; FWC 34-1984, f. & cert. ef. 7-24-84; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 63-1986, f. & cert. ef. 10-2-86; FWC 44-1987, f. & cert. ef. 7-6-87; FWC 41-1988, f. & cert. ef. 6-13-88; FWC 68-1989, f. & cert. ef. 8-15-89; FWC 60-1990, f. & cert. ef. 6-21-90; FWC 63-1991, f. & cert. ef. 6-24-91; FWC 48-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. & cert. ef. 3-30-94; FWC 6-1995, f. & cert. ef. 1-23-95; FWC 17-1996, f. & cert. ef. 4-10-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 30-2000, f. & cert. ef. 6-14-00

635-070-0003

Cascade Elk Rifle Season

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 35-1986, f. & cert. ef. 8-7-86; FWC 63-1986, f. & cert. ef. 10-2-86; FWC 44-1987, f. & cert. ef. 7-6-87; FWC 41-1988, f. & cert. ef. 6-13-88; FWC 68-1989, f. & cert. ef. 8-15-89; FWC 60-1990, f. & cert. ef. 6-21-90; FWC 63-1991, f. & cert. ef. 6-24-91; FWC 48-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. & cert. ef. 3-30-94; FWC 6-1995, f. & cert. ef. 1-23-95; FWC 17-1996, f. & cert. ef. 4-10-96; FWC 9-1997, f. & cert. ef. 2-27-97

635-070-0005

Controlled Coast Bull and Either-sex Elk Hunts

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 37-1982, f. & cert. ef. 6-25-82; FWC 28-1983, f. & cert. ef. 7-8-83; FWC 34-1984, f. & cert. ef. 7-24-84; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 44-1987, f. & cert. ef. 7-6-87; FWC 17-1988, f. & cert. ef. 3-10-88; FWC 41-1988, f. & cert. ef. 6-13-88; FWC 19-1989, f. & cert. ef. 3-28-89; FWC 68-1989, f. & cert. ef. 8-15-89; FWC 28-1990, f. & cert. ef. 3-21-90; FWC 60-1990, f. & cert. ef. 6-21-90; FWC 24-1991, f. & cert. ef. 3-12-91; FWC 48-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. & cert. ef. 3-30-94; cert.

ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 8-2004(Temp), f. & cert. ef. 2-2-04 thru 7-31-04; Administrative correction 8-19-04

635-070-0010

Controlled Coast Elk Rifle Hunts

(1) Hunt 224C — Hunt Name; Callahan:
 (a) Bag Limit: one antlerless elk.
 (b) Open Season: February 7–8, 14–15, 21–22, 28–29, 2004.
 (c) Hunt Area: 10% public lands. 172 sq. miles. In unit 24, west of Roseburg as follows: beginning at junction of Callahan Rd (CTR 174) and BLM Rd 27-7-4.0; southwest on 27-7-4.0 to Reston Rim Rd (Weyerhaeuser 9540 & 28-8-3.0); south and west on 28-8-3.0 to 28-8-9.1; west on to Burnt Mt Rd (28-8-16.0); north and west on 28-8-16.0 to Burnt Ridge Rd (27-9-24.0); north on 27-9-24.0 to 26-9-8.0; north and west on 26-9-8.0 to Rd 5000 (Williams River Rd); west and north on 5000 to 4000 (Millicoma River Rd); west on 4000 to 1000 (Matson Cr Rd); north and east on 1000 to Loon Creek Road (CR 3); east and north on CR 3 to Soup Cr (CR 72 and 23-9-19.0); east on 23-9-19.0 to 23-9-4.0; south and east on 23-9-4.0 to 24-9-28.0; south and east on 24-9-28.0 to section 4 (1 mile east of Old Blue); south and east 1/2 mile on 24-9-28.0 to road 24-8-20.0 (Blue Access Rd 3606); south on 24-8-20.0 (becoming Bateman Rd at junction of Weyerhaeuser 2000 and 24-10-29.0) to 8420 road; southeast on 8420 to 8800; south and east on 8800 (25-8-1.0) to 8500; east and south on 8500 to 5340; southeast on 5340 to junction of CR 174 and 27-7-4.0 (point of beginning).

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 37-1982, f. & ef. 6-25-82; FWC 28-1983, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 71-1985, f. & ef. 11-8-85; FWC 35-1986, f. & ef. 8-7-86; FWC 44-1987, f. & ef. 7-6-87; FWC 41-1988, f. & cert. ef. 6-13-88; FWC 68-1989, f. & cert. ef. 8-15-89; FWC 60-1990, f. & cert. ef. 6-21-90; FWC 63-1991, f. & cert. ef. 6-24-91; FWC 128-1991(Temp), f. & cert. ef. 10-28-91; FWC 48-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 130-2003(Temp), f. & cert. ef. 12-24-03 thru 3-1-04

635-070-0012

Controlled Cascade Elk Rifle Hunts

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 44-1987, f. & ef. 7-6-87; FWC 41-1988, f. & cert. ef. 6-13-88; FWC 68-1989, f. & cert. ef. 8-15-89; FWC 60-1990, f. & cert. ef. 6-21-90; FWC 63-1991, f. & cert. ef. 6-24-91; FWC 48-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 107-2004(Temp), f. & cert. ef. 10-18-04 thru 11-27-04; Administrative correction, 2-18-05

635-070-0020

Controlled Western Oregon Elk Rifle Hunts

Tags shall be issued by a controlled hunt drawing following the procedures established in OAR 635, division 60. A person successful in drawing a tag for a controlled elk season shall not hunt in any other elk season, except as provided in OAR 635, division 90, or they may hunt in any controlled elk season for which they possess a “left over” tag obtained through the first-come, first-serve process.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 9-1997, f. & cert. ef. 2-27-97; DFW 47-2001, f. & cert. ef. 6-13-01

DIVISION 71

ROCKY MOUNTAIN ELK SEASONS

635-071-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting Rocky Mountain elk pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2006 are listed in Tables 1 and 2 and are adopted and incorporated in OAR chapter 635, division 071 by reference.

(3) OAR chapter 635, division 071 incorporates, by reference, the requirements for hunting Rocky Mountain elk set out in the document entitled “**2006 Oregon Big Game Regulations**,” into Oregon Administrative Rules. Therefore, persons must consult the “**2006 Oregon Big Game Regulations**” in addition to OAR Chapter 635, to determine all applicable requirements for hunting Rocky Mountain elk. The annual **Oregon Big Game Regulations** are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife. Notwithstanding this, the **2006 Oregon Big Game Regulations** are amended to change the boundary description for Hunt 249B-McKay Creek on page 88 and open season dates for Hunt 258A-Zumwalt on page 80. The corrected boundary description and open season dates can be found under 635-071-0010.

[ED. NOTE: Tables referenced are available from the agency.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 42-1988, f. & cert. ef. 6-13-88; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 9-2003(Temp), f. & cert. ef. 1-28-03 thru 6-16-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 1-2004(Temp), f. & cert. ef. 1-13-04 thru 7-9-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 105-2004(Temp), f. & cert. ef. 10-13-04 thru 11-15-04, Administrative correction 11-22-04; DFW 131-2004, f. 12-21-04, cert. ef. 4-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 132-2005, f. 12-1-05, cert. ef. 4-1-06; DFW 22-2006(Temp), f. & cert. ef. 4-7-06 thru 10-4-06; DFW 41-2006, f. & cert. ef. 6-14-06

635-071-0001

Rocky Mountain Elk Rifle Seasons

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 6-1979, f. & ef. 2-6-79; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82, Renumbered from 635-065-0215; FWC 28-1983, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 63-1986, f. & ef. 10-2-86; FWC 45-1987, f. & ef. 7-6-87; FWC 42-1988, f. & cert. ef. 6-13-88; FWC 69-1989, f. & cert. ef. 8-15-89; FWC 61-1990, f. & cert. ef. 6-21-90; FWC 25-1991, f. & cert. ef. 3-12-91; FWC 64-1991, f. & cert. ef. 6-24-91; FWC 49-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 9-1997, f. & cert. ef. 2-27-97

635-071-0005

Controlled Rocky Mountain Bull Elk Rifle Hunts

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 37-1982, f. & ef. 6-25-82; FWC 28-1983, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 45-1987, f. & ef. 7-6-87; FWC 18-1988, f. & cert. ef. 3-10-88; FWC 42-1988, f. & cert. ef. 6-13-88; FWC 20-1989, f. & cert. ef. 3-28-89; FWC 69-1989, f. & cert. ef. 8-15-89; FWC 29-1990, f. & cert. ef. 3-21-90; FWC 43-1990, f. & cert. ef. 5-25-90; FWC 61-1990, f. & cert. ef. 6-21-90; FWC 25-1991, f. & cert. ef. 3-12-91; FWC 64-1991, f. & cert. ef. 6-24-91; FWC 49-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 1-2004(Temp), f. & cert. ef. 1-13-04 thru 7-9-04; DFW 105-2004(Temp), f. & cert. ef. 10-13-04 thru 11-15-04; Administrative correction 11-22-04

635-071-0010

Controlled Rocky Mountain Antlerless Elk Rifle Hunts

(1) Hunt 249B-McKay Creek
 (a) Bag Limit: one antlerless elk
 (b) Open Season: December 2 through December 10, 2006
 (c) Hunt Area: 5% public lands. That part of Unit 49 north of East Birch Ck Co Rd (including Indian Lk Rd) and that part of Unit 44 north of Interstate 84.
 (2) Hunt 258A-Zumwalt
 (a) Bag Limit: one antlerless elk
 (b) Open Season: October 25 through October 29 and November 18 through November 26, 2006
 (c) Hunt Area: 5% public lands. That part of Unit 58 south of the following line: Beginning where Crow Cr RD crosses Chesnimnus Cr; east on Chesnimnus Cr to pine Cr; southeast on Pine Cr to FR 990; east on 990 to FR #46; south on 46 to Indian Village-Fence Cr Rd; east on Village-Fence Cr Rd to Imnaha Rvr.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

DIVISION 73

SPECIAL INTEREST SEASONS

Hist.: FWC 37-1982, f. & cert. 6-25-82; FWC 28-1983, f. & cert. 7-8-83; FWC 34-1984, f. & cert. 7-24-84; FWC 43-1985, f. & cert. 8-22-85; FWC 76-1985(Temp), f. & cert. 12-6-85; FWC 71-1985, f. & cert. 11-8-85; FWC 35-1986, f. & cert. 8-7-86; FWC 45-1987, f. & cert. 7-6-87; FWC 42-1988, f. & cert. ef. 6-13-88; FWC 69-1989, f. & cert. ef. 8-15-89; FWC 115-1989(Temp), f. & cert. ef. 11-16-89; FWC 61-1990, f. & cert. ef. 6-21-90; FWC 116-1990(Temp), f. & cert. ef. 10-11-90; FWC 64-1991, f. & cert. ef. 6-24-91; FWC 115-1991, f. & cert. ef. 9-30-91; FWC 49-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. & cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 63-1994(Temp), f. & cert. ef. 9-13-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 22-2006(Temp), f. & cert. ef. 4-7-06 thru 10-4-06; DFW 41-2006, f. & cert. ef. 6-14-06

635-071-0020

Controlled Rocky Mountain Either-Sex Elk Hunts

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 18-1988, f. & cert. ef. 3-10-88; FWC 42-1988, f. & cert. ef. 6-13-88; FWC 20-1989, f. & cert. ef. 3-28-89; FWC 69-1989, f. & cert. ef. 8-15-89; FWC 29-1990, f. & cert. ef. 3-21-90; FWC 25-1991, f. & cert. ef. 3-12-91; FWC 49-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. & cert. ef. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97

635-071-0030

Controlled Rocky Mountain Elk Seasons

Tags shall be issued by a controlled hunt drawing following the procedures established in OAR 635, division 060. A person successful in drawing a controlled elk tag shall not hunt in any other elk season, except as provided in OAR 635, division 090 and they may hunt during any elk season for which they possess a “left over” controlled elk tag obtained through the first-come, first-served process.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 9-1997, f. & cert. ef. 2-27-97; DFW 53-1999(Temp), f. & cert. ef. 8-6-99 thru 2-2-00; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 2-2003, f. & cert. ef. 1-17-03

DIVISION 72

WESTERN GRAY SQUIRREL SEASON

635-072-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, and other restrictions for hunting western gray squirrels pursuant to ORS Chapter 496.

(2) OAR chapter 635, division 072 incorporates, by reference, the requirements for hunting western gray squirrel set out in the document entitled “2006 Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “2006 Oregon Big Game Regulations” in addition to OAR chapter 635, to determine all applicable requirements for hunting western gray squirrel. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

[Publications: Publications referenced are available from the agency.]
 Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 43-1988, f. & cert. ef. 6-13-88; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06

635-072-0001

Western Gray Squirrel Season

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 123, f. & cert. ef. 6-9-77; FWC 33-1978, f. & cert. ef. 6-30-78; FWC 28-1979, f. & cert. ef. 8-2-79; FWC 33-1980, f. & cert. ef. 6-30-80; FWC 6-1981, f. & cert. ef. 1-23-81; FWC 11-1981, f. & cert. ef. 3-31-81; FWC 20-1981, f. & cert. ef. 6-19-81; FWC 37-1982, f. & cert. ef. 6-25-82; Renumbered from 635-065-0300; FWC 28-1983, f. & cert. ef. 7-8-83; FWC 34-1984, f. & cert. ef. 7-24-84; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 46-1987, f. & cert. ef. 7-6-87; FWC 43-1988, f. & cert. ef. 6-13-88; FWC 70-1989, f. & cert. ef. 8-15-89; FWC 62-1990, f. & cert. ef. 6-21-90; FWC 65-1991, f. & cert. ef. 6-24-91; FWC 50-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 16-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 71-1997, f. & cert. ef. 12-29-97

635-073-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for bow and muzzleloader hunting and controlled deer and elk youth hunts; pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2006 for deer and elk bow and muzzleloader hunting and deer and elk youth hunts are listed in Tables 1 and 2 and are adopted and incorporated into OAR chapter 635, division 073 by reference.

(3) OAR Chapter 073 incorporates, by reference, the requirements for bow and muzzleloader hunting and controlled deer and elk youth hunts set out in the document entitled “2006 Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “2006 Oregon Big Game Regulations,” in addition to OAR Chapter 635, to determine all applicable requirements for bow and muzzleloader hunting and controlled deer and elk youth hunts. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife. Notwithstanding this, the **2006 Oregon Big Game Regulations** are amended to change the open season dates for Hunt 644T2-Umatilla County Private on page 70. The corrected open season dates can be found under 635-073-0050.

[ED. NOTE: Tables referenced are available from the agency.]
 [Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 44-1988, f. & cert. ef. 6-13-88; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 21-2000(Temp), f. 4-12-00, cert. ef. 4-12-00 thru 6-30-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 3-2003, f. 1-17-03, cert. ef. 1-20-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 122-2003, f. 12-4-03, cert. ef. 2-2-04; DFW 130-2003(Temp), f. & cert. ef. 12-24-03 thru 3-1-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 123-2004, f. 12-21-04, cert. ef. 2-1-05; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 130-2005, f. 12-1-05, cert. ef. 2-1-06; DFW 22-2006(Temp), f. & cert. ef. 4-7-06 thru 10-4-06; DFW 41-2006, f. & cert. ef. 6-14-06

635-073-0001

Bowhunting Seasons

(1) Portions of the bowhunting areas are open for other hunting during specified periods listed under extended and controlled seasons.

(2) A bowhunter shall have on his person a hunting license and a valid tag while hunting in any of the bowhunting seasons listed in this section.

(3) A bowhunter possessing an elk bow tag is restricted to authorized elk bowhunting areas and seasons, and shall not hunt during the Cascade, Coast, or Rocky Mountain elk rifle seasons.

(4) A bowhunter possessing a deer bow tag is restricted to authorized bowhunting areas and seasons and shall not hunt during any other general western Oregon deer or controlled buck seasons. Exception: bowhunters possessing a “left over” tag obtained through the first-come, first-served process also may hunt during the season for which that tag was issued.

(5) The elk bow tag is the only tag valid in any bowhunting season open to elk hunting. The deer bow tag is the only tag valid in any bowhunting season open to deer hunting. Exception: bowhunters possessing a “left over” tag obtained through the first-come, first-served process also may hunt during the season for which that tag was issued.

(6) White-tailed deer are protected in all units west of the eastern boundaries of the Santiam, McKenzie, Indigo, Dixon, and Rogue units except for the controlled hunts listed in the Oregon Big Game Regulations.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 123, f. & cert. ef. 6-9-77; FWC 12-1979, f. & cert. ef. 3-28-79; FWC 28-1979, f. & cert. ef. 8-2-79; FWC 33-1980, f. & cert. ef. 6-30-80; FWC 6-1981, f. & cert. ef. 1-23-81; FWC 11-1981, f. & cert. ef. 3-31-81; FWC 20-1981, f. & cert. ef. 6-19-81; FWC 37-1982, f. & cert. ef. 6-25-82; Renumbered from 635-065-0500; FWC 28-1983, f. & cert. ef. 7-8-83; FWC 34-1984, f. & cert. ef. 7-24-84; FWC 43-1985, f. & cert. ef. 8-22-85; FWC 35-1986, f. & cert. ef. 8-7-86; FWC 44-1988, f. & cert. ef. 6-13-88; FWC 71-1989, f. & cert. ef. 8-15-89; FWC 63-1990, f. & cert. ef. 6-21-90; FWC 26-1991, f. & cert. ef. 3-12-91; FWC 71-1997, f. & cert. ef.

12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 53-2005, f. & cert. ef. 6-14-05

635-073-0005

Early General Bowhunting Seasons

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82, Renumbered from 635-065-0505; FWC 28-1983, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 63-1986, f. & ef. 10-2-86; FWC 47-1987, f. & ef. 7-6-87; FWC 44-1988 f. & cert. ef. 6-13-88; FWC 76-1988(Temp), f. & cert. ef. 8-26-88; FWC 71-1989, f. & cert. ef. 8-15-89; FWC 63-1990, f. & cert. ef. 6-21-90; FWC 26-1991, f. & cert. ef. 3-12-91; FWC 66-1991, f. & cert. ef. 6-24-91; FWC 89-1991(Temp), f. & cert. ef. 8-13-91; FWC 116-1991, f. & cert. ef. 9-30-91; FWC 51-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97

635-073-0010

Late Western Oregon Deer Bowhunting Season

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82, Renumbered from 635-065-0550; FWC 28-1983, f. & ef. 7-8-83; FWC 47-1983, f. & ef. 9-21-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 47-1987, f. & ef. 7-6-87; FWC 44-1988, f. & cert. ef. 6-13-88; FWC 71-1989, f. & cert. ef. 8-15-89; FWC 63-1990, f. & cert. ef. 6-21-90; FWC 66-1991, f. & cert. ef. 6-24-91; FWC 51-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 9-1997, f. & cert. ef. 2-27-97

635-073-0015

Late Eastern Oregon Deer Bowhunting Seasons

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82, Renumbered from 635-065-0525; FWC 28-1983, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 63-1986, f. & ef. 10-2-86; FWC 47-1987, f. & ef. 7-6-87; FWC 44-1988, f. & cert. ef. 6-13-88; FWC 71-1989, f. & cert. ef. 8-15-89; FWC 63-1990, f. & cert. ef. 6-21-90; FWC 66-1991, f. & cert. ef. 6-24-91; FWC 116-1991, f. & cert. ef. 9-30-91; FWC 51-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 9-1997, f. & cert. ef. 2-27-97

635-073-0020

Controlled Western Oregon Elk Bowhunting Season

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 123, f. & ef. 6-9-77; FWC 33-1978, f. & ef. 6-30-78; FWC 28-1979, f. & ef. 8-2-79; FWC 33-1980, f. & ef. 6-30-80; FWC 6-1981, f. & ef. 1-23-81; FWC 11-1981, f. & ef. 3-31-81; FWC 20-1981, f. & ef. 6-19-81; FWC 37-1982, f. & ef. 6-25-82, Renumbered from 635-065-0570; FWC 28-1983, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 19-1988, f. & cert. ef. 3-10-88; FWC 44-1988, f. & cert. ef. 6-13-88; FWC 21-1989, f. & cert. ef. 3-28-89; FWC 71-1989, f. & cert. ef. 8-15-89; FWC 30-1990, f. & cert. ef. 3-21-90; FWC 26-1991, f. & cert. ef. 3-12-91; FWC 51-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97

635-073-0023

Controlled Eastern Oregon Elk Bowhunting Season

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 26-1991, f. & cert. ef. 3-12-91; FWC 51-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 21-2000(Temp), f. 4-12-00, cert. ef. 4-12-00 thru 6-30-00; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02

635-073-0026

Controlled Deer Bow Hunts

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 35-1986, f. & ef. 8-7-86; FWC 11-1987, f. & ef. 3-6-87; FWC 19-1988, f. & cert. ef. 3-10-88; FWC 44-1988, f. & cert. ef. 6-13-88; FWC 21-1989, f. & cert. ef. 3-28-89; FWC 71-1989, f. & cert. ef. 8-15-89; FWC 30-1990, f. & cert. ef. 3-21-90; FWC 26-1991, f. & cert. ef. 3-12-91; FWC 51-1992, f. & cert. ef. 7-15-92; FWC 36-

1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97

635-073-0035

Controlled Muzzleloader Deer Hunts

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 22-1981, f. & ef. 6-29-81; FWC 38-1982, f. & ef. 6-25-82, Renumbered from 635-060-0465; FWC 28-1983, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 47-1987, f. & ef. 7-6-87; FWC 19-1988, f. & cert. ef. 3-10-88; FWC 44-1988, f. & cert. ef. 6-13-88; FWC 21-1989, f. & cert. ef. 3-28-89; FWC 71-1989, f. & cert. ef. 8-15-89; FWC 30-1990, f. & cert. ef. 3-21-90; FWC 63-1990, f. & cert. ef. 6-21-90; FWC 26-1991, f. & cert. ef. 3-12-91; FWC 51-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 30-2000, f. & cert. ef. 6-14-00

635-073-0040

Controlled Muzzleloader Elk Seasons

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 38-1982, f. & ef. 6-25-82; FWC 28-1983, f. & ef. 7-8-83; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 47-1987, f. & ef. 7-6-87; FWC 44-1988, f. & cert. ef. 6-13-88; FWC 71-1989, f. & cert. ef. 8-15-89; FWC 30-1990, f. & cert. ef. 3-21-90; FWC 63-1990, f. & cert. ef. 6-21-90; FWC 26-1991, f. & cert. ef. 3-12-91, Renumbered from 635-073-0045; FWC 51-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 32-2001, f. & cert. ef. 5-2-01 thru 10-29-01; Administrative correction 1-13-05

635-073-0050

Controlled Antlerless Deer Youth Hunts

Hunt 644T2-Umatilla County Private

- (1) Bag Limit: one antlerless deer
- (2) Open Season: November 25 through December 10, 2006
- (3) Hunt Area: 0% public lands. All of Umatilla County outside exterior boundaries of the Umatilla and Wallowa Whitman National Forest.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 66-1991, f. & cert. ef. 6-24-91; FWC 51-1992, f. & cert. ef. 7-15-92; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 72-1993(Temp), f. 11-19-93, cert. ef. 11-20-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 30-2000, f. & cert. ef. 6-14-00; DFW 113 2001(Temp), f. & cert. ef. 12-13-01 thru 1-31-02; Administrative correction 1-13-05; DFW 22-2006(Temp), f. & cert. ef. 4-7-06 thru 10-4-06; DFW 41-2006, f. & cert. ef. 6-14-06

635-073-0060

Controlled Antlerless Elk Youth Hunts

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 36-1993, f. & cert. ef. 6-14-93; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 18-1994, f. 3-30-94, cert. ef. 5-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; FWC 54-1995, f. & cert. ef. 6-20-95; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 35-1996, f. & cert. ef. 6-7-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 130-2003(Temp), f. & cert. ef. 12-24-03 thru 3-1-04; Administrative correction 1-13-05

635-073-0065

Early Western Oregon Bowhunting Seasons

- (1) General Bowhunting Seasons — Western Oregon.
 - (a) Open Season: August 26 — September 24, 2006;
 - (b) Bag Limit and Hunt Area: The bag limit is one buck deer having not less than a forked antler in the Tioga, Dixon, Sixes, Powers, Evans Creek, Rogue, Chetco, and Applegate units; the bag limit is one deer in the Alsea, Indigo, McKenzie, Melrose, Saddle Mountain, Santiam, Scappoose, Siuslaw, Stott Mountain, Trask, Willamette, and Wilson units,
 - (2) General Bowhunting Seasons — Western Oregon.
 - (a) Open Season: August 26 — September 24, 2006;
 - (b) Bag Limit and Hunt Area: The bag limit is one legal bull elk in the Sixes, Powers, and Chetco units; the bag limit is one legal bull or antlerless elk in the Alsea, Applegate, Dixon, Evans Creek, Indigo, McKenzie, Melrose, Rogue, Saddle Mountain, Santiam (within the exterior boundary of Mt. Hood National Forest, antlerless elk cannot

be harvested), Scappoose, Siuslaw, Stott Mountain, Tioga, Trask, Willamette, and Wilson units.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: DFW 53-2004, f. & cert. ef. 6-16-04; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 41-2006, f. & cert. ef. 6-14-06

635-073-0070

Early Eastern Oregon Bowhunting Seasons

(1) General Bowhunting Seasons — Eastern Oregon.

(a) Open Season: August 26 — September 24, 2006;

(b) Bag Limit and Hunt Area: The bag limit is one buck deer having a visible antler in the Grizzly, Metolius, Upper Deschutes, Paulina, Sprague, Fort Rock, Heppner, Keno, Klamath Falls, Interstate, Warner, Wagontire, Juniper, Beatys Butte, Steens Mountain, Owyhee, Malheur River, Silvies, Maury, Ochoco, Murderers Creek, Beulah, Fossil, Northside, Desolation, Ukiah, Starkey, Mt. Emily, Walla Walla, Wenaha, Sled Springs, Chesnimnus, Minam, Catherine Creek, Sumpter, Lookout Mountain, Keating, Pine Creek, Imnaha, Snake River, Silver Lake, and Whitehorse units and that part of the White River Unit within the Mt. Hood National Forest except that: That part of the Whitehorse Unit south of Whitehorse Ranch Rd. and west of US Hwy 95 (Trout Creek Mts.), is closed to deer bowhunting during the general bowhunting season unless the hunter has a Trout Creek Mts. controlled bow deer tag. Approximately 40 square miles of the Starkey Experimental Forest within the Starkey Unit shall be closed to all bowhunting. The Chesnimnus Unit shall be closed to deer bowhunting during the general bowhunting season unless the hunter also has a Chesnimnus controlled bow elk tag (used or unused). The Sled Springs Unit shall be closed to deer bowhunting during the general bowhunting season unless the hunter also has a Sled Springs controlled bow elk tag (used or unused). The Ochoco Unit shall be closed to deer bowhunting during the general bowhunting season unless the hunter also has a Ochoco controlled bow elk tag (used or unused). The bag limit is one deer in the Biggs, Columbia Basin (except: That portion of the Columbia Basin Unit described as follows shall be closed to all bowhunting: Beginning at Heppner; north and west State Highway 74 to Lexington; north and east on State Highway 207 to Butter Creek Junction; south on Butter Creek Road to Highway 74 at Vinson; west on Highway 74 to Heppner; point of beginning.), Hood, Maupin and White River (outside the National Forest) units.

(2) General Bowhunting Seasons — Eastern Oregon.

(a) Open Season: August 26 — September 24, 2006;

(b) Bag Limit and Hunt Area: The bag limit is one legal bull elk in the Metolius, Upper Deschutes, Heppner, Keno, Klamath Falls, Interstate, Warner, Maury, Ukiah, Silver Lake, Sprague, Starkey, Mt. Emily, Walla Walla, Wenaha, Catherine Creek, Chesnimnus, Minam, Keating, Snake River, Approximately 40 square miles of the Starkey Experimental Forest within the Starkey Unit shall be closed to all bowhunting. The Chesnimnus Unit shall be closed to all elk bowhunting unless the hunter has a valid, controlled Chesnimnus elk bow tag. The Sled Springs Unit shall be closed to all elk bowhunting unless the hunter has a valid, controlled Sled Springs elk bow tag. The Ochoco Unit shall be closed to all elk bowhunting unless the hunter has a valid, controlled Ochoco elk bow tag. The bag limit is one legal bull or antlerless elk in the Beatys Butte, Beulah, Biggs, Columbia Basin (except: That portion of the Columbia Basin Unit described as follows shall be closed to all bowhunting: Beginning at Heppner; north and west State Highway 74 to Lexington; north and east on State Highway 207 to Butter Creek Junction; south on Butter Creek Road to Highway 74 at Vinson; west on Highway 74 to Heppner; point of beginning.), Desolation, Fort Rock, Fossil, Grizzly, Hood, Imnaha, Juniper, Lookout Mountain, Malheur River, Maupin, Murderers Creek, Northside, Ochoco, Owyhee, Paulina, Pine Creek, Silvies, Sled Springs, Steens Mountain, Sumpter, Wagontire, White River, and Whitehorse units.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 9-1997, f. & cert. ef. 2-27-97; FWC 38-1997, f. & cert. ef. 6-17-97; FWC 71-1997, f. & cert. ef. 12-29-97; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. & cert. ef. 1-1-00; DFW 57-2001, f. & cert. ef. 7-6-01; DFW 59-2002, f. & cert. ef. 6-11-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 50-2003, f. & cert. ef. 6-13-03; DFW 118-2003, f. & cert. ef. 1-1-04; DFW 53-2004, f. & cert. ef. 6-16-04; DFW 53-2005, f. & cert. ef. 6-14-05; DFW 41-2006, f. & cert. ef. 6-14-06

635-073-0075

Late Western Oregon Bowhunting Seasons

General Bowhunting Seasons — Western Oregon.

(1) Open Season: November 25–December 10, 2006.

(2) Bag Limit and Hunt Area: The bag limit is One Antlerless Elk in the Alsea, McKenzie, and Stott Mt units, that part of the Indigo Unit in the Willamette Rvr drainage, (includes Middle Fork Willamette Rvr, Brice Cr, Sharp Cr, Mosby Cr, Big Rvr, Little Rvr, and Lost Cr), and Linn and Marion Co, portions of Santiam units EXCLUDING Mt Hood NF lands in Marion Co.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: DFW 91-2006(Temp), f. & cert. ef. 8-18-06 thru 2-10-07

635-073-0080

Controlled Muzzleloader Deer Hunt Regulations

Tags shall be issued by a controlled hunt drawing following the procedures established in OAR chapter 635, division 060. A hunter successful in drawing one of the controlled muzzleloader deer tags shall not hunt in any general deer season or other 100 series hunts. Exception: Hunters who possess an additional 100 or 600 series “left over” tag obtained through the first-come, first-served process may hunt during the season for which that tag was issued. Hunters successful in drawing a tag may hunt in 600 series hunts as provided in OAR chapter 635, division 090.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 9-1997, f. & cert. ef. 2-27-97; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 122-2004, f. & cert. ef. 1-1-05

635-073-0090

Controlled Antlerless Deer and Elk Youth Hunting Regulations

(1) General Regulations: Tags shall be issued by a controlled hunt drawing following the procedures established in OAR 635, division 060. Hunters must be 12 to 17 years of age at the time they hunt. An adult at least 21 years of age, who may not hunt, must accompany not more than two juveniles. Juveniles must have a hunter education certificate, a valid hunting license, and a controlled hunt permit valid for that area and time period in possession while hunting. A hunter successful in drawing one of the controlled 600 series deer youth hunt tags may hunt in any general deer season or controlled buck deer hunt, and as provided in OAR 635, division 090; if possessing the proper tag for the area and time period being hunted. A youth hunter obtaining a “left over” tag through the first-come, first-served process also may hunt during the season for which that tag was issued.

(2) A hunter successful in drawing a controlled antlerless elk youth hunt tag shall not hunt in any other elk season, except as provided in OAR 635, division 090.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 9-1997, f. & cert. ef. 2-27-97; DFW 82-2000, f. & cert. ef. 1-1-01; DFW 47-2001, f. & cert. ef. 6-13-01; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. & cert. ef. 1-1-04

DIVISION 75

LANDOWNER HUNTING PREFERENCE AND OUTFITTERS AND GUIDES TAG ALLOCATION

635-075-0000

Purpose

The purpose of these rules is to describe the procedures and requirements necessary for landowners and their immediate families to obtain landowner hunting preference tags pursuant to ORS 496.146(4) and 1995 Oregon Laws Chapter 460 (House Bill 2369) and to describe the process necessary for Outfitters and Guides to obtain certain hunting permits pursuant to ORS 496.151 (1997 House Bill 3387).

Stat. Auth.: ORS 496.012, 496.138 & 497.112

Stats. Implemented: ORS 496.012, 496.138 & 497.112

Hist.: FWC 45-1988, f. & cert. ef. 6-13-88; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 7-1996, f. & cert. ef. 2-12-96; FWC 9-1997, f. & cert. ef. 2-27-97; FWC 73-1997, f. & cert. ef. 12-29-97; DFW 121-2001, f. & cert. ef. 1-1-02

635-075-0001

Eligibility

A landowner as defined in OAR 635-045-0002 and immediate family as defined in OAR 635-045-0002, owning 40 or more contiguous acres are eligible to receive landowner hunting preference tags for controlled antlerless deer, western Oregon buck deer, western

Oregon elk, and eastern Oregon antlerless elk hunts and emergency hunts occurring on their property. To be eligible to receive landowner hunting preference tags for controlled eastern Oregon buck deer, eastern Oregon bull elk, either-sex elk hunts, and doe/fawn pronghorn antelope hunts (pronghorn antelope with horns shorter than ears), occurring on their land, a landowner shall own 160 or more contiguous acres. For controlled hunts see OAR divisions 67, 68, 69, 70, 71, 73, and Emergency Hunts in OAR division 78. Tags issued to landowners are in addition to the number of tags issued to the public and authorized in OAR divisions 67, 68, 69, 70, 71, 73, and 78, except as described in OAR 635-075-0020.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 35-1982, f. & ef. 6-7-82; FWC 34-1984, f. & ef. 7-24-84; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 48-1987, f. & ef. 7-6-87; FWC 20-1988, f. & cert. ef. 3-10-88; FWC 45-1988, f. & cert. ef. 6-13-88; FWC 98-1988, f. & cert. ef. 10-6-88; FWC 22-1989, f. & cert. ef. 3-28-89; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 99-1992, f. & cert. ef. 9-25-92; FWC 10-1994, f. & cert. ef. 2-24-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 7-1996, f. & cert. ef. 2-12-96; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99

635-075-0005

Registration, Application and Tag Issuance Procedures and Limits for All Controlled Hunts

(1) A landowner shall submit a landowner preference registration form to be eligible for a landowner preference tag. A landowner can have only one registration form on file with the department. The registration form is an affidavit certifying ownership, number of acres owned, the county and Wildlife Management Unit where the property is located. This registration form registers the individual and remains valid until the individual registered no longer qualifies as a landowner as defined under OAR 635-045-0002, writes to the department requesting the registration form be deleted, or the department notifies the landowner that a renewal is required.

(2) In addition to having a landowner preference registration form on file with the department, a landowner shall submit a tag distribution form annually. The tag distribution form shall list the names of the landowner, stockholder(s), partner(s), and their immediate family members to receive tags for pronghorn antelope, and the names of the landowner, stockholder(s), partner(s), their immediate family members, and those persons of the landowners' choosing to receive landowner preference tags for deer and elk.

(3) Landowners shall submit registration forms and tag distribution forms prior to September 15 for all controlled 100 series buck deer and bull elk hunts, and through the day prior to the season openings for 600 series antlerless deer, antlerless elk, and doe/fawn pronghorn antelope hunts.

(4) Registration forms and tag distribution forms are available at no charge in any office of the department.

(5) Registration forms, tag distribution forms, and applications shall be received at the Salem headquarters office of the department prior to issuance of any landowner preference tag, except as provided for in OAR 635-075-0007. Landowners are not required to submit proof of ownership with their registration form. Landowners shall be required to submit proof of ownership at the request of the department or the Oregon State Police acting on behalf of the department.

(6) A landowner, stockholder(s), partner(s), and immediate family and those persons of the landowners' choosing wishing to also apply for controlled hunt tags shall apply by the May 15 controlled hunt deadline. Listing a hunt choice other than a landowner preference choice is not required.

(7) Everyone shall follow controlled hunt application procedures and regulations as described in OAR division 060.

(8) The number of landowner preference tags issued is based upon a landowner's acreage. Landowner Preference tags shall be allocated by the following minimum acreage requirements: [Table not included. See ED. NOTE.]

(9) Landowner preference tags for the hunting of deer or elk may be issued to any person of the landowner's choosing, and shall be used for the taking of antlerless animals except as described in OAR 635-075-0005(8). Season dates of the transferred landowner preference tags shall be the same dates as the original tag.

(10) Landowner preference tags for the hunting of antlered deer or elk that are issued to a person of the landowner's choosing who is not a member of the landowner's, partner's, or stockholder's immediate family may be used to take an antlered animal only as follows:

(a) If the landowner is eligible for two, three, or four preference tags, one of those tags may be so used.

(b) If the landowner is eligible for five, six or seven preference tags, two of those tags may be so used.

(c) If the landowner is eligible for eight, nine or 10 preference tags, three of those tags may be so used.

(11) A landowner who is qualified to receive landowner hunting preference tags may request two additional tags for providing public access and/or two additional tags for wildlife habitat programs. This request shall be made to the Access and Habitat Board with supporting evidence that the access is significant and the habitat programs benefit wildlife. The board may recommend that the commission grant the request. These tags may not be applied to the options as defined in OAR 635-075-0005(8).

(12) No one shall receive both a controlled hunt tag and a landowner preference tag for the same type of hunt. Landowner hunting preference tags shall not be issued to any person successful in the controlled hunt drawing for the same type of hunt.

(13) Landowner preference tags, except as described in OAR 635-075-0007, 635-075-0010, and 635-075-0015 shall only be issued from the headquarters office of the department following the controlled hunt drawings.

[ED. NOTE: Table referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 35-1982, f. & ef. 6-7-82; FWC 43-1985, f. & ef. 8-22-85; FWC 35-1986, f. & ef. 8-7-86; FWC 48-1987, f. & ef. 7-6-87; FWC 20-1988, f. & cert. ef. 3-10-88; FWC 45-1988, f. & cert. ef. 6-13-88; FWC 98-1988, f. & cert. ef. 10-6-88; FWC 14-1990, f. & cert. ef. 2-2-90; FWC 99-1992, f. & cert. ef. 9-25-92; FWC 10-1994, f. & cert. ef. 2-24-94; FWC 14-1994(Temp), f. & cert. ef. 3-1-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 7-1996, f. & cert. ef. 2-12-96; FWC 38-1997, f. & cert. ef. 6-17-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 53-2005, f. & cert. ef. 6-14-05

635-075-0007

Application and Tag Issuance Procedures and Limits for Controlled "Damage Pool" Hunts and Emergency Hunts

(1) Landowner hunting preference tags for emergency hunts (see division 078) will be issued to landowners by department field staff.

(2) To qualify, the landowner shall sign an affidavit certifying ownership, number of acres owned, the county and wildlife management unit where the property is located, and the names of people to receive tags.

(3) A landowner, stockholder(s), partner(s), immediate family and those designated by the landowners may receive landowner hunting preference tags for emergency hunts. Tags are issued in addition to and under the same criteria as specified in OAR 635-075-0005(6). Emergency hunt landowner preference tags may not be exchanged for additional antlerless tags.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 99-1992, f. & cert. ef. 9-25-92; FWC 10-1994, f. & cert. ef. 2-24-94; FWC 7-1996, f. & cert. ef. 2-12-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01

635-075-0010

Hunting Area Allowed With Landowner Hunting Preference Tags

(1) A landowner preference tag authorizes the recipient to hunt only on those lands owned by the landowner, and meeting the minimum acreage requirements for that hunt, during the season dates for which the tag is valid, except as provided for in OAR 635-075-0010(4) and (5).

(2) Landowner hunting preference tags are valid on the landowner's property in other controlled hunt areas provided the species, bag limits, and season dates are the same, and the landowner's property in that area either:

(a) Meets the minimum acreage requirements for that hunt; or

(b) Is contiguous to other property owned by the landowner that, if added together, would meet the minimum acreage requirements for that hunt.

(3) A landowner receiving a landowner preference controlled buck deer hunt or controlled elk hunt tag may not hunt in any other controlled or general buck deer or elk season, except as provided in OAR division 090.

(4) When a landowner is qualified under landowner preference rules adopted by the Commission and receives a deer or elk controlled

hunt tag for that unit and has not harvested an animal, the landowner may use that tag to take an antlerless deer, except for white-tailed deer in Western Oregon, or elk before, during, or after the hunting season for which the tags are valid, when approved by the department, to alleviate damage that is presently occurring to the landowner's property.

(5) Each unfilled landowner preference deer or elk tag may be transferred and used to take two antlerless animals, except for white-tailed deer in Western Oregon, before, during or after the hunting season for which the tags are valid, when approved by the department, to alleviate damage that is presently occurring to the landowner's property in accordance with the following criteria:

(a) Transfer must be done by an authorized representative of the department for no charge;

(b) Tag(s) is/are to be transferred to someone of the landowner's choice;

(c) The landowner and those receiving a transferred elk tag must surrender any original unfilled elk tag; or sign an affidavit stating the tag has been lost, stolen, or destroyed;

(d) No more than one tag may be transferred to any one person;

(e) Each tag may only be transferred once;

(f) Tags shall be issued for a period of no more than 30 days from the date of issuance, and end no later than March 31. A department representative may reauthorize an unfilled tag to the same person for an additional 30 days if damage is presently occurring;

(g) Persons who have been successful in harvesting a buck and/or antlerless deer in a general and/or controlled hunt season (excluding "leftover" tags) are also eligible to receive one damage landowner preference deer tag in a fiscal year of July through June;

(h) Only persons who have not been successful in harvesting an elk in a general or controlled hunt season are eligible to receive one damage landowner preference elk tag in a fiscal year of July through June;

(i) Department personnel shall verify that the person(s) receiving tag(s) has a valid hunting license and has not been successful in harvesting an elk during a current general or controlled seasons.

(j) Department personnel shall collect the appropriate fee for the second tag at time of transfer;

(6) Landowner preference pronghorn antelope tags may only be used during the authorized hunt season.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 35-1982, f. & cert. 6-7-82; FWC 43-1985, f. & cert. 8-22-85; FWC 35-1986, f. & cert. 8-7-86; FWC 48-1987, f. & cert. 7-6-87; FWC 20-1988, f. & cert. 3-10-88; FWC 45-1988, f. & cert. 6-13-88; FWC 14-1990, f. & cert. 2-2-90; FWC 99-1992, f. & cert. 9-25-92; FWC 10-1994, f. & cert. 2-24-94; FWC 5-1995, f. & cert. 1-23-95; FWC 7-1996, f. & cert. 2-12-96; FWC 9-1997, f. & cert. 2-27-97; FWC 38-1997, f. & cert. 6-17-97; DFW 49-1998, f. & cert. 6-22-98; DFW 1-1999, f. & cert. 1-14-99; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05

635-075-0011

Southwest Oregon Landowner Preference Pilot Program

(1) This rule implements HB 2521, through which the 2003 Legislative Assembly directed the Department to implement a Southern Oregon Landowner Preference Pilot Program to operate from July 1, 2004 until June 30, 2008. As directed by statute, the pilot program addresses damage caused by elk on private lands in Jackson, Josephine, Coos, Curry and Douglas Counties by granting extra landowner preference tags to qualifying landowners.

(2) A "qualifying landowner" is:

(a) An individual, partnership, corporation, unincorporated association or other nongovernmental entity which;

(b) Owns, leases or rents land in Jackson, Josephine, Coos, Curry or Douglas County; and

(c) Whose land:

(A) Is (at the time of application) suffering damage from elk; or

(B) Has within the past five years suffered damage from elk and the Department has taken action to alleviate that damage; or

(C) Is in an area designated as an "elk de-emphasis zone" by the Department.

(3) "Damage" has the same definition as that in the "damage statute" (ORS 498.012): harm to land, livestock or agricultural or forest crops.

(4) This pilot program operates in the same manner as the landowner preference tag program in OAR 635-075-0000 through 0030, except that:

(a) Pilot program tags are limited to antlerless elk;

(b) Pilot program tags may be used to take elk only on property owned, leased or rented by the landowner or by a business entity that includes the landowner as a principal partner or shareholder;

(c) Qualifying landowners may exchange unused general season elk tags or controlled hunt tags for pilot program tags;

(d) No more than five pilot program tags may be valid at any one time on a particular property;

(e) Qualifying landowners may receive tags regardless of the size of their property. There is no minimum acreage requirement;

(f) Qualifying landowners may register for pilot program tags at any time.

(g) The validity period (the time during which pilot program tags may be used on a particular property) shall be negotiated between the Department's district biologist and the qualifying landowner;

(h) Each qualifying landowner receiving pilot program tags must (within 10 days of a designated hunt period) report to the local Department district biologist the number of elk taken by the landowner with pilot program tags;

(i) Pilot program tags may be obtained from, and exchanged through, Department district biologists (rather than point of sale vendors).

(5) The Department shall establish an advisory committee that includes but is not limited to hunters, landowners, elected officials, Department staff and Oregon State Police to meet at least once annually to review the pilot program and recommend any necessary changes.

Stat. Auth.: ORS 496.012, 496.138 & 497.112

Stats Implemented: 496.012, 496.138 & 497.112

Hist.: DFW 110-2003, f. & cert. ef. 11-13-03

635-075-0015

Exchanging Landowner Preference Tags That Do Not Fall Under the Category of a Damage Situation

(1) The landowner hunting preference tag may be exchanged for another landowner hunting preference controlled hunt of the same hunt type provided the controlled hunt area includes the same landowner's property. For example, a landowner may exchange a landowner preference controlled bull tag for a landowner preference controlled antlerless elk tag.

(2) The landowner hunting preference tag, except controlled antlerless deer tag, may be exchanged for a general season tag.

(a) Tags must be exchanged prior to the season(s) for which such tags are valid.

(3) Landowners (635-045-0002) and immediate family (635-045-0002) currently listed on a landowner's tag distribution list may exchange a controlled hunt tag for an LOP tag before the opening date of the season for which either tag is valid.

(4) Exchanges may be made at the Salem headquarters or regional offices of the department for no charge.

(5) Landowner preference tag exchanges may be made for no charge at the Salem headquarters, regional, and district offices of the department, if the landowner is only exchanging his/her antlered tag for an antlerless tag for his/her own use. All other landowner preference tag exchanges may only be made at the Salem headquarters or regional offices of the department.

(6) Tags must be exchanged prior to the general or limited entry season in the landowner's unit.

(7) Landowner preference tags for the hunting of pronghorn antelope may not be exchanged and may not be used for the taking of buck antelope.

(8) Landowner preference tags for the hunting of antlerless deer may not be used for taking of white-tailed deer in Western Oregon.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 14-1990, f. & cert. ef. 2-2-90; FWC 7-1996, f. & cert. ef. 2-12-96; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05

635-075-0020

Landowner Hunting Preference Tags in Special Seasons

(1) During controlled elk hunts with a bag limit of spike or better in units where the usual bag limit for bull elk is spike only, landowner hunting preference tags shall be limited to five tags or 10 percent of

the total controlled hunt tags whichever is greater; with a bag limit of spike or better.

(2) If landowner preference tags remain from the controlled hunts described in 635-075-0020(1) after the game mammal controlled hunt drawing, the Department will issue remaining tags to qualified landowners in the following manner:

- (a) The tags shall be issued on a first-come, first-served basis.
- (b) The Department will set the time and date for the sale of the tags.

(c) Tags issued are additional tags. A qualified landowner may purchase only one first-come, first-served tag per hunt series. Such a tag may be for the landowner or for someone other than the landowner listed on their tag distribution form.

(d) For the purposes of OAR 635-075-0020(2), "qualified landowner" is a landowner who registered their land through the landowner preference program for the Wildlife Management Unit which includes the controlled hunt and who has a current tag distribution form filed with the Department.

(5) A hunter who received a tag of his or her choice through the original game mammal controlled hunt drawing process may exchange that tag for a remaining tag in the first-come, first-served process while tags remain available. Tag purchases and exchanges may be obtained only through ODFW Salem Headquarters and must be made before the start of the seasons for which the tags are issued. The tag being exchanged shall not be reissued.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 10-1994, f. & cert. ef. 2-24-94; FWC 40-1994, f. & cert. ef. 6-28-94; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 4-2003, f. 1-17-03, cert. ef. 4-1-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04

635-075-0025

Outfitters and Guides Nonresident Tag Allocation

(1) Eligibility: Outfitters and Guides must be registered pursuant to ORS 704 prior to making application for big game tags described herein.

(2) The nonresident tags allocated shall be based on one half the nonresident tags drawn in the previous year from the standard first drawing determined by hunt number for series 100, 200, 600 and 800 as described in OAR 635-060-005 and 635-068-0000 through 635-071-0000.

(a) Prior to November 1 of each year, the department shall publish a list of tags available for allocation based on nonresident tags drawn in the annual June drawing.

(b) In the event of new hunts, no Outfitter and Guide tags will be allocated for that year for those hunts, except for unit wide hunts that are split will have tags reapportioned for the new hunts.

(c) All tags allocated shall be considered nonresident for the purposes of OAR 635-060-0030(2).

(d) The Commission may revoke or refuse to issue all or any portion of the permits based upon a commission finding of an emergency situation or for a biological need. In the event of a tag number reduction of 50% or more for the current hunt year, Outfitter and Guide tags will be reduced proportionately to the overall tag reduction. Tags will be reallocated based on the application draw number.

(e) For the purposes of these rules, "emergency situation or biological needs" is defined as a situation in which harvest mortality above a prescribed level would significantly jeopardize the department's ability to meet sex ratio or population management objectives for a wildlife management unit or subunit.

Stat. Auth.: ORS 496.012, 496.138 & 497.112
 Stats. Implemented: ORS 496.012, 496.138 & 497.112
 Hist.: FWC 73-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02

635-075-0026

Application Requirements

(1) A valid controlled hunt Outfitter and Guide application shall be purchased from the department. The purchase price of the application is set forth in OAR 635-060-0005(2) (\$3.00 plus \$1.50 agent fee).

(a) Only one hunt number and one species type may be included on a single application. No more than 50% of the available tags for a specific hunt number and species may be applied for, except in cases where only one person applies for tags and/or an odd number of tags exists in particular hunt.

(b) Tags will only be issued for specific hunt units in which the Outfitter and Guide is certified.

(c) Applications must be complete and include such information as required which will include the six-digit State Marine Board Registration number required under ORS 704.020 or they may be disqualified from the tag allocation drawing.

(d) Applications, along with the proper fees, must be received by midnight December 1, of each year, at the department headquarters office. Applications received after the specified deadline dates shall be disqualified.

(2) No outfitter or guide may receive more than 25 tags per year for any single species of big game from the December Outfitter and Guide tag drawing. Tags received in the first-come, first-serve remaining tag process are in addition to tags drawn by an outfitter and guide in the December Outfitter and Guide tag drawing.

Stat. Auth.: ORS 496.012, 496.138 & 497.112
 Stats. Implemented: ORS 496.012, 496.138 & 497.112
 Hist.: FWC 73-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 114-2004(Temp), f. & cert. ef. 11-23-04 thru 5-20-05; Administrative correction 6-17-05; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06; DFW 6-2006, f. & cert. ef. 1-25-06

635-075-0029

Tag Purchasing Requirements

(1) The department will notify outfitters and guides of the drawing results by December 31 of each year.

(2) On or before March 31 of each year Outfitters and Guides who are successful in the drawing must:

(a) Submit to the department the names, addresses, proof of non-residency, and hunting license numbers (if already purchased) of the nonresidents for whom tags are to be issued. For the purpose of these rules: Proper identification for nonresident documents includes an out-of-state driver's license. If an applicant does not have a driver's license, then a combination of three pieces of identification are required including utility bill, rent receipt, passport, birth certificate, social security card, major credit card, medical card, marriage license, voter's registration card, library card, or military ID. One piece must show name and current address outside the state of Oregon.

(b) Submit to the department all required fees. Outfitters and guides must submit all fees; they will not be accepted from nonresident applicants to whom the tags will be issued. The department shall not issue a tag to any person who does not have a valid nonresident Oregon hunting license.

NOTE: Fees for Outfitter and Guides tags are described in ORS 497.112.

(c) No later than July 31 the department will issue to outfitters and guides all requested tags from the December drawing for which they have met requirements.

Stat. Auth.: ORS 496.012, 496.138 & 497.112
 Stats. Implemented: ORS 496.012, 496.138 & 497.112
 Hist.: FWC 73-1997, f. & cert. ef. 12-29-97; DFW 49-1998, f. & cert. ef. 6-22-98; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 27-2003(Temp), f. & cert. ef. 3-28-03 thru 6-6-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05; DFW 6-2006, f. & cert. ef. 1-25-06

635-075-0030

Tag Limitations

(1) Tags issued in the above described allocation process are for nonresident hunters only. Outfitters and guides and their immediate families (as described in OAR 635-045-0002) or their employees are not eligible to receive or use tags described in this allocation process for personal use, when that outfitter or guide made the original application.

(2) Tags issued under this allocation process are valid only when the hunter is being guided by the outfitter or guide or their employee as described in ORS 704 who made the original application above.

(3) Tags shall not be transferred among outfitters and guides or among hunters.

(4) Tags issued to an outfitter and guide will be revoked if at any time the Marine Board revokes or denies a registration or certification. Refunds for tags will be issued to outfitters and guides only.

(5) When the commission reduces allocated tags, refunds for tags only will be issued to outfitters and guides who were not selected in the reallocation process.

Stat. Auth.: ORS 496.012, 496.138 & 497.112
 Stats. Implemented: ORS 496.012, 496.138 & 497.112
 Hist.: FWC 73-1997, f. & cert. ef. 12-29-97; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00

635-075-0035**Remaining Tags**

(1) Any remaining Outfitter and Guide tags not sold on or before March 31st will become available on a first-come, first-serve basis. The department will publish a list of available tags two business days after March 31st.

(2) First-come, first-serve tags will become available for purchase starting at 8:00 AM on the third business day after March 31st and ending at 5:00 PM on April 15th. Any applications received prior to 8:00 AM on the third business day after March 31st will not be accepted.

(3) Up to five first-come, first-serve tags can be sold to outfitters and guides for unnamed clients.

(a) The non-refundable tag fee for unnamed client tags is \$451.50 for deer and \$666.50 for elk.

(b) The deadline to identify a hunter for tags sold with unnamed clients is one week before the hunt begins.

(4) An unlimited number of first-come, first-serve tags can be sold to an outfitter or guide when the client is identified.

(5) Any unsold Outfitter and Guide Tags remaining after 5:00 PM on April 15th will be included in the June public controlled hunt drawing.

Stat. Auth.: ORS 496.012, 496.138, 497.112

Stats Implemented: ORS 496.012, 496.138, 497.112

Hist.: DFW 6-2006, f. & cert. ef. 1-25-06

DIVISION 78**EMERGENCY HUNTING REGULATIONS****635-078-0001****Emergency Hunt List (Commission Approval)**

After first determining that acute game mammal or wild turkey damage to agricultural or other resources is occurring and that an emergency exists requiring more than 50 hunters, temporary rules shall be adopted in accordance with ORS Chapter 183 establishing:

(1) Open periods for taking game mammals or wild turkey in areas designated by the commission;

(2) Manner of taking game mammals or wild turkey;

(3) Numbers and sex to be taken.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: Renumbered from 635-060-0800; FWC 23-1982, f. & ef. 4-1-82; FWC 34-1984, f. & ef. 7-24-84; FWC 7-1986, f. & ef. 2-19-86; FWC 35-1986, f. & ef. 8-7-86; FWC 52-1992, f. & cert. ef. 7-15-92; FWC 5-1995, f. & cert. ef. 1-23-95; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 131-2004, f. 12-21-04, cert. ef. 4-1-05

635-078-0005**Emergency Hunt List (Director's Approval)**

(1) After determining that acute game mammal or wild turkey damage to agriculture or other resources is occurring and that an emergency exists requiring an immediate response using no more than 50 hunters to alleviate the damage situation, the commission may authorize the director to issue permits and tags for:

(a) Taking pronghorn antelope, deer, elk, or wild turkey in designated areas from August 1 to March 31; and taking cougar (mountain lion) and black bear in designated areas all year.

(b) The manner of taking game mammals or wild turkey.

(c) Numbers and sex to be taken.

(2) The director shall notify the commission of the results of any hunts set forth in section (1) of this rule.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 34-1984, f. & ef. 7-24-84; FWC 7-1986, f. & ef. 2-19-86; FWC 35-1986, f. & ef. 8-7-86; FWC 52-1992, f. & cert. ef. 7-15-92; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 82-2000, f. 12-21-00, cert. ef. 1-1-01; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 131-2004, f. 12-21-04, cert. ef. 4-1-05

635-078-0008**District Emergency Hunts**

(1) Upon determination that acute game mammal or wild turkey damage to agriculture or other resources is occurring, and that an emergency exists requiring an immediate response to alleviate the damage situation, the commission authorizes district wildlife biologists to issue permits and tags for:

(a) Taking pronghorn antelope, deer, elk, and wild turkey in designated areas from August 1 to March 31;

(b) The manner of taking game mammals or wild turkey;

(c) Numbers and sex to be taken.

(2) Districts are authorized to use no more than 250 hunters in aggregate, per county to alleviate emergency damage between August 1–March 31 annually. Additional hunters must be authorized by the Director or the Commission.

(3) The director shall notify the commission of the results of any hunts set forth in section (1) if this rule.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 15-1992, f. 3-10-92, cert. ef. 3-13-92 (and corrected 3-13-92); FWC 52-1992, f. & cert. ef. 7-15-92; FWC 46-1993, f. & cert. ef. 8-4-93; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96; FWC 9-1997, f. & cert. ef. 2-27-97; DFW 1-1999, f. & cert. ef. 1-14-99; DFW 92-1999, f. 12-8-99, cert. ef. 1-1-00; DFW 121-2001, f. 12-24-01, cert. ef. 1-1-02; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04; DFW 131-2004, f. 12-21-04, cert. ef. 4-1-05

635-078-0011**Determining Eligibility**

(1) The method of determining who shall be eligible to participate in the emergency hunts set forth in section (1) of this rule shall be as follows:

(a) Hunters who wish to be eligible for emergency hunts shall have their names placed on the emergency hunt list for the county in which they wish to hunt: the list is to be effective for one year. Each hunter less than 18 years of age shall have an adult hunting license and be accompanied by a responsible adult (21 years of age or older) when hunting. Applications will be accepted and kept on file at the headquarters office of the Department of Fish and Wildlife, 3406 Cherry Ave, NE, Salem, OR, 97303. Beginning July 1 of each year, the hunter's name will be placed on the eligible list. No fee is required for applicants to be placed on the emergency hunt list. Applications may be made on a form available at department offices and up to two hunters may apply on the form as a party. Each applicant shall list their name, address and telephone number where they can be contacted and the county for which they are applying.

(b) At such time as the department determines that a need for such emergency hunt exists, those numbers of hunters for which permits are available shall be notified to obtain their permits from regional or district office of the department. Hunt lists will be prioritized by a random sort of the applications received during July of each year. Certified Master Hunters applying during July shall be randomized and moved to the top of the emergency hunt list. Applications received after July 31 each year will be prioritized as received.

(2) It is unlawful to take game mammals or wild turkey in and during the emergency hunt set forth in section (1) of this rule without having an emergency hunt permit/tag authorized for the species, area, and season on one's person.

(3) Upon killing a game mammal or wild turkey pursuant to these rules, the hunter shall immediately notify the local ODFW representative (or designee), and pay the appropriate fee for the tag required.

(4) Eligibility and fees for such tags shall be the same as the tag fees established by species in ORS 497.112.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: DFW 131-2004, f. 12-21-04, cert. ef. 4-1-05; DFW 53-2005, f. & cert. ef. 6-14-05

DIVISION 80**WILDLIFE UNITS****635-080-0000****Wildlife Units**

For the purpose of managing Oregon's wildlife, the State has been divided into separate described areas. These areas are called wildlife units. Whenever reference is made to a unit by name or designated number in any rule of the department, the area description provided in division 080 shall apply, unless otherwise specified by the given rule. Areas described within a Wildlife Unit as a subunit are also described by a number which includes the Wildlife Unit number as its last two digits.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 35-1986, f. & ef. 8-7-86; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0010**Saddle Mountain Unit**

The Saddle Mountain Unit, Number 10, is that area beginning at the mouth of Columbia River, east along state line to mouth of Clatskanie River; south along Clatskanie River to town of Clatskanie; south on State Highway 47 to Timber-Vernonia Highway; southwest on Timber-Vernonia Highway to U.S. Highway 26; northwest on U.S. Highway 26 to State Highway 53 at Necanicum Junction; southwest on State Highway 53 to North Fork Nehalem River; southwest along North Fork Nehalem River and north shoreline of Nehalem Bay to Pacific Ocean; north along Pacific Ocean coastline to state line at mouth of Columbia River, point of beginning.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89

635-080-0011**Scappoose Unit**

The Scappoose Unit, number 11, is that area beginning at Vernonia; northeast on State Highway 47 to Clatskanie; north along Clatskanie River to state line in Columbia River; southeast along state line to Willamette River; southwest along Willamette River to Multnomah Channel; northwest along Multnomah Channel to U.S. Highway 30 at Sauvie Island bridge; northwest on U.S. Highway 30 to Cornelius Pass Road; southwest on Cornelius Pass Road to U.S. Highway 26; northwest on U.S. Highway 26 to State Highway 6; west on State Highway 6 to Glenwood; northwest on Glenwood-Timber-Vernonia Highway to State Highway 47; north on State Highway 47 to Vernonia, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0012**Wilson Unit**

The Wilson Unit, number 12, is that area beginning on the north shore line at the mouth of Tillamook Bay; north along Pacific Ocean coastline to north shoreline of Nehalem Bay; northeast along north shoreline of Nehalem Bay and North Fork Nehalem River to State Highway 53 bridge; northeast on State Highway 53 to U.S. Highway 26 at Necanicum Junction; southeast on U.S. Highway 26 to Timber-Glenwood Highway; south on Timber-Glenwood Highway to Glenwood; southwest on State Highway 6 to Wilson River at Mills Bridge; west along Wilson River and north shoreline of Tillamook Bay to mouth, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96

635-080-0014**Trask Unit**

The Trask Unit, number 14, is that area beginning at McMinnville; southwest on State Highway 18 to Salmon River; west along Salmon River to Pacific Ocean; north along Pacific Ocean coastline to north shoreline at mouth of Tillamook Bay; east along north shoreline of Tillamook Bay and Wilson River to State Highway 6 at Mills Bridge; northeast on State Highway 6 to State Highway 8 near Gales Creek; southeast on State Highway 8 to State Highway 47 at Forest Grove; south on State Highway 47 to State Highway 99W; southwest on State Highway 99W to McMinnville, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 17-1996, f. 4-10-96, cert. ef. 4-15-96

635-080-0015**Willamette Unit**

The Willamette Unit, number 15, is that area beginning at Sandy; southwest on State Highway 211 to State Highway 213; southwest on State Highway 213 to Cascade Highway at Silverton; south on the Cascade Highway to State Highway 22; east on State Highway 22 to Mehama; south to Lyons; south and west on State Highway 226 to

Richardson Gap Road east of Scio; south on Richardson Gap Road to Baptist Church Drive; east on Baptist Church Drive to Kowitz Road; south on Kowitz Road to Lacombe Road; west on Lacombe Road to Brewster Roads; south on Brewster Road to State Highway 34; west on State Highway 34 to Interstate Highway 5; south on Interstate Highway 5 to Belt Line Road; west and south on Belt Line Road to State Highway 126; west on State Highway 126 to Poodle Creek Road; north on Poodle Creek Road to State Highway 36; northeast on State Highway 36 to Territorial Road near Cheshire; north on Territorial Road to Monroe; north on State Highway 99W to Dawson Road (County Road 45200); west on Dawson Road to Bellfountain; north on Bellfountain Road to Decker Road at In vale School; west on Decker Road to State Highway 34; northeast on State Highway 34 to Corvallis; north on State Highway 99W to Airlie Road (No. 7) at Suver; northwesterly on Airlie Road to State Highway 223; north on State Highway 223 to Perrydale Road at Dallas; north on Perrydale Road to State Highway 22; northwest on State Highway 22 to State Highway 18; northeast on State Highway 18 to State Highway 99W; north on State Highway 99W to State Highway 47; north on State Highway 47 to State Highway 8; northwest on State Highway 8 to State Highway 6; east on State Highway 6 to U.S. Highway 26; southeast on U.S. Highway 26 to Cornelius Pass Road; northeast on Cornelius Pass Road to U.S. Highway 30; southeast on U.S. Highway 30 to Multnomah Channel at the Sauvie Island bridge; southeast along Multnomah Channel to Willamette River; northeast down Willamette River to state line in the Columbia River; southeast along state line to Sandy River; southeast up Sandy River to Teneyck Road; south on Teneyck Road to Sandy, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 21-1979, f. & ef. 6-5-79; FWC 23-1981, f. & ef. 6-29-81; FWC 35-1986, f. & ef. 8-7-86; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06

635-080-0016**Santiam Unit**

The Santiam Unit, number 16, is that area beginning at Lebanon; north on Brewster Road to Lacombe Road; east on Lacombe Road to Kowitz Road; north on Kowitz Road to Baptist Church Drive; west on Baptist Church Drive to Richardson Gap Road; north on Richardson Gap Road to State Highway 226; northeast on State Highway 226 to Lyons; north to Mehama; west on State Highway 22 to Cascade Highway near Stayton; north on Cascade Highway to State Highway 213 at Silverton; northeast on State Highway 213 to State Highway 211; northeast on State Highway 211 to Sandy; north on Teneyck Road to Sandy River; northwest down Sandy River to state line in Columbia River; northeast along state line to Multnomah-Hood River County line; southeast along Multnomah-Hood River County line to Lolo Pass; southeast along Pacific Crest Trail to Barlow Pass; west on Highway 35 to Highway 26; southeast on Highway 26 to junction of Highway 216; west and south along west boundary of Warm Springs Indian Reservation (McQuinn Strip line) to summit of Mt. Jefferson; south along Pacific Crest Trail to U.S. Highway 20; west on U.S. Highway 20 to Lebanon; point of beginning. (The McQuinn Strip portion of the White River Unit and the Warm Springs Indian Reservation was closed to public hunting September 21, 1992 until further notice).

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 35-1986, f. & ef. 8-7-86; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06

635-080-0017**Stott Mountain Unit**

The Stott Mountain Unit, number 17, is that area beginning at Dallas; south on State Highway 223 to Gardner Road (No. 865); northwest on Gardner Road and Bridgeport Road (No. 864) to Falls City; west on Valseltz Road to South Fork of Siletz River; downstream along South Fork of Siletz River, main Siletz River and north shoreline of Siletz Bay to Pacific Ocean; north along Pacific Ocean coastline to mouth of Salmon River; east along Salmon River to State Highway 18 near Rose Lodge; east on State Highway 18 to State Highway 22 near Valley Junction; southeast on State Highway 22 to Perrydale Road; south on Perrydale Road to State Highway 223 at Dallas, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 21-1979, f. & ef. 6-5-79; FWC 23-1981, f. & ef. 6-29-81; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0018**Alsea Unit**

The Alsea Unit, number 18, is that area beginning at Corvallis; southwest on State Highway 34 to Decker Road; southeast on Decker Road to Bell fountain Road; south on Bellfountain Road to Bellfountain; east on Dawson Road (County Road 45200) to State Highway 99W; south on State Highway 99W to Monroe; south on Territorial Road to State Highway 36; southwest on State Highway 36 to north shoreline of Triangle Lake; southwest along Triangle Lake shoreline, Lake Creek, Siuslaw River and north shoreline of Siuslaw Bay to Pacific Ocean; north along Pacific Ocean coastline to north shoreline of Siletz Bay; easterly along north shoreline of Siletz Bay, Siletz River and South Fork of Siletz River to Valsetz; east on Valsetz-Falls City main county road to Falls City; southeast along Bridgeport Road (No. 864), Gardner Road (No. 865) and Airlie Road (No. 7) to State Highway 99W; south on State Highway 99W to Corvallis, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 21-1979, f. & ef. 6-5-79; FWC 23-1981, f. & ef. 6-29-81; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0019**McKenzie Unit**

The McKenzie Unit, Number 19, is that area beginning at Lebanon, east on U.S. Highway 20 to Pacific Crest Trail; south along Pacific Crest Trail to State Highway 58; northwest on State Highway 58 to Interstate Highway 5; north on Interstate Highway 5 to State Highway 34; east on State Highway 34 to Lebanon, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95

635-080-0020**Siuslaw Unit**

The Siuslaw Unit, number 20, is that area beginning at Interstate 5-Belt Line Road junction north of Eugene; south on Interstate 5 to Drain junction and State Highway 99; southwest on State Highway 99 to Drain; west on State Highway 38 to Umpqua River at Elkton; west along Umpqua River and south shoreline of Winchester Bay to Pacific Ocean; north along Pacific Ocean coastline to north shoreline of Siuslaw Bay; northeast along north shoreline of Siuslaw Bay, Siuslaw River, Lake Creek and north shoreline of Triangle Lake to State Highway 36; south on State Highway 36 to Poodle Creek junction; south on Poodle Creek Road to State Highway 126; east on State Highway 126 to Belt Line Road; northeast on Belt Line Road to Interstate 5, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0021**Indigo Unit**

The Indigo Unit, number 21, is that area beginning at Oakridge; southeast on State Highway 58 to Pacific Crest Trail; south along Pacific Crest Trail to State Highway 138; north and west on State Highway 138 to Toketee junction; north on Toketee Road to North Umpqua River; west along North Umpqua River to Dixonville-Albany main power transmission line; north on Dixonville-Albany main power transmission line to Shoestring Road; east on Shoestring Road .8-mile to London Road; north on London Road to Interstate Highway 5; north on Interstate Highway 5 to State Highway 58; southeast on State Highway 58 to Oakridge, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 21-1979, f. & ef. 6-5-79; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0022**Dixon Unit**

The Dixon Unit, number 22, is that area beginning at Shady Cove; northwest on State Highway 227 to Dixonville-Hanna Nickel main power transmission line at a point approximately two miles west of Days Creek; north along main power transmission line to North Umpqua River; east along North Umpqua River to Toketee; south on Toketee Road to State Highway 138; east and south on State Highway 138 to State Highway 230; southwest on State Highway 230 to State Highway 62; southwest on State Highway 62 to Shady Cove, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0023**Melrose Unit**

The Melrose Unit, number 23, is that area beginning at Dixonville power substation; south along Dixonville-Nickel Mountain main power transmission line to State Highway 227 at a point approximately two miles west of Days Creek; southwest on State Highway 227 to Canyonville; south on Interstate Highway 5, 3/4-mile to Dixonville-Nickel Mountain main power transmission line; west on Dixonville-Nickel Mountain main power transmission line to Southern Pacific railroad tracks adjacent to the Nickel Mountain Road junction; southwest along SPRR tracks to the Union Creek Road; north on Union Creek Road through Horse Prairie and Olalla Creek Road to Tenmile; north on Reston and Flournoy Valley roads to Melrose; north on Melrose-Umpqua Road to the Umpqua River at Umpqua; north along the Umpqua River to State Highway 38 at Elkton; east on State Highway 38 to Drain; northeast on State Highway 99 to Curtin; northeast on Interstate 5 to London Road; south on London Road to Shoestring Road; west .8-mile on Shoestring Road to the Albany-Dixonville main power transmission line; south along Albany-Dixonville main power transmission line to Dixonville, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 21-1979, f. & ef. 6-5-79; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0024**Tioga Unit**

The Tioga Unit, number 24, is that area beginning at Coquille; north on State Highway 42 and U.S. Highway 101 to south shoreline of Coos Bay; southwest along south shoreline of Coos Bay to Pacific Ocean; north along Pacific Ocean coastline to south shoreline of Winchester Bay; easterly along south shoreline of Winchester Bay and Umpqua River to Umpqua; south on Umpqua-Melrose Road to Melrose; south on Flournoy Valley and Reston roads to Tenmile; west on State Highway 42 to Coquille, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
 Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0025**Sixes Unit**

The Sixes Unit, Number 25, is that area beginning at Gold Beach, north along Pacific Ocean coastline to south shoreline of Coos Bay; easterly along south shore of Coos Bay to U.S. Highway 101; south on U.S. Highway 101 to State Highway 42; southeast on State Highway 42 to Powers Highway; southeast on Powers Highway to Powers; south on posted forest road to Rogue River at Illahee; southwest along Rogue River to Gold Beach, point of beginning.

Stat. Auth.: ORS 496
 Stats. Implemented: ORS 496
 Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89

635-080-0026**Powers Unit**

The Powers Unit, number 26, is that area beginning at Grave Creek Bridge on Rogue River; westerly along Rogue River to Illahee; north on posted forest road to Powers; northwest on Powers Highway to State Highway 42; east on State Highway 42 to Tenmile; south on Olalla Creek Road through Horse Prairie to Union Creek Road; northeast on Union Creek Road to Southern Pacific railroad tracks; north-

east along SPRR tracks to Dixonville-Nickle Mountain main power transmission line adjacent to Nickel Mountain Road; east along main power transmission line to Interstate Highway 5; south on Interstate Highway 5 to Wolf Creek; southwest on Wolf Creek-Grave Creek Road to Grave Creek Bridge, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0027

Chetco Unit

The Chetco Unit, Number 27, is that area beginning at Gold Beach, east along Rogue River to Grants Pass, southwest on U.S. Highway 199 to Oregon-California state line; west along state line to Pacific Ocean; northwest along Pacific Ocean coastline to Gold Beach, point of beginning.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89

635-080-0028

Applegate Unit

The Applegate Unit, Number 28, is that area beginning at Grants Pass, east and southeast on Interstate Highway 5 to Oregon-California state line; west along state line to U.S. Highway 199; northeast on U.S. Highway 199 to Grants Pass, point of beginning.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89

635-080-0029

Evans Creek Unit

The Evans Creek Unit, number 29, is that area beginning at Grants Pass; northwest along the Rogue River to Grave Creek Bridge; northeast on Grave Creek-Wolf Creek Road to Interstate Highway 5 at Wolf Creek; north on Interstate Highway 5 to Canyonville; east and south on State Highway 227 to Shady Cove; south on State Highway 62 to Medford; northwest on Interstate Highway 5 to Grants Pass, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0030

Rogue Unit

The Rogue Unit, number 30, is that area beginning at Medford; north on State Highway 62 to State Highway 230; northeast on State Highway 230 to Diamond Lake State Highway 138; south and east on State Highway 138 to Pacific Crest Trail; south along Pacific Crest Trail to boundary of Crater Lake National Park; west, south and east along Crater Lake National Park boundary to Pacific Crest Trail; south along Pacific Crest Trail; southeast on Forest Trail 993 along Fourmile Lake; south on Forest Road 3661 to State Highway 140; west on State Highway 140 to Forest Road 3601; south Forest Road 3601 to Dead Indian Road; southwest on Dead Indian Road to Jackson-Klamath county line; south along Jackson-Klamath county line to State Highway 66; west on State Highway 66 to Copco Road; south on Copco Road to Oregon-California state line; west along Oregon-California state line to Interstate Highway 5; north on Interstate Highway 5 to Medford, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 28-1983, f. & ef. 7-8-83; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 64-1990, f. & cert. ef. 6-21-90; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04

635-080-0031

Keno Unit

The Keno Unit, number 31, is that area beginning at Klamath Falls; south on U.S. Highway 97 to Oregon-California state line; west along Oregon-California state line to Copco Road; north on Copco Road to State Highway 66; east on State Highway 66 to Jackson-Klamath county line; north on Jackson-Klamath county line to Dead Indian Road; northeast on Dead Indian Road to Forest Road 3601; north

on Forest Road 3601 to State Highway 140; east on State Highway 140 to Forest Road 3661; north on Forest Road 3661 to Fourmile Lake; northwest on Forest Trail 993 to Pacific Crest Trail; north on Pacific Crest Trail to south boundary of Crater Lake National Park; east along south boundary of Crater Lake National Park to State Highway 62; southeast on State Highway 62 to U.S. Highway 97; south on U.S. Highway 97 to Klamath Falls, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 21-1979, f. & ef. 6-5-79; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 64-1990, f. & cert. ef. 6-21-90; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 118-2003, f. 12-4-03, cert. ef. 1-1-04

635-080-0032

Klamath Falls Unit

The Klamath Falls Unit, number 32, is that area beginning at Klamath Falls; north on U.S. Highway 97 to Williamson River; north along Williamson River to confluence of Sprague River; east along Sprague River to Godowa Springs Road north of Beatty; south on Godowa Springs Road to State Highway 140 at Beatty; east on State Highway 140 to Bly; southwest on Gerber Road past Gerber Reservoir to East Langell Valley Road; south on East Langell Valley Road to Lost River; southeast along Lost River to Oregon-California state line; west along state line to U.S. Highway 97; northeast on U.S. Highway 97 to Klamath Falls, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0033

Sprague Unit

The Sprague Unit, number 33, is that area beginning at Chiloquin; south along Williamson River to U.S. Highway 97; north on U.S. Highway 97 to State Highway 62; northwest on State Highway 62 to Crater Lake National Park boundary; east and north along Crater Lake National Park boundary to Sand Creek; east along Sand Creek to Scott Creek Road 66; east on Scott Creek Road one mile to U.S. Highway 97; east on Silver Lake Road to Williamson River; upstream north, east and south along Williamson River to Yamsey Guard Station; southeast on Forest Road 44 to Sycan River at Powers Crossing; south along Sycan River to Sprague River; west along Sprague River to Williamson River at Chiloquin, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 28-1983, f. & ef. 7-8-83; FWC 35-1986, f. & ef. 8-7-86; FWC 71-1987, f. & ef. 9-2-1987; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0034

Upper Deschutes Unit

The Upper Deschutes Unit, number 34, is that area beginning at Bend; southwest on U.S. Highway 97 to Crescent; west on Klamath County Road 61 to State Highway 58; northwest on State Highway 58 to Pacific Crest Trail; north along Pacific Crest Trail to U.S. Highway 242; east on State Highway 242 to Sisters; east on State Highway 126 to Redmond; southwest on U.S. Highway 97 to Bend, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0035

Paulina Unit

The Paulina Unit, number 35, is that area beginning at Redmond; east on State Highway 126 to Prineville; southeast on State Highway 27 to U.S. Highway 20; northwest on U.S. Highway 20 to Millican-Lake Road 2-1/2 miles east of Millican; southeast and south on Millican-Lake Road past Dickerson Well and Janes Well (Lake County Road 5-12D) to intersection of Lake County Road 5-12B; east on Lake County Road 5-12B to intersection of Lake County Road 5-14C to junction of Lake County Road 5-14D; continue southwest and south on Lake County Road 5-14C to junction of Lake County Road 5-14, 2 miles east of Christmas Valley; west on Wagontire Road (Lake County Road 5-14) to Christmas Valley; west and north on Fort Rock Road (Lake County Road 5-10) to State Highway 31; northwest on

State Highway 31 to Gilchrist main logging road 9775 between mileposts 16 and 17; west on Gilchrist main logging road to U.S. Highway 97; northeast on U.S. Highway 97 to Redmond, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 32-1980, f. & ef. 6-30-80; FWC 35-1986, f. & ef. 8-7-86; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 30-2000, f. & cert. ef. 6-14-00

635-080-0036

Maury Unit

The Maury Unit, number 36, is that area beginning at Brothers on U.S. Highway 20; northwest on U.S. Highway 20 to State Highway 27; north on State Highway 27 to Prineville Dam; east along Prineville Reservoir, Crooked River and Beaver Creek to Paulina; easterly on main county road to Grindstone Creek Road; southeast on Grindstone Creek Road to Twelvemile Creek Road; west on Twelvemile Creek Road to Camp Creek-Glass Buttes Road; south on Camp Creek-Glass Buttes Road to U.S. Highway 20 near Glass Buttes; northwest on U.S. Highway 20 to Brothers, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0037

Ochoco Unit

The Ochoco Unit, number 37, is that area beginning at Prineville; northeast on U.S. Highway 26 to Dayville; south along South Fork John Day River to Pine Creek Road; west on Pine Creek Road to Suplee; west on county road to Paulina; west along Beaver Creek, Crooked River and Prineville Reservoir to State Highway 27 at Prineville Dam; northwest on State Highway 27 to Prineville, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0038

Grizzly Unit

The Grizzly Unit, number 38, is that area beginning at Redmond; north on U.S. Highway 97 to Crooked River; north along Crooked River and Deschutes River to South Junction; northeast on South Junction county road to junction with U.S. Highway 97 and U.S. Highway 197; south on U.S. Highway 97 to Antelope Creek Road; northeast on Antelope Creek Road to Antelope; east on State Highway 218 to John Day River at Clarno; southeast along John Day River to Bridge Creek; southeast along Bridge Creek to U.S. Highway 26 near Mitchell; southwest on U.S. Highway 26 to Prineville; west on U.S. Highway 126 to Redmond, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0039

Metolius Unit

The Metolius Unit, Number 39, is that area beginning at Sisters, west on State Highway 242 to Pacific Crest Trail; north along Pacific Crest Trail to south boundary of Warm Springs Indian Reservation; east along Warm Springs Indian Reservation boundary following Jefferson Creek and Metolius River to Lake Billy Chinook; south along Lake Billy Chinook to Crooked River; southeast along Crooked River to U.S. Highway 97; south on U.S. Highway 97 to Redmond; west on State Highway 126 to Sisters, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 21-1979, f. & ef. 6-5-79; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95

635-080-0040

Maupin Unit

The Maupin Unit, number 40, is that area beginning at Maupin; north on U.S. Highway 197 to Tygh Valley; northeast on State Highway 216 to Grass Valley; south on U.S. Highway 97 to Shaniko; southeast on State Highway 218 to Antelope; southwest on Antelope Creek Road to U.S. Highway 97; north on U.S. Highway 97 to junction of

U.S. Highway 197 and South Junction Road; southwest on South Junction Road to Deschutes River at South Junction; northeast along Deschutes River to Maupin, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0041

White River Unit

The White River Unit, Number 41, is that area beginning at The Dalles, east along Columbia River to U.S. Highway 197; south on U.S. Highway 197 to Deschutes River at Maupin; south along Deschutes River to north boundary of Warm Springs Indian Reservation boundary; west along northern Warm Springs Indian Reservation boundary (McQuinn Strip line) to the junction of Highway 216 and Highway 26; northwest on Highway 26 to junction of Highway 35; northeast on Highway 35 to Hood River; east along the Columbia River to The Dalles, point of beginning. (The McQuinn Strip portion of the White River Unit and the Warm Springs Indian Reservation was closed to public hunting September 21, 1992 until further notice.)

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 35-1986, f. & ef. 8-7-86; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 36-1993, f. & cert. ef. 6-14-93; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95

635-080-0042

Hood Unit

The Hood Unit, number 42, is that area beginning at Hood River; southwest on State Highway 35 to Barlow Pass (Pacific Crest Trail); northwest along Pacific Crest Trail to Lolo Pass; northwest along Hood River-Multnomah county line to Columbia River near Bonneville; east along Columbia River to Hood River, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 35-1986, f. & ef. 8-7-86; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0043

Biggs Unit

The Biggs Unit, Number 43, is that area beginning at Arlington, south on State Highway 19 to Fossil; southwest along State Highway 218 to Shaniko; north on U.S. Highway 97 to Grass Valley; southwest on State Highway 216 to Tygh Valley; north on U.S. Highway 197 to the Columbia River; east along the Columbia River to Arlington, point of beginning.

Stat. Auth.: ORS 496
Stats. Implemented: ORS 496
Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89

635-080-0044

Columbia Basin Unit

The Columbia Basin Unit, Number 44, is that area beginning at Condon, north on State Highway 19 to Oregon-Washington state line at Arlington; northeast along state line to State Highway 11; southwest on State Highway 11 to Pendleton; southwest on U.S. Highway 395 to State Highway 74; southwest on State Highway 74 to Heppner; southwest on State Highway 207 to State Highway 206; west on State Highway 206 to Condon, point of beginning.

Stat. Auth.: ORS 496
Stats. Implemented: ORS 496
Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89

635-080-0045

Fossil Unit

The Fossil Unit, Number 45, is that area beginning at Fossil, north on State Highway 19 to Condon; east on State Highway 206 to State Highway 207; south on State Highway 207 to State Highway 19; southeast on State Highway 19 to U.S. Highway 26; west on U.S. Highway 26 to Bridge Creek near Mitchell; northwest along Bridge Creek to John Day River; northwest along John Day River to State Highway 218 at Clarno; northeast on State Highway 218 to Fossil, point of beginning.

Stat. Auth.: ORS 496
Stats. Implemented: ORS 496
Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89

635-080-0046**Murderers Creek Unit**

The Murderers Creek Unit, number 46, is that area beginning at Dayville; east on U.S. Highway 26 to Prairie City; southeast on County Road 62 to Summit Prairie; west on Logan Valley County Road 16 to Seneca; south on U.S. Highway 395 to Forest Road 37; southwest on Forest Road 37 to Forest Road 3750; west on Forest Road 3750 to South Fork John Day River; northwest along South Fork John Day River to Dayville, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 21-1979, f. & ef. 6-5-79; FWC 35-1986, f. & ef. 8-7-86; FWC 46-1988, f. & cert. ef. 6-13-88; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0047**Northside Unit**

The Northside Unit, number 47, is that area beginning at John Day; northwest on U.S. Highway 26 to State Highway 19; north on State Highway 19 to North Fork John Day River at Kimberly; northeast along North Fork John Day River to Long Creek Road at Monument; southeast on Long Creek Road to Long Creek; north on U.S. Highway 395 to Middle Fork John Day River Road; southeast on Middle Fork John Day River Road to State Highway 7; south on State Highway 7 to U.S. Highway 26; southwest on U.S. Highway 26 to John Day, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 39-1982, f. & ef. 6-25-82; FWC 46-1988, f. & cert. ef. 6-13-88; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0048**Heppner Unit**

The Heppner Unit, number 48, is that area beginning at Heppner; northeast on State Highway 74 to U.S. Highway 395; south on U.S. Highway 395 to Long Creek-Monument Road; northwest on Long Creek-Monument Road to North Fork John Day River at Monument; southwest along North Fork John Day River to State Highway 19 at Kimberly; northwest on State Highway 19 to State Highway 207; north on State Highway 207 to Heppner, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 46-1988, f. & cert. ef. 6-13-88; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0049**Ukiah Unit**

The Ukiah Unit, number 49, is that area beginning at Pendleton; southeast on Interstate Highway 84 to Mt. Emily exit; west on county road to Kamela; southwest on Forest Road 2135400 to Forest Road 2135; southwest on Forest Road 2135 to Forest Road 21; southwest on Forest Road 21 to 2100040, south on 2100040 to Forest Road 5900230; south on 5900230 to State Highway 244 (Forest Road 59) at Four Corners Forest Camp; west on State Highway 244 (Forest Road 59) approximately two miles to Tower Mountain Road 5226; south and east on Tower Mountain Road 5226 past Frazier Forest Camp and Tower Mountain to Silver Butte Road 5225; south on Silver Butte Road 5225 to Meadow Creek; southwest along Meadow Creek to Big Creek; southwest along Big Creek to North Fork John Day River; northwest along North Fork John Day River to U.S. Highway 395 near Dale; north on U.S. Highway 395 to Pendleton, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 21-1979, f. & ef. 6-5-79; FWC 32-1980, f. & ef. 6-30-80; FWC 46-1988, f. & cert. ef. 6-13-88; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 17-1996, f. & 4-10-96, cert. ef. 4-15-96; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0050**Desolation Unit**

The Desolation Unit, number 50, is that area beginning at Dale on U.S. Highway 395; southeast along North Fork John Day River to Big Creek; northeast along Big Creek to Meadow Creek; northeast along Meadow Creek to Forest Road 5225 at Forks Guard Station; northwest on Forest Road 5225 to Granite-Ukiah Road 52; southeast on Granite-Ukiah Road 52 to Anthony Lakes Road 73; northeast on

Anthony Lakes Road 73 to summit of Blue Mountains west of Anthony Lakes; southwest along Blue Mountain summit to State Highway 7; southwest on State Highway 7 to Middle Fork John Day River Road; northwest on Middle Fork John Day River Road to U.S. Highway 395; north on U.S. Highway 395 to Dale, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 39-1982, f. & ef. 6-25-82; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0051**Sumpter Unit**

The Sumpter Unit, number 51, is that area beginning at Ironside; northwest on U.S. Highway 26 to Austin junction; northeast on State Highway 7 to summit of Blue Mountains; northeast along Blue Mountain summit to Anthony Lakes Road; northeast on Anthony Lakes Road to Interstate Highway 84 at North Powder; southeast on Interstate Highway 84 to Durbin Creek Road overpass; west on Durbin Creek-Malheur Reservoir Road to Ironside, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 32-1980, f. & ef. 6-30-80; FWC 39-1982, f. & ef. 6-25-82; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0052**Starkey Unit**

The Starkey Unit, number 52, is that area beginning on Interstate Highway 84 at the junction of State Highway 82 at La Grande; southeast on Interstate Highway 84 to North Powder; west on North Powder River Lane and southwest on Anthony Lakes Road 73 to Anthony Lakes; west past Anthony Lakes to Granite-Ukiah Road 52; northwest on Granite-Ukiah Road 52 to Tower Mountain Road 5226; east and north on Tower Mountain Road 5226 past Tower Mountain and Frazier Forest Camp to State Highway 244 (Forest Road 59); east on State Highway 244 (Forest Road 59) to Forest Road 5900230 at Four Corners Forest Camp; north on road 5900230 to 2100040, north on 2100040 to Forest Road 21; north on Forest Road 21 to Forest Road 2135; northeast on Forest Road 2135 to Forest Road 2135400; northeast on Forest Road 2135400 to Kamela; east on Summit Road to Interstate Highway 84; southeast on Interstate Highway 84 to State Highway 82 at La Grande, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 21-1979, f. & ef. 6-5-79; FWC 32-1980, f. & ef. 6-30-80; FWC 39-1982, f. & ef. 6-25-82; FWC 35-1986, f. & ef. 8-7-86; FWC 46-1988, f. & cert. ef. 6-13-88; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 17-1996, f. & 4-10-96, cert. ef. 4-15-96; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 30-2000, f. & cert. ef. 6-14-00

635-080-0053**Catherine Creek Unit**

The Catherine Creek Unit, number 53, is that area beginning at Elgin; northeast on State Highway 82 to Minam; south along Minam River to the boundary of Wallowa-Whitman National Forest; west along forest boundary to Point Prominence Road (62 and 6220); south along Point Prominence Road to Moss Springs; east along Moss Springs-Horse Ranch Trail to Little Minam River; southeast along Little Minam River to the summit separating the Minam River and Catherine Creek to Meadow Mountain; generally southeast along the divide between the Catherine Creek and Minam River drainages to Granite Butte; generally south along the divide between the Catherine Creek and Eagle Creek drainages to Flagstaff Butte; west on Forest Road 7700582 to Forest Road 77; west on Forest Road 77 to Forest Road 6730; south on 6730 to Forest Road 6730310; west on 6730310 to Forest Road 6750300; west on 6750300 to Lick Creek Road 6750; south on Lick Creek Road 6750 to Big Creek Road 67; west on Big Creek Road to Medical Springs; southwest on State Highway 203 to the Powder River; northwest along Powder River to Interstate Highway 84 at North Powder; north on Interstate Highway 84 to State Highway 82 at La Grande; northeast on State Highway 82 to Elgin, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 21-1979, f. & ef. 6-5-79; FWC 32-1980, f. & ef. 6-30-80; FWC 35-1986, f. & ef. 8-7-86; FWC 46-1988, f. & cert. ef. 6-13-88; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 27-1991, f. & cert. ef. 3-12-91; FWC 36-1993, f. & cert. ef. 6-14-93; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0054**Mt. Emily Unit**

The Mt. Emily Unit, number 54, is that area beginning at Pendleton; northeast on State Highway 11 to Weston; southeast on State Highway 204 to Elgin; southwest on State Highway 82 to Interstate Highway 84 at La Grande; northwest on Interstate Highway 84 to Pendleton, point of beginning.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 32-1980, f. & ef. 6-30-80; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 30-2000, f. & cert. ef. 6-14-00

635-080-0055**Walla Walla Unit**

The Walla Walla Unit, number 55, is that area beginning at Weston; north on State Highway 11 to Oregon-Washington state line; east along state line to Forest Road 64; southwest on Forest Road 64 to Tollgate; northwest on State Highway 204 to Weston, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 21-1979, f. & ef. 6-5-79; FWC 32-1980, f. & ef. 6-30-80; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0056**Wenaha Unit**

The Wenaha Unit, number 56, is that area beginning at Troy; southwest along Grande Ronde River to Elgin; northwest on State Highway 204 to Tollgate; northeast on Forest Road 64 to Oregon-Washington state line; east along state line to Grande Ronde River; southwest along Grande Ronde River to Troy, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 21-1979, f. & ef. 6-5-79; FWC 32-1980, f. & ef. 6-30-80; FWC 35-1986, f. & ef. 8-7-86; FWC 72-1989, f. & ef. 8-15-89; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0057**Sled Springs Unit**

The Sled Springs Unit, number 57, is that area beginning at Walla; west on State Highway 82 to Elgin; northeast along Grande Ronde River to Oregon-Washington state line; east along state line to Joseph Creek; southwest along Joseph Creek to Chesnimnus Creek; southeast along Chesnimnus Creek to Crow Creek Road; south on Crow Creek Road to State Highway 82; northwest on State Highway 82 to Walla, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0058**Chesnimnus Unit**

The Chesnimnus Unit, number 58, is that area beginning at Joseph; north on State Highway 82 to Crow Creek Road; north on Crow Creek Road to Chesnimnus Creek; northwest along Chesnimnus Creek to Joseph Creek; northeast along Joseph Creek to Oregon-Washington state line; east and southeast along state line to the Snake River; southeast along the Snake River to mouth of Imnaha River; southwest along Imnaha River to Imnaha; southwest on Sheep Creek Road to Joseph, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 36-1993, f. & cert. ef. 6-14-93; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0059**Snake River Unit**

The Snake River Unit, number 59, is that area beginning at confluence of Imnaha and Snake rivers; southeast along Snake River to Thirty-two Point Creek; southwest along Thirty-two Point Creek to Summit Road; southwest and northwest on Summit Road to North Fork Dry Creek; southwest along North Fork Dry Creek and northwest along Dry Creek to Imnaha River; north along Imnaha River to Snake River, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0060**Minam Unit**

The Minam Unit, number 60, is that area beginning at the town of Minam; southeast on State Highway 82 to head of Wallowa Lake; southwest on West Fork Trail to Hawkins Pass; southwest along summit of Eagle Mountains to Granite Butte; northwest along summit separating Big Minam and Catherine Creek drainages past Burger Butte and Meadow Mountain to the head of the Little Minam River; north along Little Minam River to Moss Springs-Horse Ranch Trail; west on Moss Springs-Horse Ranch Trail to Moss Springs; north on Point Prominence Road to the boundary of Wallowa-Whitman National Forest; north and east along National Forest boundary to Minam River; north along Minam River to State Highway 82 at the town of Minam, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 21-1979, f. & ef. 6-5-79; FWC 35-1986, f. & ef. 8-7-86; FWC 46-1988, f. & cert. ef. 6-13-88; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0061**Imnaha Unit**

The Imnaha Unit, Number 61, is that area beginning at Joseph, northeast on Imnaha Highway to Imnaha; south and west along Imnaha River and South Fork of Imnaha River to Hawkins Pass; north on West Fork Trail to Wallowa Lake; north on State Highway 82 to Joseph, point of beginning.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 46-1988, f. & cert. ef. 6-13-88; FWC 72-1989, f. & cert. ef. 8-15-89

635-080-0062**Pine Creek Unit**

The Pine Creek Unit, number 62, is that area beginning at Cornucopia; north on Blue Creek Trail to the summit of Eagle Mountains; west and north along summit of Eagle Mountains to Hawkins Pass; east and north along South Fork Imnaha River and Imnaha River to Dry Creek; southeast along Dry Creek and northeast along North Fork Dry Creek to Summit Road; north and northeast on Summit Road to Thirty-two Point Creek; east along Thirty-two Point Creek to Snake River; south along Snake River to the mouth of Powder River; west along Powder River arm of Brownlee Reservoir to the old Richland-Halfway Highway (Sag Road); north on Sag Road to Highway 86; northeast on Highway 86 to Pine Creek; northwest along Pine Creek to Cornucopia, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 46-1988, f. & cert. ef. 6-13-88; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 36-1993, f. & cert. ef. 6-14-93; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0063**Keating Unit**

The Keating Unit, number 63, is that area beginning at North Powder; northeast and southeast along Powder River to State Highway 203; northeast on State Highway 203 to Medical Springs; southeast and northeast on Big Creek Road 67 to Lick Creek; north on Lick Creek Road 6750 to Forest Road 6750300; east on Forest Road 6750300 to Forest Road 6730310; east on 6730310 to Forest Road 6730; north on 6730 to Forest Road 77; east on Forest Road 77 to Flagstaff Butte Road 7700582; east on road 7700582 to Flagstaff Butte; north along the divide between the Catherine Creek and Eagle Creek drainages to Granite Butte; east along summit of Eagle Mountains to Blue Creek Trail north of Cornucopia; south along Blue Creek Trail to Pine Creek; south and east along Pine Creek to State Highway 86; southwest on State Highway 86 to Old Richland-Halfway Highway (Sag Road); south on Sag Road to Powder River arm of Brownlee Reservoir; west along Powder River to State Highway 86; west on Highway 86 to Interstate Highway 84; north on Interstate Highway 84 to North Powder, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 32-1980, f. & ef. 6-30-80; FWC 35-1986, f. & ef. 8-7-86; FWC 46-1988, f. & cert. ef. 6-13-88; FWC

72-1989, f. & cert. ef. 8-15-89; FWC 36-1993, f. & cert. ef. 6-14-93; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0064**Lookout Mountain Unit**

The Lookout Mountain Unit, Number 64, is that area beginning at junction of Interstate Highway 84 and State Highway 86 northeast of Baker, east on State Highway 86 to Powder River near Goose Creek; east along Powder River to Snake River; southwest along Snake River to mouth of Birch Creek at Farewell Bend; west along Birch Creek to Interstate Highway 84; northwest on Interstate Highway 84 to State Highway 86, point of beginning.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 32-1980, f. & ef. 6-30-80; FWC 46-1988, f. & cert. ef. 6-13-88; FWC 72-1989, f. & cert. ef. 8-15-89

635-080-0065**Beulah Unit**

The Beulah Unit, number 65, is that area beginning at Vale; southwest on U.S. Highway 20 to Drewsey-Prairie City Road near Drewsey; northwest on Drewsey-Prairie City Road and Forest Road 1663 to the junction with Forest Road 14 near Antelope Mt.; northwest on Forest Road 14 and Forest Road 16 to Summit Prairie; north on County Road 62 to U.S. Highway 26 near Prairie City; easterly on U.S. Highway 26 to Ironside; easterly on Malheur Reservoir Road to Interstate Highway 84; southeasterly on Interstate 84 to Birch Creek near Farewell Bend; easterly on Birch Creek to Snake River; southeast along Snake River to Nyssa; north and west on U.S. Highway 20 to Vale, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 21-1979, f. & ef. 6-5-79; FWC 32-1980, f. & ef. 6-30-80; FWC 39-1982, f. & ef. 6-25-82; FWC 46-1988, f. & cert. ef. 6-13-88; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 122-2004, f. 12-21-04, cert. ef. 1-1-05

635-080-0066**Malheur River Unit**

The Malheur River Unit, number 66, is that area beginning at Burns; north on U.S. Highway 395 to Seneca; easterly on Logan Valley County Road #16 through Logan Valley to Forest Road 14; south-east on Forest Road 14 to the junction of Forest Road 1663 near Antelope Mt.; south of Forest Road 1663 and Otis Valley Road (Harney County Road 304) to Drewsey; south on Drewsey Rd (Harney County Road 305) to U.S. Highway 20; east on U.S. Highway 20 to Harper; southwest on Harper-Follyfarm Road to Follyfarm (Malheur County Roads 584 and 513) to State Highway 78 near Follyfarm; northwest on State Highway 78 to Burns, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 32-1980, f. & ef. 6-30-80; FWC 39-1982, f. & ef. 6-25-82; FWC 35-1986, f. & ef. 8-7-86; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06

635-080-0067**Owyhee Unit**

The Owyhee Unit, number 67, is that area beginning at Nyssa; south along Oregon-Idaho state line to Jordan Valley-Silver City Road; west on Jordan Valley-Silver City Road to Jordan Valley; southwest on U.S. Highway 95 to State Highway 78; northwest on State Highway 78 to Follyfarm; northeast on Follyfarm-Harper Road to Harper; east on U.S. Highway 20 to Nyssa, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0068**Whitehorse Unit**

The Whitehorse Unit, number 68, is that area beginning at Follyfarm; southeast on State Highway 78 to U.S. Highway 95; northeast on U.S. Highway 95 to Jordan Valley; east on Jordan Valley-Silver City Road to Oregon-Idaho state line; south and west along state line to Denio; northeast on county road 201 through Fields and Andrews to Follyfarm, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06

635-080-0069**Steens Mountain Unit**

The Steens Mountain Unit, number 69, is that area beginning at the junction of State Highway 78 and State Highway 205, two miles east of Burns; southeast on State Highway 78 to East Steen Road (Harney County Road 201) near Follyfarm; southwest on East Steens Road through Andrews to Catlow Valley Road (Harney County Road 202) junction one mile north of Fields; northwest on Catlow Valley Road to Highway 205 at Frenchglen; north on State Highway 205 to Highway 78, point of beginning.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 28-1983, f. & ef. 7-8-83; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06

635-080-0070**Beatys Butte Unit**

The Beatys Butte Unit, number 70, is that area beginning at Denio; west along Oregon state line to Fort Bidwell-Warner Valley Road (Lake County Rd 3-14); north on 3-14 to Adel; north on county road 3-10 through Plush to county road 3-11; east on county road 3-11 to Hart Refuge and county road 3-12; north and east on 3-12 to Hart Refuge headquarters; east on Hart Mountain-Frenchglen road (Lake County Road 3-12) and Harney County Road 412 to Catlow Valley Road (Harney County Road 202); south and east on Catlow Valley Road to Harney County Road 201, 1 mile north of Fields; south on County Road 201 through Fields to Denio, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 2-2003, f. & cert. ef. 1-17-03; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06

635-080-0071**Juniper Unit**

The Juniper Unit, number 71, is that area beginning at Burns; east two miles on State Highway 78 to State Highway 205; south on State Highway 205 through Frenchglen to Hart Mountain Road (Harney County Road 412 and Lake County Road 3-12); west on Hart Mountain Road to Flagstaff Lake Road (Lake County Road 3-11); west on Flagstaff Lake Road to Hogback Road (Lake County Road 3-10); northwest on Hogback Road to U.S. Highway 395; northeast on U.S. Highway 395 to U.S. Highway 20; east on U.S. Highway 20 to Burns, point of beginning. The Hart Mountain National Antelope Refuge is closed to all hunting seasons authorized for the Juniper Unit.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 128-2005, f. 12-1-05, cert. ef. 1-1-06

635-080-0072**Silvies Unit**

The Silvies Unit, number 72, is that area beginning at Burns; west on U.S. Highway 20 to Glass Buttes-Camp Creek Road near Glass Buttes; north on Glass Buttes-Camp Creek Road to Twelvemile Creek Road; east on Twelvemile Creek Road to Grindstone Creek Road; northeast on Grindstone Creek Road to Paulina-Suplee Road; south-east on Paulina-Suplee Road to Suplee; east on Pine Creek Road to South Fork John Day River; southeast along South Fork John Day River to Forest Road 3750 at Bear Creek; east on Forest Road 3750 to Forest Road 37; northeast on Forest Road 37 to U.S. Highway 395; south on U.S. Highway 395 to Burns, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & ef. 6-3-77; FWC 26-1978, f. & ef. 5-26-78; FWC 21-1979, f. & ef. 6-5-79; FWC 46-1988, f. & cert. ef. 6-13-88; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0073**Wagontire Unit**

The Wagontire Unit, number 73, is that area beginning 2-1/2 miles east of Millican; southeast on U.S. Highway 20 to U.S. Highway 395; southwest on U.S. Highway 395 to State Highway 31 at Valley

Falls; northwest on State Highway 31 to Wagontire Road 9 miles east of Silver Lake; northeast on Wagontire Road to Christmas Valley; east 2 miles on Christmas Valley-Wagontire Road (Lake County Road 5-14) to Lake County Road 5-14C 2 miles east of Christmas Valley; north and north east on Lake County Road 5-14C to junction with Lake County Road 5-14D; continue north on Lake County Road 5-14C to intersection of Lake County Road 5-12B; west on Lake County Road 5-12B to junction of Lake County Road 5-12D; north on Lake County Road 5-12D past Janes Well and Dickerson Well to U.S. Highway 20, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & cf. 6-3-77; FWC 26-1978, f. & cf. 5-26-78; FWC 32-1980, f. & cf. 6-30-80; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99; DFW 30-2000, f. & cert. ef. 6-14-00

635-080-0074

Warner Unit

The Warner Unit, number 74, is that area beginning at Lakeview; north east on U.S. Highway 395 to Fort Bidwell-Warner Valley Road north of Abert Lake; south on Fort Bidwell-Warner Valley Road through Plush and Adel to Oregon-California state line; west along state line to U.S. Highway 395 at New Pine Creek; north on U.S. Highway 395 to Lakeview, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & cf. 6-3-77; FWC 26-1978, f. & cf. 5-26-78; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0075

Interstate Unit

The Interstate Unit, number 75, is that area beginning at Bly; west on State Highway 140 to Beatty; north on Godowa Springs Road to Sprague River; west along Sprague River one mile to Sycan River; upstream north and east along Sycan River to Pike's Crossing; east on Forest Road 30 to Forest Road 28; east on Forest Road 28 to Forest Road 29; east on Forest Road 29 to State Highway 31; southeast on State Highway 31 to Valley Falls; south on U.S. Highway 395 to Oregon-California state line; west along state line to Lost River; northwest along Lost River to East Langell Valley Road; north on East Langell Valley Road to Gerber Road; northeast on Gerber Road past Gerber Reservoir to Bly, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & cf. 6-3-77; FWC 26-1978, f. & cf. 5-26-78; FWC 28-1983, f. & cf. 7-8-83; FWC 35-1986, f. & cf. 8-7-86; FWC 71-1987, f. & cf. 9-2-87; FWC 46-1988, f. & cert. ef. 6-13-88; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0076

Silver Lake Unit

The Silver Lake Unit, number 76, is that area beginning at Silver Lake; southeast on State Highway 31 to Forest Road 29, 18 miles south of Summer Lake; west on Forest Road 29 to Forest Road 28; west on Forest Road 28 to Forest Road 30; west on Forest Road 30 to Pike's Crossing; downstream north and southwest along Sycan River to Powers Crossing (Teddy Powers Meadow); northwest on road 44 to Yamsey Guard Station at head of Williamson River; north and west along Williamson River to Silver Lake Road; east on Silver Lake Road through Bear Flat to State Highway 31; east on State Highway 31 to Silver Lake, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & cf. 6-3-77; FWC 26-1978, f. & cf. 5-26-78; FWC 28-1983, f. & cf. 7-8-83; FWC 35-1986, f. & cf. 8-7-86; FWC 71-1987, f. & cf. 9-2-87; FWC 46-1988, f. & cert. ef. 6-13-88; FWC 72-1989, f. & cert. ef. 8-15-89; DFW 47-1999, f. & cert. ef. 6-16-99

635-080-0077

Fort Rock Unit

The Fort Rock Unit, number 77, is that area beginning at Silver Lake; west on State Highway 31 to Klamath Marsh Road; west on Klamath Marsh Road to Williamson River; west and south along Williamson River returning to Klamath Marsh-Silver Lake Road; west on Klamath Marsh Road to U.S. Highway 97; west on Scott Creek Road 66 one mile to Sand Creek; southwest along Sand Creek to Crater Lake National Park boundary; north and west along Crater Lake National Park boundary to Pacific Crest Trail; north along Pacific Crest Trail to State Highway 58; southeast on State Highway 58 to

Crescent Creek; north along Crescent Creek to county road to Crescent; east on county road to Crescent; north on U.S. Highway 97 to Gilchrist main logging road one mile north of Gilchrist; east on Gilchrist main logging road 9775 to State Highway 31 between mileposts 16 and 17; southeast on State Highway 31 to the Fort Rock Road at Horse Ranch; east and south on Fort Rock Road past Fort Rock to Christmas Valley; southwest on Wagontire Road to State Highway 31 nine miles east of Silver Lake; west on State Highway 31 to Silver Lake, point of beginning.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 119, f. & cf. 6-3-77; FWC 26-1978, f. & cf. 5-26-78; FWC 28-1983, f. & cf. 7-8-83; FWC 35-1986, f. & cf. 8-7-86; FWC 46-1988, f. & cert. ef. 6-13-88; FWC 72-1989, f. & cert. ef. 8-15-89; FWC 6-1995, f. 1-23-95, cert. ef. 4-1-95; DFW 47-1999, f. & cert. ef. 6-16-99

DIVISION 90

ACCESS AND HABITAT PROGRAM

635-090-0000

Purpose

These rules guide the implementation of the Access and Habitat Program authorized under Oregon Laws 1993, Chapter 659.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.300

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.300

Hist.: FWC 17-1994, f. & cert. ef. 3-10-94

635-090-0010

Policy

It is the policy of the Oregon Fish and Wildlife Commission to improve Oregon's resource access and wildlife habitat through cooperation between the department, landowners and hunters to manage wildlife on private lands, and through the application of additional financial revenues.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.232 & 496.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232 & 496.242

Hist.: FWC 17-1994, f. & cert. ef. 3-10-94; DFW 48-1998, f. & cert. ef. 6-22-98

635-090-0020

Definitions

For the purposes of OAR 635-090-0000 through 635-090-0140 only:

(1) "Access project" means any activity designed to:

(a) Create hunting lease programs on privately owned lands that maintain access at present levels or stimulate new access;

(b) Encourage public and private landowners to open additional lands to the public through cooperative agreements with the department or the Oregon State Police to control that additional access;

(c) Open or expand hunter access, including vehicle access;

(d) Promote private land exchange with public land management agencies to provide better public access to hunting areas; or

(e) Promote proper hunting behavior.

(2) "Act" means sections 13 through 17 of Oregon Laws 1993, Chapter 659 which established the Oregon Access and Habitat Program and Board, and created the Access and Habitat subaccount in the State Wildlife Fund.

(3) "Board" means the Access and Habitat Board.

(4) "Council(s)" means Regional Advisory Council(s).

(5) "Fund" means the State Wildlife Fund created by ORS 496.300.

(6) "Grant agreement" means a contract between the department and a project sponsor describing the project and stating the financial support to be provided from the Access and Habitat subaccount.

(7) "Habitat project" means any activity designed to protect, maintain, or enhance wildlife habitat.

(8) "Landowner preference tag" means a tag authorizing the landowner and his or her immediate family to hunt during the season dates for which the tag is valid only on those lands owned by the landowner.

(9) "Project" means any access project or habitat project as defined in OAR 635-090-0020(1) and (7).

(10) "Project sponsor" means any public, private or nonprofit organization, or individual applying for or implementing an access and habitat project under the Act.

(11) "Region" means any one of four geographic administrative regions of the department.

(12) "Subaccount" means the separate subaccount in the State Wildlife Fund created by section 19 of the Act which may be expended only for access and habitat programs recommended by the board and approved by the commission.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.232 & 496.242
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232 & 496.242
Hist.: FWC 17-1994, f. & cert. ef. 3-10-94; FWC 37-1997, f. & cert. ef. 6-17-97; DFW 48-1998, f. & cert. ef. 6-22-98; DFW 46-1999, f. & cert. ef. 6-15-99

635-090-0030

Access and Habitat Board

(1) The Access and Habitat Board shall consist of seven members appointed by the commission.

(2) Members shall be appointed as follows:

(a) One member of the board to represent the public and serve as board chairperson. In making appointments to the board pursuant to this subsection, the commission shall consider recommendations from the director and from a list of at least 15 persons submitted by the State Forester and the Director of Agriculture.

(b) Three members to represent the broad spectrum of hunters. In making appointments to the board pursuant to this subsection, the commission shall consider recommendations from the director.

(c) Three members to represent the broad spectrum of agriculture and timber landowners. In making appointments to the board pursuant to this subsection, the commission shall consider recommendations from the director and from a list of at least 15 persons submitted by the State Forester and the Director of Agriculture.

(3) Board members shall serve four-year terms. Members of the board are eligible for appointment to two consecutive terms.

(4) Official actions of the board require the affirmative vote of at least four members.

(5) The board shall select officers for such terms and with such duties and powers as considered necessary to carry out the responsibilities of the board.

(6) The board shall meet at such times and places as may be determined by the chair or by the majority of board members.

(7) A board member shall receive no compensation, beyond reimbursement for actual and necessary travel and expenses, for expenditures incurred in the performance of official duties.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.232 & 496.242
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232 & 496.242
Hist.: FWC 17-1994, f. & cert. ef. 3-10-94; DFW 48-1998, f. & cert. ef. 6-22-98; DFW 46-1999, f. & cert. ef. 6-15-99

635-090-0040

Access and Habitat Subaccount

(1) Notwithstanding ORS 496.300, all moneys received by the commission pursuant to section 19 of the Act shall be deposited in a separate subaccount in the State Wildlife Fund. Moneys in the subaccount may be expended only for the access and habitat programs recommended by the board for the benefit of the wildlife resources of the state.

(2) The department shall credit the subaccount with a sum equal to 15 percent of the other fund budget (funds derived solely from hunting license and tag fees) allocated to the Green Forage and Deer Enhancement and Restoration programs.

(3) The department shall not assess its personnel costs in the administration of this program against the subaccount without the prior approval of the Access and Habitat Board.

(4) The board may accept, from whatever source, gifts or grants for access and habitat purposes. All moneys so accepted shall be deposited in the subaccount referenced in OAR 635-090-0040(1). Unless otherwise required by the terms of the gift or grant, gifts or grants shall be expended as provided in OAR 635-090-0050.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.232 & 496.242
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232 & 496.242
Hist.: FWC 17-1994, f. & cert. ef. 3-10-94; DFW 48-1998, f. & cert. ef. 6-22-98; DFW 46-1999, f. & cert. ef. 6-15-99

635-090-0050

Access and Habitat Subaccount Expenditures

All moneys made available for access and habitat programs from surcharges received under section 19 of the Act and from gifts and grants to the Access and Habitat Program may be expended only upon the recommendation of the board and the approval of the commission. Funds may be expended on programs that:

(1) Benefit wildlife by improving habitat. Such programs shall be coordinated with the Wildlife Division and shall be in addition to programs provided by federal funds. These programs may:

(a) Be on private land;

(b) provide seed and fertilizer to offset forage consumed by wildlife and for other programs that enhance forage; and

(c) be adjacent to agricultural and forest land to attract animals from those crops.

(2) Promote access to public and private lands through contracting for various levels of management of these lands. These management programs may include:

(a) Creating hunting lease programs that provide access at present levels or stimulate new access;

(b) Controlling access;

(c) Opening hunter access, including vehicle access;

(d) Promoting land exchanges; or

(e) Promoting proper hunting behavior.

(3) Provide for wildlife feeding to alleviate damage, to intercept wildlife before they become involved in a damage situation, and for practical food replacement in severe winters.

(4) Coordinate volunteers to improve habitat, repair damage to fences or roads by wildlife or recreationists, monitor orderly hunter use of public and private lands, and assist the Oregon State Police in law enforcement activities.

(5) Administer the auction or raffle of access and habitat deer/elk tags to provide incentives for habitat or access projects.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.232 & 496.242
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232 & 496.242
Hist.: FWC 17-1994, f. & cert. ef. 3-10-94; DFW 48-1998, f. & cert. ef. 6-22-98; DFW 46-1999, f. & cert. ef. 6-15-99

635-090-0060

Recommendations of the Access and Habitat Board

(1) The Access and Habitat Board shall meet, adopt and recommend to the commission (at intervals not to exceed 120 days) access and habitat programs.

(2) The commission shall review such programs and may approve or disapprove the program recommendation by the board. Funds may be expended from the subaccount referenced in OAR 635-090-0040(1) for projects that have been approved by the commission.

(3) The department and board shall submit to the Legislature a joint report on the expenditure of funds for access and habitat programs and on the status of various projects.

(4) In recommending access and habitat programs, the board shall:

(a) Recommend a mix of projects that provides a balance between access and habitat benefits.

(b) Recommend projects that are to be implemented by volunteers under volunteer coordinators and non-profit organizations engaged in approved access and habitat activities.

(c) Recommend programs that recognize and encourage the contributions of landowners to wildlife and programs that minimize the economic loss to those landowners.

(d) Encourage agreements with landowners who request damage control hunts to ensure public access to those hunts.

(e) Encourage projects that result in obtaining matching funds from other sources.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.232 & 496.242
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232 & 496.242
Hist.: FWC 17-1994, f. & cert. ef. 3-10-94; DFW 48-1998, f. & cert. ef. 6-22-98; DFW 46-1999, f. & cert. ef. 6-15-99

635-090-0070

Regional Access and Habitat Advisory Councils

(1) Individuals who reside in the department's various regions may form advisory councils to discuss and consider access and habitat programs and projects and to make recommendations to the Access and Habitat Board.

(a) Advisory council membership shall be in the same representative proportions as described for the board at 635-090-0030(1) and (2).

(b) Regional Advisory Councils may be established as needed to adequately represent the land base and geographic areas of the state.

(c) The board shall consult with the Advisory Council for a region (if one exists) when considering proposals affecting that region.

(2) Employees of the department may act in an advisory capacity to the various councils.

(3) An individual shall receive no compensation or expenses for service as a member.

(4) Regional Advisory Council members shall be appointed by the Access and Habitat Board as follows:

(a) Council applicants shall be sought via public notice by the department, Access and Habitat Board or Regional Advisory Council.

(b) Interested applicants shall submit an application to the department for consideration by the prospective Regional Advisory Council and Access and Habitat Board.

(c) In making appointments to each Regional Advisory Council pursuant to this section, the Access and Habitat Board shall consider recommendations from the respective Regional Advisory Council.

(5) Regional Advisory Council members shall serve four-year terms. Members of the council are eligible for appointment to two consecutive terms.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.232 & 496.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232 & 496.242

Hist.: FWC 17-1994, f. & cert. ef. 3-10-94; DFW 48-1998, f. & cert. ef. 6-22-98; DFW 46-1999, f. & cert. ef. 6-15-99

635-090-0080

Access and Habitat Project Application

(1) Any public, private or non profit organization, or individual may propose an access and habitat project for funding.

(2) Proposed projects shall be submitted to the board in writing and on forms provided by the board.

(3) A separate application is required for each proposed project or project site.

(4) Each project application must provide:

(a) Well-defined and/or measurable goals;

(b) Measures to achieve project goals;

(c) The location and duration of the project, including the beginning and the ending date;

(d) Estimated project costs and estimated contribution of the project to public access and/or habitat protection;

(e) Standards for monitoring the effectiveness of habitat maintenance or enhancement or access measures; and

(f) A mechanism to modify the project to meet the agreed upon goals.

(5) Incomplete applications may be returned to the project sponsor for completion.

(6) The board or commission may require any additional information deemed necessary to evaluate the project proposal.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.232 & 496.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232 & 496.242

Hist.: FWC 17-1994, f. & cert. ef. 3-10-94; DFW 48-1998, f. & cert. ef. 6-22-98; DFW 46-1999, f. & cert. ef. 6-15-99; DFW 40-2000, f. & cert. ef. 7-25-00

635-090-0090

Evaluation Criteria for Proposed Access and Habitat Projects

(1) All proposed access and habitat projects shall be evaluated by the board for consistency with department wildlife and habitat management goals and objectives as set forth in administrative rules, species and/or management area plans, and department habitat conservation standards and guidelines approved or adopted by the commission.

(2) The Board shall not recommend a project for funding if it finds the project:

(a) Is inconsistent with the intent of the Act;

(b) Is contrary to sound biological principles;

(c) Proposes inappropriate measures or methods to accomplish the project objectives;

(d) Is inconsistent with statewide land use planning goals and local acknowledged land use plans; or

(e) Violates department goals, policies, administrative rules, or species or other management plans approved or adopted by the commission.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.232 & 496.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232 & 496.242

Hist.: FWC 17-1994, f. & cert. ef. 3-10-94; DFW 48-1998, f. & cert. ef. 6-22-98; DFW 46-1999, f. & cert. ef. 6-15-99

635-090-0100

Commission Approval of Proposed Access and Habitat Projects

(1) The commission shall review the board's recommendations and may approve or disapprove any or all projects recommended for funding.

(2) The board shall attach terms and conditions to project proposals necessary to protect and enhance the state's wildlife and their habitat. Terms and conditions shall include but are not limited to requiring the project sponsor to:

(a) Acquire written approval from the board prior to initiating the project;

(b) Agree to complete the project as approved by the commission and within the timeframe specified in the grant agreement;

(c) Obtain all necessary water rights, access agreements, easements, use permits or any other permits needed to undertake the project. Copies shall be provided to the board prior to commencing the project;

(d) File with the board a written request for permission to modify the project. Proposed modifications shall include the rationale for the requested change and shall be submitted to and approved by the board and the commission prior to initiating any work proposed in the modification;

(e) Submit a project report at the completion of the project describing the work done;

(f) Monitor and report the effectiveness of the project during the grant agreement period;

(g) Allow access to the project by commission or board members (or their representatives) to monitor and/or evaluate the project; and

(h) Account for access and habitat funds distributed by the department.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.232 & 496.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232 & 496.242

Hist.: FWC 17-1994, f. & cert. ef. 3-10-94; DFW 48-1998, f. & cert. ef. 6-22-98; DFW 46-1999, f. & cert. ef. 6-15-99

635-090-0110

Revocation of Access and Habitat Project Approval

(1) The commission may revoke approval of a project if, after consultation with the board, it determines that:

(a) Implementation of the project has exceeded or is inconsistent with the approved project proposal;

(b) The project sponsor has violated any term or condition imposed on the project;

(c) The project does not meet its proposed objectives; or

(d) The project is inconsistent with current department goals, policies or management plans.

(2) Proceedings to revoke approval of a project shall be conducted in accordance with ORS 183.413 through 183.550.

(3) The revocation of the approval of a project shall automatically invalidate any department permits issued for such project as of the date of revocation.

(4) Revocation of approval for an access and habitat project is in addition to and not in lieu of other penalties provided by law.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.232 & 496.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232 & 496.242

Hist.: FWC 17-1994, f. & cert. ef. 3-10-94; DFW 48-1998, f. & cert. ef. 6-22-98; DFW 46-1999, f. & cert. ef. 6-15-99

635-090-0120

Access and Habitat Project Grant Agreement

(1) Project sponsors other than the department shall enter into a grant agreement with the department prior to initiating the access and habitat project.

(2) The department shall distribute no funds under a grant agreement until it receives satisfactory evidence that all necessary permits and licenses have been granted and the required documents submitted.

(3) The department may release advance funds upon presentation of a detailed estimate of expenses for a time period specified in the grant agreement. The department will release no additional funds until the project sponsor submits all receipts for expenditures of the advance fund release.

(4) The department may release funds upon presentation of a completed Fund Release Request form accompanied by proof of the completion of specific work elements of the project as identified in the grant agreement. Proof of completion may include paid receipts of invoices for materials or contracted labor, or inspection reports.

(5) Except for grants of less than \$2,000, the department shall retain a minimum of 10 percent of project funds until it receives the report required in OAR 635-090-0100(2)(e) and it evaluates the project for completion and compliance with the grant agreement.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.232 & 496.242
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232 & 496.242
 Hist.: FWC 17-1994, f. & cert. ef. 3-10-94; DFW 48-1998, f. & cert. ef. 6-22-98

635-090-0130

Landowner Preference Tags

A landowner who is qualified to receive landowner preference tags from the commission may request from the board two additional tags for providing current public access and two additional tags for current wildlife habitat programs.

(1) This request shall be made with supporting evidence that the access is significant and the habitat programs benefit wildlife.

(2) The board may recommend that the commission grant the request.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.232 & 496.242
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232 & 496.242
 Hist.: FWC 17-1994, f. & cert. ef. 3-10-94; DFW 48-1998, f. & cert. ef. 6-22-98

635-090-0140

Deer and Elk Tag Auction and Raffle

(1) Notwithstanding ORS 496.146(10), upon the recommendation of the Access and Habitat Board, the commission may issue each year up to ten elk and ten deer tags to hunt deer or elk. Recommendations from the board shall include:

(a) The land on which each tag shall be used;

(b) The percentage of funds (not to exceed 50 percent) received from the tags that may revert to the landowner if the tag is limited to private land; and

(c) A written agreement with the commission which provides public access and habitat improvements.

(2) The board may contract with a sportsman's group or other organization to conduct a raffle or an auction to issue the access and habitat deer and elk tags.

(3) The access and habitat raffle and/or auction deer and elk tags are in addition to all other tags and permits approved by the commission.

(a) In addition to the number of deer and elk tags legally available to an individual, an individual is allowed one additional elk and one additional deer tag annually, provided these tags are Access and Habitat auction or raffle tags.

(b) Hunting hours, open season, and open area will be determined by the board specific to the tag.

(c) Bag limit: one deer or one elk.

(4) Access and habitat deer/elk tag raffle requirements:

(a) There is no limit on the number of tickets a person may purchase. Raffle tickets shall be available for purchase in the following denominations with the addition of a \$1.50 license agent fee:

(A) Deer Tags

(i) One ticket at a cost of \$2.50.

(ii) Six tickets at a cost of \$9.50.

(iii) Fifteen tickets at a cost of \$19.50.

(iv) Forty tickets at a cost of \$49.50.

(v) One hundred tickets at a cost of \$99.50.

(B) Elk tags

(i) One ticket at a cost of \$4.50.

(ii) Six tickets at a cost of \$19.50.

(iii) Fifteen tickets at a cost of \$39.50.

(iv) Forty tickets at a cost of \$99.50.

(C) Combination Elk and Deer Tags

(i) One ticket at a cost of \$9.50.

(ii) Six tickets at a cost of \$29.50.

(iii) Fifteen tickets at a cost of \$59.50.

(iv) Forty tickets at a cost of \$149.50.

(b) Raffle tickets in denominations of 1, 6, and 15 will be available to the public through authorized POS license vendors or through the department's Salem headquarters office during the dates specified in the current Big Game Regulations. Tickets in denominations of forty and one hundred will be available only through the department's Salem headquarters office. Tickets also may be sold by department representatives at various public events or meetings of sportsmen and landowners.

(c) Residents and nonresidents shall be eligible to purchase tickets.

(d) There shall be no refunds for any raffle ticket purchases.

(e) Tickets purchased through license agents and submitted for the drawing by mail must be received at the department's Salem headquarters office by the date specified in the current Big Game Regulations. Hand delivered tickets submitted for the drawing must be received by 5pm at the Salem headquarters office no later than two days before the drawing event. Completed tickets delivered to the drawing event must be turned in by the time specified in the current Big Game Regulations. Additional tickets may be purchased at the raffle site prior to the drawing.

(f) All tickets submitted for the drawing must be complete with a name, address, phone number, and hunt number (if applicable).

(g) One winner and a minimum of two alternate winners shall be drawn at a public drawing; time and location to be determined by the board and department.

(h) If a person is drawn as the winner of more than one hunt for the same species, the Department will issue the first Access and Habitat raffle deer/elk tag drawn by the person who meets all criteria specified herein.

(i) The order in which the winner and alternate winners for the deer/elk raffle hunts shall be drawn at the public drawing is as follows:

(i) Statewide Combination Elk and Deer- #AH002

(ii) Statewide Deer Hunt- #AH001

(iii) Southeast Oregon Deer Hunt- #AH004

(iv) Central Oregon Deer Hunt- #AH005

(v) Northeast Oregon Deer Hunt- #AH003

(vi) Statewide Elk Hunt- #AH009

(vii) Northeast Oregon Elk Hunt- #AH006

(viii) Central/Southeast Elk Hunt- #AH007

(ix) Western Oregon Elk Hunt- #AH008

(j) The department will notify the winner and two alternates by mail. The winner must claim the tag during regular business hours within 30 days of the drawing or he/she shall be disqualified and the department will offer the tag to the first alternate. The first alternate must claim the tag within 10 business days of notification or he/she shall be disqualified and the department will notify the second alternate. The second alternate will be contacted in the same manner and with the same deadlines as the first alternate if the winner or first alternate have not claimed the tag as required. The tag will not be issued if not claimed during regular business hours within 90 days following the drawing.

(k) The access and habitat raffle deer/elk tag winners must have a valid hunting license.

(l) The department will issue an access and habitat raffle deer/elk tag to the person whose name appears on the winning ticket and who meets all criteria specified herein. The tag is not transferable.

(5) Access and habitat deer/elk tag auction requirements:

(a) Residents and nonresidents shall be eligible to bid.

(b) The minimum acceptable bid for an access and habitat auction tag shall be \$2,000.00 for deer and \$5,000.00 for elk. The bid price includes the tag fee.

(c) Individuals, agents, corporations, or others that submit the highest bid shall provide the name, address, phone number, and affiliation of the individual to whom the access and habitat auction deer/elk tag shall be issued to a department representative or a representative of the organization authorized to conduct the auction immediately upon the conclusion of the auction of such tag.

(d) Submittal of the winning bid shall be made to the department by cashiers check or certified check within 20 working days of the date of the auction (whether conducted by the department or by a sportsman's group or organization authorized to do so).

(e) If the full amount of the bid is not paid as required by OAR 635-090-140(5)(d), the department may, at its discretion, reject the bid and offer the access and habitat auction deer/elk tag to the next highest bidder. Such next highest bidder must make payment to the department by cashiers check or certified check within five working days of notification.

(f) The access and habitat auction deer/elk tag winner must have a valid hunting license.

(g) The department will issue an access and habitat auction deer/elk tag to the winner who meets all criteria specified herein. The tag is not transferable.

(h) The department reserves the right to accept or reject any or all access and habitat auction deer/elk tag bids.

Stat. Auth: ORS 496.012, 496.138, 496.146, 496.232 & 496.242
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232 & 496.242
 Hist.: FWC 17-1994, f. & cert. ef. 3-10-94; FWC 87-1994, f. & cert. ef. 11-22-94, FWC 52-1995, f. & cert. ef. 6-16-95; FWC 36-1996, f. & cert. ef. 6-7-96; DFW 48-1998, f. & cert. ef. 6-22-98; DFW 46-1999, f. & cert. ef. 6-15-99; DFW 1-2000(Temp), f. & cert. ef. 1-3-00 thru 6-30-00; DFW 40-2000, f. & cert. ef. 7-25-00; DFW 62-2001, f. & cert. ef. 7-25-01; DFW 106-2003, f. & cert. ef. 10-16-03; DFW 68-2004, f. & cert. ef. 7-13-04; DFW 48-2006, f. & cert. ef. 6-21-06

635-090-0150

Deer and Elk Auction Tags

(1) The following tags will be auctioned to the highest bidder annually in such manner and at such time as determined by the department pursuant to OAR 635-090-0140. Hunters successful in bidding for one of the following tags are subject to the provisions of OAR 635-090-0140 and OAR chapter 635, division 065.

(2) Governor's Statewide Combination Hunt.

(a) Bag Limit: One elk and one deer.

(b) Hunting Hours: As provided in OAR 635-065-0730.

(c) Open Season: September 1 through November 30.

(d) Open Area: Any area within Oregon Wildlife Unit Boundaries as defined in OAR chapter 635, division 080 (except federal refuges and specific area closures as defined in OAR chapter 635, division 065).

(e) Weapon: Any weapon legal for elk hunting as provided in OAR chapter 635, division 065.

(f) Number of tags: One (1) elk and one (1) deer.

(3) Statewide Deer Hunt.

(a) Bag Limit: One deer.

(b) Hunting Hours: As provided in OAR 635-065-0730.

(c) Open Season: September 1 through November 30.

(d) Open Area: Any area within Oregon Wildlife Unit Boundaries as defined in OAR chapter 635, division 080 (except federal refuges and specific area closures as defined in OAR chapter 635, division 065).

(e) Weapon: Any weapon legal for deer hunting as provided in OAR chapter 635, division 065.

(f) Number of Tags: Four.

(4) Statewide Elk Hunt.

(a) Bag Limit: One elk.

(b) Hunting Hours: As provided in OAR 635-065-0730.

(c) Open Season: September 1 through November 30.

(d) Open Area: Any area within Oregon Wildlife Unit Boundaries as defined in OAR chapter 635, division 080 (except federal refuges and specific area closures as defined in OAR chapter 635, division 065).

(e) Weapon: Any weapon legal for elk hunting as provided in OAR chapter 635, division 065.

(f) Number of tags: Four.

Stat. Auth: ORS 496.012, 496.138, 496.146, 496.232 & 496.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232 & 496.242

Hist.: FWC 35-1994, f. & cert. ef. 6-16-94; FWC 87-1994, f. & cert. ef. 11-22-94; FWC 36-1996, f. & cert. ef. 6-7-96; DFW 48-1998, f. & cert. ef. 6-22-98; DFW 40-2000, f. & cert. ef. 7-25-00; DFW 60-2002, f. & cert. ef. 6-11-02; DFW 68-2004, f. & cert. ef. 7-13-04; DFW 48-2006, f. & cert. ef. 6-21-06

635-090-0160

Deer and Elk Raffle Tags

(1) The following tags will be issued annually to individuals selected through a public drawing.

(2) Statewide Deer Hunt #AH001.

(a) Bag Limit: One deer.

(b) Hunting Hours: As provided in OAR 635-065-0730.

(c) Open Season: September 1 through November 30.

(d) Open Area: Any area within Oregon Wildlife Unit Boundaries as defined in OAR chapter 635, division 080 (except federal refuges and specific area closures as defined in OAR chapter 635, division 065).

(e) Weapon: Any weapon legal for deer hunting as provided in OAR chapter 635, division 065.

(f) Number of tags: One.

(3) Statewide Combination Elk and Deer #AH002

(a) Bag Limit: One elk and one deer.

(b) Hunting Hours: As provided in OAR 635-065-0730.

(c) Open Season: September 1 through November 30.

(d) Open Area: Any area within Oregon Wildlife Unit Boundaries as defined in OAR chapter 635, division 080 (except federal refuges and specific area closures as defined in OAR chapter 635, division 065).

(e) Weapon: Any weapon legal for elk hunting as provided in OAR chapter 635, division 065.

(f) Number of tags: One (1) elk and one (1) deer.

(4) Northeast Oregon Deer Hunt #AH003

(a) Bag Limit: One deer.

(b) Hunting Hours: As provided in OAR 635-065-0730.

(c) Open Season: September 1 through November 30.

(d) Open Area: Any area open to controlled buck deer rifle hunts within the following wildlife units as described in OAR chapter 635, division 080 (except federal refuges and specific area closures as defined in OAR chapter 635, division 065): Columbia Basin, Walla Walla, Wenaha, Sled Springs, Chesnimnus, Snake River, Imnaha, Minam, Catherine Creek, Mt. Emily, Ukiah, Heppner, Fossil, Northside, Desolation, Starkey, Sumpter, Lookout Mountain, Keating, and Pine Creek.

(e) Weapon: Any weapon legal for deer hunting as provided in OAR chapter 635, division 065.

(f) Number of tags: One.

(5) Southeast Oregon Deer Hunt #AH004

(a) Bag Limit: One deer.

(b) Hunting Hours: As provided in OAR 635-065-0730.

(c) Open Season: September 1 through November 30.

(d) Open Area: Any area open to controlled buck deer rifle hunts within the following wildlife units as described in OAR chapter 635, division 080 (except federal refuges and specific area closures as defined in OAR chapter 635, division 065): Murderers Creek, Beulah, Owyhee, Malheur River, Silvies, Juniper, Steens Mountain, Whitehorse, Beatys Butte, and Warner.

(e) Weapon: Any weapon legal for deer hunting as provided in OAR chapter 635, division 065.

(f) Number of tags: One.

(6) Central Oregon Deer Hunt #AH005

(a) Bag Limit: One deer.

(b) Hunting Hours: As provided in OAR 635-065-0730.

(c) Open Season: September 1 through November 30.

(d) Open Area: Any area open to controlled buck deer rifle hunts within the following wildlife units as described in OAR chapter 635, division 080 (except federal refuges and specific area closures as defined in OAR chapter 635, division 065): Hood, White River, Biggs, Maupin, Grizzly, Metolius, Ochoco, Maury, Paulina, Upper Deschutes, Fort Rock, Wagonfire, Silver Lake, Sprague, Keno, Klamath Falls, and Interstate.

(e) Weapon: Any weapon legal for deer hunting as provided in OAR chapter 635, division 065.

(f) Number of tags: One.

(7) Northeast Oregon Elk Hunt #AH006

(a) Bag Limit: One elk.

(b) Hunting Hours: As provided in OAR 635-065-0730.

(c) Open Season: September 1 through November 30.

(d) Open Area: Any area open to controlled or general season elk rifle hunts within the following wildlife units as described in OAR chapter 635, division 080 (except federal refuges and specific area closures as defined in OAR chapter 635, division 065): Columbia Basin, Walla Walla, Wenaha, Sled Springs, Chesnimnus, Snake River, Imnaha, Minam, Catherine Creek, Mt. Emily, Ukiah, Heppner, Fossil, Northside, Desolation, Starkey, Sumpter, Lookout Mountain, Keating, and Pine Creek.

(e) Weapon: Any weapon legal for elk hunting as provided in OAR chapter 635, division 065.

(f) Number of tags: One.

(8) Central/Southeast Elk Hunt #AH007

(a) Bag Limit: One elk.

(b) Hunting Hours: As provided in OAR 635-065-0730.

(c) Open Season: September 1 through November 30.

(d) Open Area: Any area open to controlled or general season elk rifle hunts within the following wildlife units as described in OAR chapter 635, division 080 (except federal refuges and specific area closures as defined in OAR chapter 635, division 065): Murderers Creek, Beulah, Owyhee, Malheur River, Silvies, Juniper, Steens Mountain, Whitehorse, Beatys Butte, Warner, Hood, White River, Biggs, Maupin,

Grizzly, Metolius, Ochoco, Maury, Paulina, Upper Deschutes, Fort Rock, Wagonfire, Silver Lake, Sprague, Keno, Klamath Falls, and Interstate.

(e) Weapon: Any weapon legal for elk hunting as provided in OAR chapter 635, division 065.

(f) Number of tags: One.

(9) Western Oregon Elk Hunt #AH008

(a) Bag Limit: One elk.

(b) Hunting Hours: As provided in OAR 635-065-0730.

(c) Open Season: September 1 through November 30.

(d) Open Area: Any area within Oregon Wildlife Unit Boundaries as defined in OAR chapter 635, division 080 (except federal refuges and specific area closures as defined in OAR chapter 635, division 065).

(e) Weapon: Any weapon legal for elk hunting as provided in OAR chapter 635, division 065.

(f) Number of tags: One.

(10) Statewide Elk Hunt #AH009

(a) Bag Limit: One elk.

(b) Hunting Hours: As provided in OAR 635-065-0730.

(c) Open Season: September 1 through November 30.

(d) Open Area: Any area within Oregon Wildlife Unit Boundaries as defined in OAR chapter 635, division 080 (except federal refuges and specific area closures as defined in OAR chapter 635, division 065).

(e) Weapon: Any weapon legal for elk hunting as provided in OAR chapter 635, division 065.

(f) Number of tags: One.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.232 & 496.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232 & 496.242

Hist.: DFW 48-1998, f. & cert. ef. 6-22-98; DFW 40-2000, f. & cert. ef. 7-25-00; DFW 60-2002, f. & cert. ef. 6-11-02; DFW 68-2004, f. & cert. ef. 7-13-04; DFW 48-2006, f. & cert. ef. 6-21-06

635-090-0191

Emergency Seeding

(1) This section creates a special, fast-track review and approval process available to the Board for emergency seeding projects that address recent, wildfire-caused impacts to lands providing wildlife habitat. Notwithstanding any other rule, the Board may (at its discretion) process grant applications for such emergency projects using any or all of the special process elements provided by subsection (2) of this rule. However, the substantive standards provided in other rules shall still apply, with the addition of the special criteria specified in subsection (4) below.

(2) When processing an application for an emergency project, the Board may:

(a) Consult with the appropriate Regional Advisory Council in the most expeditious manner available (which may include fax, e-mail or telephone);

(b) Consider and vote on the application during a special meeting of the Board upon shorter notice than required for regular Board meetings; and

(c) Hold such a special Board meeting via telephone conference call.

(3) Any emergency grant application recommended by the Board through the special procedures provided by this rule shall be forwarded to the Director (rather than the Commission) for final funding decision. The Director shall act on such a recommendation within 7 working days of receipt.

(4) The Board shall apply the following special criteria to emergency grant applications, in addition to the general standards provided elsewhere in this division:

(a) The proposed project must be located entirely on private land;

(b) The project site must provide critical habitat for wildlife;

(c) The project must propose emergency seeding to benefit wildlife, and the seed mixture has been approved by the local ODFW district biologist;

(d) All equipment needed to complete the project is available; and

(e) The seeding can be completed in the timeframe required.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.232, 496.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232, 496.242

Hist.: DFW 84-2006(Temp), f. & cert. ef. 8-9-06 thru 12-31-06

WILDLIFE MANAGEMENT PLANS

DIVISION 100

WILDLIFE DIVERSITY PLAN

635-100-0001

Definition of Terms

As used in the *Wildlife Diversity Plan*:¹

(1) "Self-sustaining" means wildlife species that are naturally reproducing throughout their ranges with no dependency on artificial propagation to sustain natural production over time.

(2) "Endangered" means an animal threatened with extinction within all or a significant portion of its range.

(3) "Threatened" means an animal that could become endangered within the foreseeable future within all or a portion of its range.

(4) "Sensitive" refers to wildlife species, subspecies, or populations that are subject to a decline in number of sufficient magnitude to qualify their listing as Threatened due to loss in quantity or quality of habitat or other factors.

(5) "Wildlife" refers to both fish and wildlife species, subspecies, and populations.

¹The *Nongame Wildlife Management Plan* was reviewed and updated as the *Wildlife Diversity Plan* and adopted by the commission on November 17, 1993. The *Wildlife Diversity Plan* was reviewed, updated, and adopted by the commission on January 22, 1999. As noted below in OAR 635-100-0005, only the policy portions of the *Wildlife Diversity Plan* are incorporated here as an administrative rule. Copies of the *Wildlife Diversity Plan* are available through the agency.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.004, 496.012, 496.171, 496.172, 496.182, 496.192, 496.380, 496.385, 497.298, 497.308, 497.318 & 498.026

Stats. Implemented: ORS 496.004, 496.012, 496.171, 496.172, 496.182, 496.192, 496.380, 496.385, 497.298, 497.308, 497.318 & 498.026

Hist.: FWC 11-1986, f. & ef. 4-4-86; FWC 75-1993, f. & cert. ef. 11-24-93; DFW 22-1998, f. & cert. ef. 3-13-98; DFW 4-1999, f. & cert. ef. 2-8-99

635-100-0005

Wildlife Diversity Plan Content and Purpose

(1) The *Wildlife Diversity Plan* provides the program goal, objectives and strategies to identify and coordinate nongame wildlife management, research and status survey needs, and education and recreation needs related to Oregon's wildlife. The document provides direction to the Oregon Department of Fish and Wildlife in carrying out its mandated responsibilities. The plan is also intended as an informational document to be used in wildlife programs by public agencies and others concerned with the conservation of nongame and other fish and wildlife species. Only the policy portions of the *Wildlife Diversity Plan* are incorporated here by administrative rule, namely the Goal and Objectives.

(2) The remaining portions of the Plan — (Introduction, Strategies, Sub-strategies, Technical Information, Operational Schedule, and Priorities) are technical or related to agency management decisions. Accordingly, those parts may be updated by the commission outside the administrative rule process as new information is developed.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.004, 496.012, 496.171, 496.172, 496.182, 496.192, 496.380, 496.385, 497.298, 497.308, 497.318 & 498.026

Stats. Implemented: ORS 496.004, 496.012, 496.171, 496.172, 496.182, 496.192, 496.380, 496.385, 497.298, 497.308, 497.318 & 498.026

Hist.: FWC 11-1986, f. & ef. 4-4-86; FWC 75-1993, f. & cert. ef. 11-24-93; DFW 4-1999, f. & cert. ef. 2-8-99

635-100-0010

Wildlife Diversity Program Goal

It is the goal of the *Wildlife Diversity Program* to maintain Oregon's wildlife diversity by protecting and enhancing populations and habitats of native wildlife at self-sustaining levels throughout natural geographic ranges.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.375

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.375

Hist.: FWC 11-1986, f. & ef. 4-4-86; FWC 75-1993, f. & cert. ef. 11-24-93

635-100-0015

Wildlife Diversity Program Objectives

The objectives of the *Wildlife Diversity Program* are to:

(1) Assess, conserve, and enhance wildlife habitats.

(2) Assess, conserve, and enhance populations of native species at self-sustaining levels throughout their natural geographic ranges.

(3) Provide recreational, educational, aesthetic, scientific, economic and cultural benefits derived from Oregon's diversity of wildlife.

(4) Minimize adverse biological, social and economic impacts resulting from interactions between people and wildlife.

(5) Provide financial and human resources for program planning, administration, implementation, and evaluation.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.004, 496.012, 496.171, 496.172, 496.182, 496.192, 496.380, 496.385, 497.298, 497.308, 497.318 & 498.026

Stats. Implemented: ORS 496.004, 496.012, 496.171, 496.172, 496.182, 496.192, 496.380, 496.385, 497.298, 497.308, 497.318 & 498.026

Hist.: FWC 11-1986, f. & cf. 4-4-86; FWC 75-1993, f. & cert. ef. 11-24-93; DFW 4-1999, f. & cert. ef. 2-8-99

635-100-0030

Five-Year Review

The policy portions of the *Wildlife Diversity Plan*, namely the Goal and Objectives, will be updated and reviewed by the Oregon Fish and Wildlife Commission every five years beginning in 1993.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.004, 496.012, 496.171, 496.172, 496.182, 496.192, 496.380, 496.385, 497.298, 497.308, 497.318 & 498.026

Stats. Implemented: ORS 496.004, 496.012, 496.171, 496.172, 496.182, 496.192, 496.380, 496.385, 497.298, 497.308, 497.318 & 498.026

Hist.: FWC 11-1986, f. & cf. 4-4-86; FWC 75-1993, f. & cert. ef. 11-24-93; DFW 4-1999, f. & cert. ef. 2-8-99

635-100-0040

Sensitive Species List

(1) For the purpose of maintaining a watch list of species potentially eligible for listing as threatened or endangered species, the category of sensitive species is established in the Nongame Wildlife Management Plan. The sensitive species list shall be updated by the department biannually, distributed to state and federal resource agencies, and made available to any member of the public upon request.

(2) Any person may request that a species be included on or deleted from the sensitive species list. A wildlife species shall qualify for inclusion on the sensitive species list if:

(a) Its numbers are declining at a rate such that it may become eligible for listing as a threatened species; or

(b) Its habitat is threatened or declining in quantity or quality such that it may become eligible for listing as a threatened species. A wildlife species shall qualify for deletion from the sensitive species list if:

(A) Its numbers are not or are no longer declining at a rate such that it may become eligible for listing as a threatened species; and

(B) Its habitat is not or is no longer threatened or declining in quantity or quality such that it may become eligible for listing as a threatened species.

(3) Any request must be in writing, stating the reasons for the requested action and briefly outlining the status of the species and how its condition meets the criteria enumerated in this rule for inclusion or deletion. The department shall review any such request, determine if the species qualifies for the requested action, and shall notify the person making the request of its decision within 90 days of receipt of the request.

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Hist.: FWC 96-1988, f. & cert. ef. 9-30-88; DFW 22-1998, f. & cert. ef. 3-13-98

Threatened and Endangered Species List; Criteria and Procedures for Listing, Reclassifying and Delisting Threatened and Endangered Species; State Agency Cooperation

635-100-0080

Policy Statement

The commission's long-term goal for species listed as threatened or endangered under the state Endangered Species Act is to manage the species and their habitats so that the status of the species improves to a point where listing is no longer necessary. The commission intends to accomplish this goal through voluntary incentives, encouraging appropriate species management, coordinated planning, habitat protection and restoration, and other means as appropriate, in a manner consistent with the provisions of ORS 496.182(1).

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Hist.: DFW 22-1998, f. & cert. ef. 3-13-98

635-100-0100

Definition of Terms

As used in OAR 635-100-0100 to 635-100-0130:

(1) "Commission" means the State Fish and Wildlife Commission.

(2) "Conservation means the use of methods and procedures necessary to bring a species to the point at which the measures provided under ORS 496.171 to 496.182 are no longer necessary. Such methods and procedures include, but are not limited to, activities associated with scientific resource management such as research, census taking, law enforcement, habitat acquisition and maintenance, habitat protection and restoration, propagation and transplantation.

(3) "Department" means the Oregon Department of Fish and Wildlife.

(4) "Director" means the Director of the Oregon Department of Fish and Wildlife.

(5) "Endangered Species" means:

(a) Any native wildlife species determined by the commission to be in danger of extinction throughout any significant portion of its range within the state; or

(b) Any native wildlife species listed as an endangered species pursuant to the federal ESA.

(6) "Federal ESA" means the federal **Endangered Species Act of 1973** (Public Law 93-205, 16 USC § 1531), as amended.

(7) "Federal list" means the list of native wildlife species that have been designated as endangered or threatened under the federal ESA.

(8) "Native" means a species indigenous to Oregon, not introduced. Indigenous species include species that occur naturally or were extirpated from the state.

(9) "Person" means natural person, individual, corporation, company, society, association, firm, partnership, cooperative, governmental or political subdivision or agency thereof.

(10) "Species" means any group or population of wildlife that interbreeds and is substantially reproductively isolated.

(11) "State List" means the official state list of wildlife species that have been designated as endangered or threatened under the procedures set forth in ORS 496.172 to 496.192 and OAR 635, division 100.

(12) "Substantial scientific evidence" means that quantum of the best available documented information or evidence that a reasonable person would accept as adequate to support a conclusion. This includes information or evidence that may not have been reviewed by a scientific review panel, but that the department considers scientifically reliable.

(13) "Survival guidelines" means the quantifiable and measurable guidelines that the commission considers necessary to ensure the survival of individual members of the species.

(14) "Take" means to kill or obtain possession or control of any species on the state list.

(15) "Threatened species" means:

(a) Any native wildlife species the commission determines is likely to become an endangered species within the foreseeable future throughout any significant portion of its range within this state; or

(b) Any native wildlife species listed as a threatened species pursuant to the federal ESA.

(16) "Verifiable" means scientific information reviewed by a scientific peer review panel of outside experts who do not otherwise have a vested interest in the process. For purposes of this definition, "vested interest in the process" means that the person reviewing the scientific information does not have a personal economic interest in the commission's decision to list a species. Information that would be considered "verifiable" includes, but is not limited to:

(a) Articles and information published in peer-reviewed scientific journals, such as the *Journal of Wildlife Management* and *Transactions of the American Fisheries Society*;

(b) Information developed by the department, which has been peer reviewed by outside experts (e.g., agency management plans, *Nongame Wildlife Program Technical Reports*);

(c) Information developed by federal agencies, which has been peer reviewed (e.g., peer-reviewed agency management plans, final environmental impact statements, adopted recovery plans, interagency technical reports);

(d) Peer-reviewed data gathered by the department or others using standard methodologies or protocols.

(e) Information developed by the Pacific Northwest Electric Power and Conservation Planning Council or other organizations, which has been peer reviewed.

(17) "Wildlife" means fish, wild birds, amphibians, reptiles and wild mammals.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Hist.: FWC 50-1988, f. & cert. ef. 6-24-88; DFW 22-1998, f. & cert. ef. 3-13-98

635-100-0105

Criteria for Listing

(1) The Commission by rule shall list a wildlife species as endangered or threatened on the state list upon a review of documented and verifiable scientific information, if the species meets the criteria in sections (3), (4) and (6) of this rule. The documented and verifiable scientific information shall be related to the species' biological status.

(2) The state list shall include:

(a) All native wildlife species listed as of May 15, 1987, on the federal list of endangered or threatened species. Any native wildlife species appearing on the federal list as a threatened species may be considered for inclusion on the state list as an endangered species or as a threatened species; and

(b) Any native species determined by the commission to be threatened or endangered, in accordance with these rules.

(3) To list a species as endangered, the commission shall determine that:

(a) The species is native; and

(b) Is in danger of extinction throughout any significant portion of its range within this state.

(4) To list a species as a threatened species, the commission shall determine that:

(a) The species is native; and

(b) Is likely to become an endangered species within the foreseeable future throughout any significant portion of its range within this state.

(5) In making a determination under subsection (3)(b) or (4)(b) of this rule, and OAR 635-100-0111 (Reclassifying Species) and 635-100-0112 (Removing Species from the State List), regarding the range of the species, the commission shall consider:

(a) The total geographic area in this state used by the species for breeding, resting or foraging and the portion thereof in which the species is or is likely within the foreseeable future to become in danger of extinction;

(b) The nature of the species' habitat, including any unique or distinctive characteristics of the habitat the species uses for breeding, resting or foraging; and

(c) The extent to which the species habitually uses the geographic area.

(6) In addition to the criteria set forth in sections (3) and (4) of this rule, in listing a wildlife species as endangered or threatened, the commission shall determine that the natural reproductive potential of the species is in danger of failure due to limited population numbers, disease, predation or other natural or human actions affecting its continued existence and, to the extent possible, assess the relative impact of human actions. In addition, the commission shall determine that one or more of the following factors exist:

(a) That most populations of the species are undergoing imminent or active deterioration of their range or primary habitat;

(b) That overutilization of the species or its habitat for commercial, recreational, scientific or educational purposes is occurring or is likely to occur; or

(c) That existing state or federal programs or regulations are inadequate to protect the species and its habitat.

(7) Notwithstanding any other provision of OAR 635-100-0100 to 635-100-0130, the commission may decide not to list a wildlife species as threatened or endangered that would otherwise qualify for listing if the commission determines that:

(a) The future of the species is secure outside this state;

(b) The wildlife species is not of cultural, scientific or commercial significance to the people of this state;

(c) The species has been listed as threatened or endangered pursuant to the federal ESA;

(d) The species is a candidate species under the federal ESA;

(e) The species has been petitioned for listing under the federal ESA;

(f) The responsible federal agency has determined that the species does not warrant listing as a threatened or endangered species under the federal ESA; or

(g) The species is currently on the department's sensitive species list.

(8) Before making a determination not to list a species pursuant to section (7) of this rule, the commission shall analyze the status of the species under the criteria set forth in sections (3), (4) and (6) of this rule. In addition, before making a determination not to list pursuant to subsections (7)(c) through (7)(f), the commission shall evaluate whether the federal listing, categorization or other action regarding the species adequately protects that species in Oregon. Before making a determination not to list pursuant to subsection (7)(g), the commission shall evaluate whether classification on the state sensitive list adequately protects that species in Oregon.

(9) If the commission determines that a species should be listed as threatened or endangered, the commission shall establish by rule survival guidelines at the time of listing. In establishing the guidelines, the commission shall consider its determinations made pursuant to OAR 635-100-0105, the species' life history requirements (e.g., food, shelter, water, breeding, movement and dispersal), and, to the extent possible, the necessary location, quality and quantity of each of those life history requirements.

(10) In making the determinations required under subsections (3), (4), (6), (7) and OAR 635-100-0112 (Removing Species from the State List), the commission shall consult with:

(a) Affected state and federal agencies;

(b) Affected cities and counties;

(c) Affected federally recognized Indian tribes;

(d) The Natural Heritage Advisory Council;

(e) Other states having a common interest in the species; and

(f) Interested persons who have asked to be consulted and whose names are included on the commission's mailing list for such purposes.

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.12 & 498.026

Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.12 & 498.026

Hist.: FWC 50-1988, f. & cert. ef. 6-24-88; DFW 22-1998, f. & cert. ef. 3-13-98

635-100-0110

Procedure for Listing Species

(1) Any person may petition the commission to list, reclassify or remove wildlife species on the state list. The petition shall be in writing and shall include the following information:

(a) The action sought; and

(b) Documented scientific evidence about the species' biological status to support the requested action.

(2) The documented scientific evidence under subsection (1)(b) of this rule shall include the following:

(a) Common and scientific names of the species and any taxonomic problems or questions;

(b) A discussion of the existence, or lack thereof, of past, present or threatened destruction, modification or curtailment of the species' habitat or geographical distribution, describing and documenting:

(A) Threats, or lack thereof, to the species' habitat and distribution;

(B) The species' historical and presently known distribution;

(C) Any changes in habitat and reasons for such changes, such as overutilization for commercial, recreational, scientific or educational purposes, if known;

(D) Any land use practices adversely or positively affecting the species' habitat; and

(E) Measures that have been or could be taken to alleviate a reduction in habitat of the species.

(c) A discussion of the existence, or lack thereof, of present or threatened danger or failure of the natural reproductive potential of the species including:

(A) The species' present population status;

(B) Any changes in population, and the reasons for such changes, such as disease, predation, or overutilization of the species or its habitat, if any, for commercial, recreational, scientific or educational purposes, if known;

(C) Any land use practices adversely or positively impacting or having impacted the species;

(D) Measures that have been or could be taken to alleviate a reduction in population of the species;

(E) A discussion of other natural or human-related factors affecting the continued existence of the species, including:

(i) Climatic, successional, reproductive, genetic or other factors such as competition with an introduced species affecting the species existence;

(ii) The effects of environmental pollution and other human-related factors on the continued existence of the species; and

(iii) The relative impact of human actions on the continued existence of the species, as compared to nonhuman impacts.

(3) Any petition submitted under subsection (1) of this rule shall be acknowledged by the department in writing within ten (10) working days of receipt.

(4) Within 90 days of receipt of the petition, the commission shall advise the petitioner, in writing, whether the petition presents substantial scientific evidence to justify proceeding with the requested action.

(5) In determining whether the petition presents substantial scientific information to justify proceeding with the requested action, the commission may consult with the following:

- (a) Affected state and federal agencies;
- (b) Affected cities or counties;
- (c) Affected federally recognized Indian tribes;
- (d) Other interested state agencies;
- (e) The Natural Heritage Advisory Council;
- (f) Other states having a common interest in the species; or
- (g) Interested person with expertise on the wildlife species involved in the petition.

(6) If the petition is found to present substantial scientific information to justify proceeding with the requested action, the commission shall commence the process of rulemaking using the criteria set forth in OAR 635-100-0105 (Criteria for Listing), 635-100-0111 (Reclassifying Species), or 635-100-0112 (Removing Species from the State List), whichever is appropriate.

(7) If, during the rulemaking process, the commission subsequently determines that the proposed action does not meet the criteria set forth in the appropriate rule provision, the commission shall so advise the petitioner in writing within ten (10) working days of that denial, and shall provide the basis for the commission's decision.

(8) Unless the commission extends the time period as provided in this section, a final determination on the action requested in the petition shall be made by the commission within a period not to exceed one (1) year from the date of receipt of the petition. The commission may extend the time period within which to make a decision on a petition for up to 12 additional months, if the commission determines that the information available to the department and the commission is limited or other appropriate circumstances require the extension of time. If it extends the time period for decision making, the commission shall notify the petitioner in writing.

(9) If the petition is found not to present substantial scientific information to justify proceeding with the requested action, or if the commission, during the rulemaking process, denies the petition, the petitioner may seek judicial review of the commission's written decision as provided in ORS 183.484.

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
Hist.: FWC 50-1988, f. & cert. ef. 6-24-88; DFW 22-1998, f. & cert. ef. 3-13-98

635-100-0111 Reclassifying Species

(1) The commission shall reclassify a wildlife species from a threatened status to an endangered status if it determines that the species meets any of the factors set out in OAR 635-100-0105(6). In addition, the commission shall also determine that the likelihood of survival of the species has diminished such that the species is in danger of extinction throughout any significant portion of its range within the state.

(2) The commission shall reclassify a wildlife species from an endangered status to a threatened status if it determines that the likelihood of survival of the species has increased such that the species is not in danger of extinction at the present time throughout any significant portion of its range within the state.

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
Hist.: DFW 22-1998, f. & cert. ef. 3-13-98

635-100-0112 Removing Species from the State List

The commission by rule may remove a wildlife species from the state list upon a review of the best available scientific and other data which meets the criteria set forth below. The scientific information shall be documented and verifiable information related to the species' biological status. Before removing a wildlife species from the state list, the commission shall determine:

(1) The species is not, or is not likely to become within the foreseeable future, in danger of extinction throughout any significant portion of its range in this state, or is not at risk of becoming endangered throughout any significant portion of its range in this state.

(2) That the natural reproductive potential of the species is not in danger of failure due to limited population numbers, disease, predation or other natural or human-related factors affecting its continued existence; and

(3) The species no longer qualifies for listing under OAR 635-100-0105(6).

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
Hist.: DFW 22-1998, f. & cert. ef. 3-13-98

635-100-0113 Technical Committees

The director may appoint a technical committee to evaluate the information contained in a petition or staff report to either list, reclassify or remove a species from the state list.

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
Hist.: DFW 22-1998, f. & cert. ef. 3-13-98

635-100-0115 Temporary Listing

(1) Notwithstanding any other provisions of OAR 635, division 100, the commission shall adopt a temporary rule to add a wildlife species to the list of threatened or endangered species if it determines that there is a significant threat to the continued existence of the species within the state.

(2) Upon the determination required under section (1) of this rule, the commission shall publish notice of the addition to the list in the Secretary of State's bulletin and shall mail notice to affected or interested persons whose names are included on the commission's mailing list for such purposes.

(3) The temporary rule shall take effect immediately upon filing in the Secretary of State's bulletin and shall remain in effect not more than 180 days during which time the commission may undertake the rulemaking procedures provided for in OAR 635, division 100.

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
Hist.: FWC 50-1988, f. & cert. ef. 6-24-88; DFW 22-1998, f. & cert. ef. 3-13-98

635-100-0120 Periodic Review of List

(1) The commission shall review each listed species at least once every five years to determine if verifiable scientific information exists to justify reclassification or removal from the list.

(2) The review under section (1) of this rule shall be conducted according to the criteria and procedures set forth in OAR 635-100-0105, 635-100-0110, 635-100-0111 (Reclassifying Species), and 635-100-0112 (Removing Species from the State List).

(3) If the commission makes the required determination under subsection (1) of this rule, the commission shall, within 90 days of the determination, commence the process of rulemaking to change the status of the species.

(4) The department shall notify affected state agencies of the commission's review determinations and may recommend management alternatives to the agencies.

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
Hist.: FWC 50-1988, f. & cert. ef. 6-24-88; DFW 22-1998, f. & cert. ef. 3-13-98

635-100-0125 State List of Threatened and Endangered Species

The state list of threatened and endangered species is as follows:
[Table not included. See ED. NOTE.]

[ED. NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192, 498.026

Hist.: FWC 50-1988, f. & cert. ef. 6-24-88; FWC 108-1988, f. & cert. ef. 12-29-88; FWC 40-1989, f. & cert. ef. 7-1-89; FWC 46-1991, f. & cert. ef. 5-6-91; FWC 130-1991, f. & cert. ef. 11-4-91; FWC 132-1991, f. & cert. ef. 11-20-91; FWC 69-1993, f. & cert. ef. 11-1-93; FWC 44-1995, f. & cert. ef. 5-30-95; FWC 93-1995, f. & cert. ef. 12-8-95; Administrative Correction 3-10-98; DFW 18-1999(Temp), f. 3-12-99, cert. ef. 4-1-99 thru 9-27-99; DFW 24-1999(Temp), f. 4-14-99, cert. ef. 5-1-99 thru 10-27-99; DFW 33-1999(Temp), f. 5-7-99, cert. ef. 6-1-99 thru 11-27-99; DFW 44-1999(Temp), f. & cert. ef. 7-1-99 thru 12-27-99; DFW 49-1999(Temp), f. 7-13-99, cert. ef. 8-1-99 thru 1-27-00; DFW 51-1999, f. & cert. ef. 7-22-99; DFW 54-1999(Temp), f. 8-10-99, cert. ef. 9-1-99 thru 2-27-00; DFW 63-1999(Temp), f. 9-10-99, cert. ef. 10-1-99 thru 3-28-00; DFW 80-1999(Temp), f. 10-11-99, cert. ef. 11-1-99 thru 4-27-00; DFW 91-1999(Temp), f. 12-2-99, cert. ef. 1-1-00 thru 6-28-00; DFW 2-2000(Temp), f. & cert. ef. 2-1-00 thru 7-28-00; DFW 5-2000, f. 2-3-00, cert. ef. 2-4-00; DFW 66-2005(Temp), f. & cert. ef. 7-1-05 thru 12-12-05; DFW 93-2005, f. & cert. ef. 8-19-05

635-100-0130

Requirement for Survival Guidelines

For threatened species listed in OAR 635-100-0125 after 1995 (enactment of ORS 496.182(2)) and, in the absence of an approved endangered species management plan as provided in OAR 635-100-0140, the following requirements apply:

(1) Before a state agency takes, authorizes, or provides direct financial assistance for any action on land owned or leased by the state, or for which the state holds a recorded easement, the state agency shall consult with the department to determine whether the action is consistent with the survival guidelines established by the commission pursuant to ORS 496.182(2) and OAR 635-100-0105(9) and listed in OAR 635-100-0135;

(2) The agency shall notify the department in the event it is determined the proposed action has the potential to violate the survival guidelines. Within 90 days of such notice, the department shall recommend reasonable and prudent alternatives, if any, to the proposed action which are consistent with the guidelines.

(3) If a state agency fails to adopt the recommendations made by the department under section (2) of this rule, it shall consult with the department and demonstrate in writing that:

(a) The potential public benefits of the proposed action outweigh the potential harm from failure to adopt the recommendations; and

(b) Reasonable mitigation and enhancement measures shall be taken, to the extent practicable, to minimize the adverse impact of the action on the affected species.

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
 Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
 Hist.: FWC 50-1988, f. & cert. ef. 6-24-88; DFW 22-1998, f. & cert. ef. 3-13-98; DFW 51-1999, f. & cert. ef. 7-22-99

635-100-0135

Survival Guidelines for Species Listed as Threatened or Endangered

(1) As required by ORS 496.182 and OAR 635-100-0130, this rule describes survival guidelines for those species that were listed as threatened or endangered in OAR 635-100-0125 after enactment of ORS 496.182(2). Survival guidelines described in this rule apply to state agencies that own or manage land where threatened or endangered species are present (OAR 635-100-0130).

(2) Coho salmon with historic distribution in Columbia River tributaries downstream from Hood River qualify, by commission action, as an endangered species (OAR 635-100-0125) effective July 1999. These fish, known as lower Columbia River coho salmon, occur only in the Clackamas River and Sandy River watersheds at the time of listing. The survival guidelines are as follows:

(a) To prevent further degradation of water quality and water quantity, actions shall be avoided that:

(A) Cause a violation of water quality standards established by the Oregon Department of Environmental Quality; or

(B) Reduce stream flows below levels established in in-stream water rights by the Oregon Water Resources Department.

(b) To conserve stream gravel, actions shall be avoided that remove gravel from areas used by naturally spawning coho salmon;

(c) To protect riparian areas along those streams used by coho salmon for either spawning or juvenile rearing, actions shall be avoided that:

(A) Eliminate mature forests within 100 feet of streams;

(B) Prevent the natural re-establishment of mature forests within 100 feet of streams in areas where a mature forest previously existed; or

(C) Degrade vegetative cover within 100 feet of streams in areas where no forest has previously existed.

(d) To ensure survival of migrating coho juveniles and returning adults, activities shall be avoided that are inconsistent with:

(A) Fish passage statutes ORS 498.351 and 509.605. These statutes require adequate upstream and downstream fish passage at dams or artificial obstructions; or

(B) Fish screening statutes ORS 409.301 through 498.346 and 509.615. These statutes regulate water diversions and the prevention of fish from entering water diversions.

(e) The total mortality impacts on ocean and in-river fisheries shall not exceed 15% of the total adult abundance of wild Lower Columbia coho salmon;

(f) The impacts of hatchery programs for coho salmon in the lower Columbia River on wild coho populations shall be consistent with the limits imposed by the Wild Fish Management Policy (OAR 635-007-0527).

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
 Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
 Hist.: DFW 51-1999, f. & cert. ef. 7-22-99

635-100-0136

Survival Guidelines for Washington Ground Squirrel

(1) ORS 496.182(2) states that the Commission shall, at the time of listing, adopt by rule quantifiable and measurable guidelines that the Commission considers necessary to ensure the survival of individual members of the species. These survival guidelines shall apply only to actions proposed on lands owned or leased by a state agency, or where a state agency holds an easement.

(2) For areas of occupied habitat on the Space Age Industrial Park ("Boardman Boeing tract"): Activities detrimental to the survival of Washington ground squirrels shall not be permitted in areas of occupied habitat. Occupied habitat areas are those undisturbed and formerly cultivated but abandoned areas which are underlain with Warden soils (or other soils with similar characteristics, or those soil types which lie contiguous to occupied Warden soils (e.g. Sagehill Fine Sandy Loam)). Soils classifications as shown on 1:24,000, USDA, Natural Resource Conservation Service (NRCS) Soil Survey Geographic (SSURGO) database, for the Morrow County Soil Survey, and incorporated here by reference. Certified soil survey information is available to the public at the Department's headquarters office in Salem, the Department's field office in Heppner or through NRCS offices. "Activities detrimental to the survival of Washington ground squirrels" are:

(a) Soil disturbance (including, but not limited to, grading, leveling, plowing, disking, digging and tilling);

(b) Livestock grazing at a level that results in more than 50% of leaf volume removed from the current year's vegetative growth.

(c) Agricultural tree planting (e.g., hybrid poplar plantations);

(d) Agricultural and/or industrial activities that would alter existing vegetative communities (including, but not limited to, pesticide applications i.e. herbicides, fungicides, insecticides, rodenticides), irrigation, and mowing.

(e) Direct taking of Washington ground squirrels through poisoning, shooting, capture, or other means.

(3) For other areas within the Space Age Industrial Park: Outside the soil type areas identified in (2) above, but within the Boeing Lease property (as shown on 1:24,000, USDA, Natural Resource Conservation Service Soil Survey Geographic (SSURGO) database, for the Morrow County Soil Survey, and incorporated here by reference).

(a) The area shall be surveyed for the presence of Washington ground squirrels, using survey methods developed by the Department and incorporated here by reference ("Status and habitat use of the Washington Ground Squirrel *Spermophilus washingtoni* on State of Oregon Lands, South Boeing, Oregon in 1999," November 1999. This document is available to the public at the Department's headquarters office in Salem and field office in Heppner). Surveys shall be undertaken during the appropriate season immediately prior to any authorization being granted by an agency for activities detrimental to the survival of Washington ground squirrels (as defined in (2)(a)-(e)).

(b) If the survey locates Washington ground squirrel sites, or squirrel occurrence has been previously recorded, activities detrimental to the survival of Washington ground squirrels shall not be permitted within 150 meters of the squirrel use-area associated with any such site (squirrel use-areas are described in the "Status and habitat use of the Washington Ground Squirrel *Spermophilus washingtoni* on State of Oregon Lands, South Boeing, Oregon in 1999," referenced in (3)(a))

above). If more than one squirrel site is detected, any authorized activities near detected sites shall not result in loss of habitat or physical connectivity between those sites. In addition, authorized activities around squirrel sites shall not physically isolate the site(s) from other colonies or occupied habitat areas. Agencies shall consult with the Department in such situations to determine specific site-based connectivity requirements.

(4) Notwithstanding (3) above, phase II of the Inland Land Company Farm Plan as described in IRZ Consulting map of 4-7-99 is exempt from these survival guidelines between January 21, 2000 and February 18, 2000, provided, all activities detrimental to the survival of Washington ground squirrels are conducted under the supervision of a biologist and in consultation with ODFW to avoid take of Washington ground squirrels.

(5) For any other state owned or leased land or easements elsewhere within the Columbia Basin Physiographic Province where suitable Washington ground squirrel habitat and soil types occur: State agencies shall consult with the Department before authorizing activities detrimental to Washington ground squirrels (as defined in (2)(a)-(e)).

(6) For other areas of state owned or leased land or easements which have been surveyed by methods acceptable to the Department: Where Washington ground squirrel surveys have been conducted according to the methods referred to in section (3)(a) above, areas with Washington ground squirrel sites shall be protected as indicated in (3)(b) above.

Stat. Auth.: 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Stats. Implemented: 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Hist.: DFW 5-2000, f. 2-3-00, cert. ef. 2-4-00; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-100-0140

Endangered Species Management Plans for State Land Owning or Managing Agencies

(1) Within four months of its decision to list a species as endangered, the commission shall determine if state land can play a role in the conservation of the species. In making this determination, the commission shall consult and coordinate with the appropriate state land owning or managing agencies.

(2) The commission shall consider the species' biology and the geography of the land base (i.e., location, quality and quantity of the species' habitats) to determine if the species or its habitat is found on state land.

(a) If neither the species nor its habitat is found on state land, the commission shall determine that state land has no role to play in the conservation of the species. If the commission makes such a determination, then state land owning and managing agencies shall not be required to prepare an endangered species management plan.

(b) If the species or its habitat is found on state land, the commission shall consider the impact state agency actions may have on the species and its habitat in determining whether the state land can play a role in the conservation of the species. If the commission determines that state land can play a role, it shall notify the affected state land owning or managing agencies in writing.

(3) Once notified that state land can play a role in conservation of the species, each agency shall, in consultation with the department, determine the role the state land it owns or manages shall serve in the conservation of the species. This role may include, but is not limited to, conservation, contribution toward conservation or take avoidance. In making this determination, each agency shall balance the following:

(a) The statutory or constitutional requirements, rules and policies applicable to the agency's programs;

(b) The social and economic impacts that conservation would have on the state;

(c) The conservation needs of the species;

(d) The purpose of the state land; and

(e) The roles that land other than state land will play in the conservation of the species.

(4) The agencies shall balance the factors listed in section (3) of this rule consistent with the biological aspects of species management identified by the department and the statutory or constitutional obligations of the agencies (including the land's statutory purpose).

(5) To carry out its consultation role under this rule, the department shall provide the agencies with an assessment of the conservation needs of the species, as well as a list of the existing management rules,

plans and other management guidelines and biological information related to management of the listed species. The assessment of the conservation needs of the species should be based on the information and factors the commission considered in listing the species. In order to expedite the development of endangered species management plans, the department shall provide this information in as timely a manner as possible.

(6) After determining the role its land shall play, each agency shall develop, and approve according to the agency's procedures, an endangered species management plan within 18 months of the commission's decision to list a species as endangered. The agency shall develop the plan in consultation with the department and consistent with this rule. The plan shall address, at a minimum:

(a) What state land is covered by the plan;

(b) What role that state land is to play in conservation of the species and how the agency defined that role (i.e., how the agency balanced the factors listed in sections (3) and (4) of this rule);

(c) How the agency will manage the state land to achieve its defined role;

(d) Whether the agency will monitor implementation of the plan, and if so, how and when;

(e) Whether the agency will reassess and review the plan and its implementation, and if so, how and when. For example, the agency may determine that new biological information, catastrophic events, changes in the species' listing status, changes in land use practices, or other factors will trigger the agency's reassessment and review of the plan;

(f) How the agency's plan relates to other state agency endangered species management plans, federal recovery plans and state and other recovery efforts;

(g) What process the agency used in developing the plan, including the review and approval process, if any.

(h) The agency shall submit the plan to the commission for review and approval. The commission shall review the plan to determine whether it achieves the role defined for the affected land is consistent with the commission's rules for endangered species management plans. If the commission determines that, based on the biology of the endangered species, the plan does not achieve the defined role, in consultation with the agency, it may modify the plan as necessary to be consistent with the role as defined under section (3) of this rule. The commission shall approve the plan as submitted or modified within 24 months from the date the species listed as endangered.

(8) Once the commission approves an agency's endangered species management plan, the agency's plan shall supersede the survival guidelines for the species for purposes of implementing ORS 496.182(3).

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Hist.: DFW 22-1998, f. & cert. ef. 3-13-98

635-100-0150

Endangered Species Requirements for Agencies Other than State Land Owning or Managing Agencies

(1) In consultation and cooperation with agencies other than state land owning or managing agencies, the commission shall determine whether those agencies can serve a role in the conservation of the endangered species. If the commission determines that an agency has a role, it shall notify the agency in writing. Once notified, the agency shall determine what role it shall serve. This role may include, but is not limited to, conservation of the species, contribution toward conservation or take avoidance. In making this determination, the agency shall:

(a) Consult with the department concerning the biological aspects of managing the species;

(b) Consider the impact its actions and programs may have on the conservation of the species and its habitat;

(c) Consider the commission's survival guidelines for the listed species; and

(d) Consider its statutory obligations.

(2) To carry out its consultation role under this rule, the department shall provide agencies with an assessment of the conservation need of the species, as well as a list of the existing management rules, plans and other management guidelines and biological information related to the management of the listed species.

(3) Once the agency determines what role it shall serve in the conservation of the species, the agency shall provide the commission a written description of its role, with an explanation of how it developed the role and how it intends to achieve the role. This explanatory statement shall address the following:

- (a) What programs are covered by the statement;
- (b) What role the agency will play in conservation of the species and how the agency defined the role;
- (c) What actions the agency will take to achieve the defined role;
- (d) Whether the agency will reassess and review its actions to achieve the role, and if so, how and when;
- (e) Whether the agency will monitor its actions, and if so, how and when;
- (f) How the agency's role and actions relate to state, federal and other recovery efforts.

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
 Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
 Hist.: DFW 22-1998, f. & cert. ef. 3-13-98

635-100-0160

Classification of Agencies

(1) For purposes of OAR 635-100-0140 (Endangered Species Management Plans for State Land Owning or Managing Agencies), the following agencies (or programs within identified agencies) shall be considered a "state land owning or managing agency":

- (a) Oregon Department of Fish and Wildlife;
- (b) Oregon Department of Forestry;
- (c) Oregon Parks and Recreation Department;
- (d) Oregon Department of Administrative Services;
- (e) Oregon Division of State Lands (all proprietary programs);
- (f) State Land Board;
- (g) Oregon Department of Education;
- (h) Oregon Department of Transportation;
- (i) Oregon Military Department;
- (j) Oregon State Hospital;
- (k) Department of Veteran's Affairs (except as provided in ORS 496.182(6));
- (l) Department of Corrections;
- (m) Oregon State Board of Higher Education; and
- (n) Any other state agency that owns, leases or holds a recorded easement for land.

(2) For purposes of OAR 635-100-0150 (Endangered Species Requirements of Agencies Other than State Land Owning or Managing Agencies), any other state agency whose actions or programs may impact state-listed endangered species or their habitats shall be considered an "agency other than a land owning or managing agency," including but not limited to:

- (a) Oregon Department of Environmental Quality;
- (b) Oregon Department of Agriculture;
- (c) Oregon Department of Geology and Mineral Industries;
- (d) Department of Land Conservation and Development;
- (e) Oregon State Marine Board;
- (f) Oregon Department of Energy and Energy Facility Siting Council;
- (g) Columbia River Gorge Commission;
- (h) Oregon Division of State Lands (fill and removal program, wetland planning program);

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
 Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
 Hist.: DFW 22-1998, f. & cert. ef. 3-13-98

635-100-0170

Incidental Take Permits

(1) Except as provided in this rule, the department may issue a permit to any person for the incidental take of a state-listed threatened or endangered species if it determines that such take will not adversely impact the long-term conservation of the species or its habitat. The department may issue the permit under such terms, conditions and time periods necessary to minimize the impact on the species or its habitat. An incidental take permit may be issued for individuals of more than one state-listed species.

(2) To request an incidental take permit, the person shall submit an application and provide the information required on the form provided by the department. If the department is seeking an incidental take

permit, it shall make application to the commission on the same form and under the same standards as provided in section (2) of this rule.

(3) An incidental take permit shall not be issued for any species listed under the federal ESA. An incidental take permit or statement issued by a federal agency shall be considered a waiver of any state protection measures or requirements otherwise applicable to the actions allowed by the federal agency.

(4) Notwithstanding subsection (1) of this rule, an incidental take permit may be granted for activities which affect listed coho that do not significantly decrease the likelihood that the fish will recover.

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
 Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
 Hist.: DFW 22-1998, f. & cert. ef. 3-13-98; DFW 29-2000, f. 5-30-00, cert. ef. 5-30-00 thru 11-15-00; Administrative correction 11-17-00; DFW 12-2001(Temp), f. 3-8-01, cert. ef. 3-12-01 thru 9-8-01; DFW 8-2002, f. & cert. ef. 1-24-02

635-100-0180

Western Snowy Plover

The Western Snowy Plover Conservation Program, adopted under OAR 635-105-0000 to 635-105-0040, and the site specific management plans developed pursuant to that plan, shall serve as the survival guidelines for the Western Snowy Plover, *Charadrius alexandrinus nivosus*.

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
 Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
 Hist.: DFW 22-1998, f. & cert. ef. 3-13-98

Lower Columbia River Coho

635-100-0190

Fishery Management

(1) The mortality rate limit for wild coho salmon caught in Columbia River fisheries shall be set annually prior to the time these fisheries open. This limit shall not exceed the level specified in Table 1 of this rule corresponding with the observed parental escapement, expressed as a fraction of full seeding, and the index of marine survival for the upcoming adult coho return.

(2) For the purpose of implementing the management strategy described in paragraph (1) of this rule the following definitions apply:

(a) Parental escapement means the number of wild fish in the spawning population, expressed as a fraction of full seeding, that were the parents of the upcoming wild coho return;

(b) Marine survival index means a forecast of ocean survival for 3-year old coho returning in the upcoming year based upon the number of 2-year old hatchery coho (jacks) observed the previous year divided by the number of hatchery smolts released in the spring of the same year the jacks returned;

(c) Full seeding means the number of wild coho in a natural spawning population that is sufficient to produce maximum production of subsequent juvenile smolt offspring;

(A) Pending further revision, full seeding for the Clackamas population means 3,800 wild adult coho as counted passing North Fork Dam;

(B) Pending further revision, full seeding for the Sandy population means 1,340 wild adult coho as counted passing Marmot Dam.

(3) Wild coho populations in the Clackamas and Sandy basins shall serve as the index stocks for the purposes of setting annual fishery mortality rate limits.

(4) In those circumstances when ODFW deems the expected mortality of lower Columbia River wild coho in upcoming ocean fisheries is too high for conservation purposes, ODFW shall actively negotiate through the Pacific Fishery Management Council (PFMC) for regulations that yield a lower fishery mortality rate.

(5) Achievement of fishery management strategies described in this rule is contingent on continuation of fishing regulations and fish marking programs that minimize the impact on wild fish through selective fishing methods and the manipulation of fishing season time and location. In addition, ODFW shall continue to explore new methods to further reduce the mortality of wild fish in all fisheries.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
 Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026
 Hist.: DFW 112-2001, f. & cert. ef. 12-14-01

635-100-0191

Hatchery Programs

(1) Conservation Hatchery Programs: ODFW shall take advantage of existing and new hatchery facilities to supply hatchery fish for

selected projects to help restore natural production of wild coho. These projects will be treated as interim and experimental until their conservation value is demonstrated.

(a) In 2002 ODFW shall initiate at least 3 projects using hatchery fish to re-establish wild populations in stream sections upstream of artificial barriers at ODFW hatcheries.

(b) In 2003 ODFW shall initiate projects to restore natural production using hatchery fish in selected locations within the portion of coho habitat in the lower Columbia basin that in 2000, 2001, and 2003 had a density of wild spawners less than 2 wild fish per stream mile. Implementation of these projects is conditional on adequate funding for appropriate conservation hatchery approaches and monitoring and evaluation programs to assess project success and to manage the risk to wild populations while the projects are being conducted.

(2) Mitigation and Harvest Augmentation Hatchery Programs: ODFW shall operate hatcheries in such a manner that adverse genetic and ecological interactions between hatchery and naturally produced fish are minimized through management of hatchery broodstocks, hatchery rearing environments and fish releases.

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Hist.: DFW 112-2001, f. & cert. ef. 12-14-01

635-100-0192

Land Management

(1) All ODFW operated hatcheries and wildlife management areas shall comply with the survival guidelines for lower Columbia River coho as described in OAR 635-100-0135, including the fish passage and fish screening provisions. ODFW shall complete a report by March, 2002 that sets priorities for the passage and screening modifications necessary at each hatchery from an evaluation of potential gains for natural coho production, the disease consequences to existing hatchery production, and the likely availability of necessary funds.

(2) The design of adult fish passage facilities shall incorporate the capacity for ODFW to restrict the number of hatchery fish that are allowed to migrate upstream as necessary once naturally self-sustaining populations have become re-established in these upstream areas.

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Hist.: DFW 112-2001, f. & cert. ef. 12-14-01

635-100-0193

Monitoring

(1) De-listing decisions and the operation of fishery and hatchery programs requires monitoring and evaluation sufficient to measure risks and describe outcomes. ODFW shall implement such a monitoring program as sufficient funds become available.

(2) As funding becomes available, ODFW shall intensify its monitoring of juvenile and adult coho such that the data generated are directly comparable with coho information collected by ODFW from populations on the coast of Oregon.

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Hist.: DFW 112-2001, f. & cert. ef. 12-14-01

635-100-0194

De-listing Criteria

(1) This rule describes the measurable criteria that define the minimum conservation goal for wild lower Columbia River coho. Upon meeting these criteria, ODFW shall be biologically justified to propose that species be removed from Oregon's endangered species list.

(2) For the purpose of evaluating the biological status of lower Columbia River wild coho with respect to the criteria described in this rule, the following geographic areas where wild coho presently exist or are believed likely to exist in the future are defined as the recovery population boundaries.

(a) The Astoria population occurs in Youngs Bay tributaries and all Columbia tributaries upstream to and including Gnat Creek.

(b) The Clatskanie population occurs in Columbia River tributaries upstream of Gnat Creek to and including the Clatskanie River basin.

(c) The Scappoose population occurs in Columbia River tributaries upstream of the Clatskanie River to the mouth of the Willamette River.

(d) The Clackamas population occurs in the Clackamas River basin plus Columbia River tributaries to the Willamette River downstream of Willamette Falls.

(e) The Sandy population occurs in the Sandy basin plus Columbia River tributaries downstream to the mouth of the Willamette River.

(f) The Bonneville population occurs in Columbia River tributaries upstream of the Sandy River to and including the Hood River basin.

(3) To meet the minimum conservation goal, lower Columbia River coho must be found to meet all of the following biological criteria:

(a) Population Distribution and Structure — Self-sustaining wild populations are present in the Sandy and Clackamas basins. In addition, at least two of the following populations (Astoria, Clatskanie, Scappoose, or Bonneville) are self-sustaining.

(b) Diversity — Naturally reproducing wild coho are present in 65% of the named streams that historically contained coho. Human activities impose only minor artificial selection pressures on the phenotypic character of the wild populations. The ongoing impact of hatchery fish on the genetic character, evolutionary processes, and innate productivity of naturally reproducing populations is minor.

(c) Abundance — For three consecutive years, the number of wild spawners is at least 50% of the level necessary to produce maximum smolt recruits (full seeding) for the Sandy, Clackamas, and in at least two of the following populations: Astoria, Clatskanie, Scappoose, and Bonneville.

(d) Connectivity — No artificial barriers exist that prevent the dispersing of wild coho between naturally reproducing populations.

(e) Persistence and Resilience — The probability of extinction in 36 years is less than 5% for the Sandy and Clackamas populations plus two of the following populations: Astoria, Clatskanie, Scappoose, and Bonneville.

Stat. Auth.: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.182, 496.192 & 498.026

Hist.: DFW 112-2001, f. & cert. ef. 12-14-01

DIVISION 105

WESTERN SNOWY PLOVER CONSERVATION PROGRAM

635-105-0000

Definitions

As used in the Western Snowy Plover Conservation Program¹:

(1) "Western Snowy Plover" means the subspecies *Charadrius alexandrinus nivosus*.

(2) "Conservation" means the use of methods and procedures necessary to bring a species to the point at which the measures provided under the Threatened or Endangered Wildlife Species Act (ORS 496.172, 496.176, 496.182) are no longer necessary.

(3) "Suitable Habitat" means flat, open areas on sandy coastal beaches, sand spits at coastal river outlets, dune-backed coastal beaches, coastal dredged-material disposal sites, and flats east of coastal foredunes that become exposed as deflation plain dry ponds.

¹ The Commission adopted the *Western Snowy Plover Conservation Program* on May 18, 1994. Copies of the Conservation Program are available from the agency.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 30-1994, f. & cert. ef. 5-25-94

635-105-0010

Purpose

The Western Snowy Plover Conservation Program provides overall direction for the protection and conservation of the western snowy plover in Oregon.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 30-1994, f. & cert. ef. 5-25-94

635-105-0020

Program Objectives

The objectives of the Western Snowy Plover Conservation Program are to:

(1) Summarize biological information about the western snowy plover over its range and in Oregon with which to determine research needs and propose management actions;

(2) Propose management actions including, but not limited to, systematic habitat and annual population monitoring of the western snowy plover and development of site-specific management plans;

(3) Coordinate and share information with federal and state agencies and other states;

(4) Propose recovery criteria;

(5) Foster public understanding of the western snowy plover, its status, and the factors that influence its survival and recovery; and

(6) Prepare for post-recovery management.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 30-1994, f. & cert. ef. 5-25-94

635-105-0030

Program Implementation

(1) The Department will prepare a series of individual site-specific management plans in cooperation with land management agencies to address immediate survival needs and longer term sustained recovery of the western snowy plover.

(2) Pursuant to ORS 496.182(2), state agencies shall consult and cooperate with the Department to determine whether or not proposed actions are consistent with the Western Snowy Plover Conservation Program before authorizing or providing direct financial assistance for any action on land owned or leased by the state, or for which the state holds a recorded easement:

(a) When a site-specific management plan exists, the proposed action and ongoing actions shall be consistent with the plan and the Western Snowy Plover Conservation Program;

(b) On lands containing suitable habitat over which the state has legal jurisdiction within the following beach areas, when no site-specific management plan exists, the action agency in consultation with the Department shall determine whether or not the proposed action has the potential to appreciably reduce the likelihood of the survival or recovery of the western snowy plover:

(A) Columbia River — Necanicum River;

(B) Nehalem Spit;

(C) Bayocean Spit;

(D) Netarts Spit;

(E) Sand Lake Spit;

(F) Nestucca Spit;

(G) Neskowin Beach;

(H) Siletz Spit;

(I) South Beach, Newport;

(J) Alsea Spit;

(K) Heceta Head — Siuslaw River;

(L) Siuslaw River — Siltcoos River;

(M) Siltcoos River — Tahkenitch;

(N) Tahkenitch — Threemile;

(O) Threemile — Umpqua River;

(P) Umpqua River — Tenmile Spit;

(Q) Tenmile Spit;

(R) Tenmile Creek — Horsfall Road;

(S) Horsfall Road — Coos Bay;

(T) Whiskey Run — Coquille River (Bullards Beach);

(U) Bandon State Park — New River;

(V) New River — Floras Lake;

(W) Euchre Creek; and

(X) Pistol River.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 30-1994, f. & cert. ef. 5-25-94

635-105-0040

Program Review

The Commission shall periodically review the Western Snowy Plover Conservation Program and, if necessary, update the objectives and management strategies of the Program.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 30-1994, f. & cert. ef. 5-25-94

DIVISION 110

OREGON WOLF CONSERVATION AND MANAGEMENT PLAN

635-110-0000

Wolf Conservation and Management Plan

The document entitled “Oregon Wolf Conservation and Management Plan” dated December, 2005 is incorporated here by reference as administrative rule. Copies may be obtained at the Salem headquarters office of the Oregon Department of Fish and Wildlife, 3406 Cherry Avenue NE, Salem, OR 97303. This document includes program direction, objectives and strategies to fulfill management, research, and habitat needs. It is also intended as an informational document to assist resource management agencies with their wildlife program. As of December, 2005, those portions of the plan which authorize harassment or take of wolves are pre-empted by the endangered status of the gray wolf under the federal Endangered Species Act. Once federal protections are reduced to a level below that of Oregon law, those portions of the plan will govern harassment and take of wolves in Oregon.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.171-496.192, 497.298, 497.308, 498.002, 498.006 & 498.012

Hist.: DFW 12-2005, f. & cert. ef. 3-9-05; DFW 148-2005, f. & cert. ef. 12-29-05

635-110-0010

Harassment and Take of Wolves during Phase I (Conservation)

NOTE: as of February 11, 2005, these rules are pre-empted by the endangered status of the gray wolf under the federal Endangered Species Act. Once federal protections are reduced to a level below that of Oregon law, these rules will govern harassment and take of wolves in Oregon.

(1) This rule describes the types of harassment and take of wolves allowed by persons outside ODFW (or ODFW or Wildlife Services acting as their agent) during Phase I — (Conservation: 0–4 breeding pairs) as called for in chapter III of the Oregon Wolf Conservation and Management Plan. Other chapters of the Plan authorize ODFW to take wolves for other specified wildlife management purposes. For OAR 635-110-0010, 635-110-0020 and 635-110-0030, “livestock” means ratites, psittacine, horses, jackasses, cattle, llamas, alpacas, sheep, goats, swine, domesticated fowl, any fur-bearing animal bred and maintained (commercially or otherwise) within pens, cages and hutches, bison and working dogs. “Working dogs” means guarding dogs and herding dogs.

(2) Non-injurious harassment.

(a) Subject to the conditions specified in paragraph (c), the following persons may use non-injurious harassment against wolves without a permit:

(A) Landowners (or their agents) on their own land; or

(B) Grazing permittees legally using public land under valid livestock grazing allotments.

(b) Non-injurious harassment means scaring off a wolf (or wolves) without doing bodily harm, and includes (but is not limited to) firing shots in the air, making loud noises or otherwise confronting the wolf (or wolves).

(c) Non-injurious harassment is allowed without a permit under this rule only if:

(A) The wolf (or wolves) is in the act of testing or chasing livestock, is attempting to test or chase livestock or is in close proximity of livestock;

(B) The person encounters the wolf (or wolves) unintentionally (i.e., the person is not stalking or searching for wolves);

(C) The harassment in fact does not result in injury to the wolf (or wolves); and

(D) The harassment is reported to ODFW within 48 hours.

(d) Any non-injurious harassment that does not meet each requirement of this rule requires a permit in advance from ODFW.

(3) Non-lethal injurious harassment.

(a) Subject to the conditions specified in paragraph (c), in addition to state or state authorized agents, the following persons may use non-lethal injurious harassment against wolves by permit:

(A) Landowners (or their designated agents) on their own land;

(B) Grazing permittees legally using public land under valid livestock grazing allotments.

(b) Non-lethal injurious harassment means scaring off a wolf (or wolves) without killing but with some injury to the wolf. Wolves may be pursued (unintentional encounters are not required).

(c) Non-lethal injurious harassment is allowed by permit from ODFW only if:

(A) ODFW confirms persistent wolf activity or wolf depredation on livestock in the area. "Persistent wolf activity" means loitering, testing, worrying, or otherwise disrupting livestock during a 48 hour period;

(B) The applicant confers with ODFW to determine the most effective harassment method;

(C) ODFW considers the location of known den sites;

(D) The harassment in fact does not result in the death of a wolf;

(E) No unreasonable circumstances exist that attract wolf/livestock conflict; and

(F) The harassment is reported to ODFW within 48 hours.

(d) Permits for non-lethal injurious harassment remain valid for the livestock grazing season in which issued, provided the livestock operator complies with all applicable laws, including permit conditions. The agency shall inform harassment permit holders of non-lethal methods for minimizing wolf-livestock conflict and provide assistance upon request. Receiving future lethal control permits is contingent upon documentation of efforts to use non-lethal methods.

(4) Relocation. ODFW will authorize relocation by state personnel when a wolf (or wolves) becomes inadvertently involved in a situation, or is present in an area, that could result in conflict with humans or harm to the wolf. The relocation will be designed to prevent conflict with humans or reduce the possibility of harm to the wolf. The wolf (or wolves) would be relocated to the nearest wilderness area at the direction of ODFW.

(5) Lethal take of wolves in the act of attacking livestock.

(a) Subject to the conditions specified in paragraph (c) and with a permit from ODFW, the following persons may use lethal force against wolves in the act of attacking livestock:

(A) Landowners (or their agents) on their own land; or

(B) Grazing permittees using public land.

(b) A wolf is "in the act of attacking livestock" if it is biting, wounding or killing livestock.

(c) Lethal force is allowed by permit from ODFW only if:

(A) ODFW confirms that wolves previously have wounded or killed livestock in the area and efforts to resolve the problem have been deemed ineffective;

(B) The wolf is seen in the act of attacking, not testing or scavenging;

(C) There is fresh evidence of the attack (e.g., visible wounds, tracks demonstrating a chase occurred);

(D) The wolf carcass is not removed or disturbed;

(E) The use of lethal force is reported to ODFW or Wildlife Services within 24 hours;

(F) No unreasonable circumstances exist that attract wolf/livestock conflict; and

(G) Either ODFW or Wildlife Services confirms that the wound was caused by a wolf (or wolves).

NOTE: the Oregon Wolf Conservation and Management Plan calls for allowing lethal take of wolves in this situation *without a permit on private land*. However, the Plan recognizes that because current statute requires a permit, implementing this portion of the Plan depends upon amendment of the statute by the 2005 legislature. Should the legislature make that statutory change, the Commission will amend this rule to allow for take without permit.

(6) Lethal take to deal with chronic depredation.

(a) ODFW may authorize its personnel, authorized agents, or Wildlife Services, to use lethal force on wolves anywhere at a property owner or permittee's request if:

(A) ODFW confirms that the property or an adjacent property has had either:

(i) Two confirmed depredations by wolves on livestock; or

(ii) One confirmed depredation followed by up to three attempted depredations (testing or stalking).

(B) The requester documents unsuccessful attempts to solve the situation through non-lethal means;

(C) No unreasonable conditions exist to cause the wolf-livestock conflict; and

(D) The requester has complied with applicable laws and the conditions of any harassment or take permit.

(b) When authorized, lethal take under this paragraph will be taken only by ODFW, authorized ODFW agents, or Wildlife Services personnel.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.171 - 496.192, 497.298, 497.308, 498.002, 498.006, 498.012 & 498.026

Hist.: DFW 12-2005, f. & cert. ef. 3-9-05

635-110-0020

Harassment and Take of Wolves During Phase II (Management)

NOTE: as of February 11, 2005, these rules are pre-empted by the endangered status of the gray wolf under the federal Endangered Species Act. Once federal protections are reduced to a level below that of Oregon law, these rules will govern harassment and take of wolves in Oregon.

(1) This rule describes the types of harassment and take of wolves allowed by persons outside ODFW (or ODFW or Wildlife Services acting as their agent) during Phase II — (Management: 5–7 breeding pairs) as called for in chapter III of the Oregon Wolf Conservation and Management Plan. Other chapters of the Plan authorize ODFW to take wolves for other specified wildlife management purposes.

(2) Non-injurious harassment of wolves is allowed under the same conditions as in Phase I (OAR 635-110-0010(2)).

(3) Non-lethal injurious harassment.

(a) Non-lethal injurious harassment is allowed without a permit on private land by landowners or their designated agents. Landowners are encouraged to use non-injurious techniques first. There must be no unreasonable circumstances that attract wolf-livestock conflict, and the harassment must be reported to ODFW within 48 hours.

(b) Non-lethal injurious harassment is allowed by permit on public land by grazing permittees who are legally using public land under valid livestock grazing allotments and upon the following conditions:

(A) ODFW confirms persistent wolf activity or wolf depredation on livestock. "Persistent wolf activity" means loitering, testing, worrying, or otherwise disrupting livestock during a 48 hour period;

(B) ODFW considers the location of known wolf sites;

(C) There are no unreasonable circumstances at the site which generate wolf/livestock conflict; and

(D) The harassment is reported to ODFW within 48 hours.

(c) As to non-lethal injurious harassment on either private or public land, pursuing wolves is allowed.

(4) Relocation of wolves will be considered under the same circumstances as in Phase I (OAR 635-110-0010(4)).

(5) Lethal take of wolves in the act of attacking livestock is allowed under the same conditions as in Phase I (OAR 635-110-0010(5)).

NOTE: the Oregon Wolf Conservation and Management Plan calls for allowing lethal take of wolves in this situation *without a permit on private or public land*. However, the Plan recognizes that because current statute requires a permit, implementing this portion of the Plan depends upon amendment of the statute by the 2005 legislature. Should the legislature make that statutory change, the Commission will amend this rule to allow for take without permit.

(6) Lethal take of wolves to deal with chronic depredation.

(a) State employees or agents are authorized to use lethal force under the same conditions as in Phase I (635-110-0010(6)).

(b) Subject to the conditions specified in paragraph (c) and with a limited duration permit from ODFW, the following persons may use lethal force to deal with chronic depredation:

(A) Landowners (or their agents) on their own land; or

(B) Grazing permittees legally using public land.

(c) ODFW will issue a permit to use lethal force to deal with chronic depredation only if:

(A) ODFW (or its agent) confirms that the property, an adjacent private parcel or the grazing allotment has had at least two depredations by wolves on livestock;

(B) ODFW determines that wolves are routinely present on that property and present a significant risk to livestock;

(C) There are no unreasonable circumstances at the site which generate wolf/livestock conflict;

(D) The applicant is in compliance with applicable laws and the terms of any previous wolf permit;

(E) The applicant documents use of non-lethal methods; and

(F) Any wolf taken is considered property of the state and reported to ODFW within 48 hours.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.171 - 496.192, 497.298, 497.308, 498.002, 498.006, 498.012 & 498.026

Hist.: DFW 12-2005, f. & cert. ef. 3-9-05

635-110-0030

Harassment and Take of Wolves During Phase III

NOTE: as of February 11, 2005, these rules are pre-empted by the endangered status of the gray wolf under the federal Endangered Species Act. Once federal

protections are reduced to a level below that of Oregon law, these rules will govern harassment and take of wolves in Oregon.

(1) This rule describes the types of harassment and take of wolves allowed by persons outside ODFW (or ODFW or Wildlife Services acting as their agent) during Phase III (more than 7 packs) as called for in chapter III of the Oregon Wolf Conservation and Management Plan. Other chapters of the Plan authorize ODFW to take wolves for other specified wildlife management purposes.

(2) Non-injurious harassment of wolves is allowed under the same conditions as in Phase I (OAR 635-110-0010(2)).

(3) Non-lethal injurious harassment is allowed under the same conditions as in Phase II (OAR 635-110-0020(3)).

(4) Relocation of wolves will be considered under the same circumstances as in Phase I (OAR 635-110-0010(4)).

(5) Lethal take of wolves in the act of attacking livestock is allowed under the same conditions as for Phase II (OAR 635-110-0020(5)).

NOTE: the Oregon Wolf Conservation and Management Plan calls for allowing lethal take of wolves in this situation *without a permit on private or public land*. However, the Plan recognizes that because current statute requires a permit, implementing this portion of the Plan depends upon amendment of the statute by the 2005 legislature. Should the legislature make that statutory change, the Commission will amend this rule to allow for take without permit.

(6) Lethal take of wolves to deal with chronic depredation is allowed under the same conditions as for Phase II (OAR 635-110-0020(6)).

(7) The Commission will authorize controlled take of wolves by special permit in specific areas where necessary to address chronic wolf-livestock conflicts or ungulate population declines. "Chronic" means two livestock depredations have been confirmed by ODFW or Wildlife Services, or one depredation followed by up to three attempted depredations (testing or stalking). The Commission may also choose to authorize such controlled take on private lands where the landowner is willing to provide access.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.171 - 496.192, 497.298, 497.308, 498.002, 498.006, 498.012 & 498.026

Hist.: DFW 12-2005, f. & cert. ef. 3-9-05

635-110-0040

Incidental Take of Wolves

Any person may apply for a permit to authorize take of a gray wolf (or wolves) incidental to an otherwise lawful activity, as per OAR 635-100-0170. However, ORS 496.172(4) prohibits the Commission from issuing an incidental take permit for a species that is federally listed.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.171 - 496.192, 497.298, 497.308, 498.002, 498.006, 498.012 & 498.026

Hist.: DFW 12-2005, f. & cert. ef. 3-9-05

DIVISION 120

WILDLIFE MANAGEMENT PLAN

635-120-0001

Bighorn Sheep and Rocky Mountain Goat Management Plan Content and Purpose

The document entitled "Oregon's Bighorn Sheep and Rocky Mountain Goat Management Plan" dated December 2003 is incorporated by reference into these rules. Copies of the Plan are available through the Oregon Department of Fish and Wildlife. This document provides program direction, identifies objectives and strategies to fulfill management, research, habitat and status survey needs. It is also intended as an informational document to assist resource management agencies with their wildlife programs.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 497.112

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 497.112

Hist.: FWC 74-1986, f. & ef. 11-20-86; FWC 25-1992, f. 4-17-92, cert. ef. 4-21-92; DFW 14-2004, f. & cert. ef. 3-5-04

635-120-0005

Program Objectives

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 497.112

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 497.112

Hist.: FWC 74-1986, f. & ef. 11-20-86; FWC 25-1992, f. 4-17-92, cert. ef. 4-21-92; DFW 14-2004, f. & cert. ef. 3-5-04

635-120-0010

Plan Implementation

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 74-1986, f. & ef. 11-20-86; DFW 14-2004, f. & cert. ef. 3-5-04

635-120-0015

Authority of the Director

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 74-1986, f. & ef. 11-20-86; DFW 14-2004, f. & cert. ef. 3-5-04

635-120-0020

Five-Year Review

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 74-1986, f. & ef. 11-20-86; DFW 14-2004, f. & cert. ef. 3-5-04

DIVISION 130

WILDLIFE MANAGEMENT PLAN MIGRATORY GAME BIRDS

635-130-0000

Migratory Game Bird Management Plan Content and Purpose

The Commission adopted the Migratory Game Bird Management Plan on October 20, 1993. This document provides program direction to the Department and identifies objectives and strategies to fulfill management, research, habitat, and status survey needs. It also serves as an informational document to assist other resource management agencies with their wildlife programs, and to network governmental and private programs dealing with migratory game bird management in Oregon.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 67-1993, f. & cert. ef. 10-26-93

635-130-0010

Program Mission

It is the mission of the Migratory Game Bird Management Plan to conserve, enhance, and restore populations and habitats of native migratory game birds and associated species at prescribed levels (as determined by national, state, and Pacific Flyway plans) throughout their natural geographic ranges in Oregon and the Pacific Flyway (Flyway) in order to contribute to Oregon's wildlife diversity as well as the enjoyment of those resources.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 67-1993, f. & cert. ef. 10-26-93

635-130-0020

Program Policies

In order to implement the Migratory Game Bird Management Plan, the Director is authorized to enter into agreements with governmental and private entities for the purposes of fulfilling the mission and policies of this plan. It is the policy of the Commission to:

(1) Share the management responsibilities for migratory game birds with the federal government, primarily through the U.S. Fish and Wildlife Service. The Commission recognizes the authority and role of the federal government as provided by the Migratory Bird Treaty Act of 1918 and its amendments; however, it encourages the Department to cooperate in Flyway Management Programs such as biological surveys, habitat development and acquisition, research, species planning, and the establishment of funding sources to maintain prescribed management programs;

(2) Direct the Wildlife Division, through its Game Bird Program, to represent the state at all Flyway meetings and to implement Flyway management concepts and programs throughout the state. The Commission recognizes the Pacific Flyway Council and its technical committees as the primary decision-making bodies for the management of migratory game birds in the Flyway states, including Oregon. Because of the dynamics of these bird populations and due to shared interests in this international resource, the Commission recognizes the need for an ecosystem approach to migratory game bird management through Flyway programs;

(3) Direct the Department to furnish assistance for an interim period of seven days in the absence of immediate corrective actions

on the part of responsible federal agencies in the case of recurring damage to private property. The Commission recognizes the U.S. Department of Agriculture has primary responsibility for the control of damage to private property caused by migratory game birds; therefore, the Department will, upon initial receipt of a damage complaint, notify the appropriate federal agency of the situation to request their action on the problem; and

(4) Prohibit the release of captive-reared waterfowl within the state for any purposes other than authorized dog training.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 67-1993, f. & cert. ef. 10-26-93

635-130-0030

Plan Strategies

Strategies to develop and implement the Oregon Migratory Game Bird Management Plan and Program include but are not limited to the following actions:

(1) Integrate state, federal, and local programs to coordinate biological surveys, research, and habitat development to obtain improved population information and to secure habitats for the benefit of migratory game birds and other associated wildlife species.

(2) Develop and implement the Migratory Game Bird Management Plan and Program through training and information exchange between Department personnel and public and private cooperators.

(3) Provide recreational, aesthetic, educational, and cultural benefits derived from migratory game birds, other associated wildlife species, and their habitats.

(4) Seek sufficient funds to accomplish programs consistent with the strategies outlined in this plan, and allocate those funds to programs based on management priorities.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 67-1993, f. & cert. ef. 10-26-93

635-130-0040

Plan Implementation

Actions to implement the Migratory Game Bird Management Plan and Program include but are not limited to the following:

- (1) Establish a Migratory Game Bird Committee.
- (2) Develop a Research Needs Program.
- (3) Review management practices on state wildlife areas.
- (4) Establish a Biological Surveys Program.
- (5) Establish a Habitat Program.
- (6) Develop a Department personnel training program.
- (7) Develop a Disease Contingency Plan.
- (8) Establish a Literature Review Program.
- (9) Conduct damage policy review and update.
- (10) Develop annual work plans for Department administrative units and personnel as outlined in the Migratory Game Bird Management Plan.
- (11) Review Competitive Trials for Hunting Dogs rules (OAR chapter 635, division 046).

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 67-1993, f. & cert. ef. 10-26-93

635-130-0050

Five-Year Review

The Migratory Game Bird Management Plan will be updated and reviewed by the Commission every five years beginning in 1998.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: FWC 67-1993, f. & cert. ef. 10-26-93

DIVISION 135

OREGON WILD TURKEY MANAGEMENT PLAN

635-135-0001

Oregon Wild Turkey Management Plan Content and Purpose

The document entitled "Oregon Wild Turkey Management Plan" dated June 2004 is incorporated by reference into these rules. Copies of the Plan are available through the Oregon Department of Fish and Wildlife. This document provides program direction, identifies objectives and strategies to fulfill management, research, habitat and status

survey needs. It is also intended as an informational document to assist resource management agencies with their wildlife programs.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: DFW 85-2004, f. & cert. ef. 8-18-04

635-135-0005

Program Objectives

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: DFW 85-2004, f. & cert. ef. 8-18-04

635-135-0010

Plan Implementation

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: DFW 85-2004, f. & cert. ef. 8-18-04

635-135-0015

Authority of the Director

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: DFW 85-2004, f. & cert. ef. 8-18-04

635-135-0020

Five-Year Review

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: DFW 85-2004, f. & cert. ef. 8-18-04

DIVISION 140

GREATER SAGE-GROUSE CONSERVATION STRATEGY FOR OREGON

635-140-0000

Purpose

These administrative rules establish the state policy for the protection and enhancement of Greater Sage-Grouse in Oregon. The Commission anticipates that these policies will be implemented by Department staff as described in the Department's "Greater Sage-Grouse Conservation Assessment and Strategy for Oregon" plan, which is not, however, incorporated into this rule. (Copies of the plan are available through the Oregon Department of Fish and Wildlife.)

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: DFW 94-2005, f. & cert. ef. 8-19-05

635-140-0005

Population Management Objectives

Population management objectives for statewide and regional populations for sage grouse are as follows:

(1) Objective 1 — Statewide: maintain or enhance sage-grouse numbers and distribution at the 2003 spring breeding population level, approximately 40,000 birds, until 2055.

(2) Objective 2 — Baker Resource Area: maintain or enhance sage-grouse numbers and distribution at the 2003 spring breeding population level, approximately 3,000 birds, until 2055.

(3) Objective 3 — Vale District BLM (not including Baker): maintain or enhance sage-grouse numbers and distribution at the 2003 spring breeding population level, approximately 16,000 birds, until 2055.

(4) Objective 4 — Burns District BLM: maintain or enhance sage-grouse numbers and distribution at the 2003 spring breeding population level, approximately 6,500 birds, until 2055.

(5) Objective 5 — Lakeview District BLM: maintain or enhance sage-grouse numbers and distribution at the 2003 spring breeding population level, approximately 12,000 birds, until 2055.

(6) Objective 6 — Prineville District BLM: restore sage-grouse numbers and distribution near the 1980 spring breeding population level, approximately 3,000 birds, until 2055.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162
Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162
Hist.: DFW 94-2005, f. & cert. ef. 8-19-05

635-140-0005

Population Management Objectives

Population management objectives for statewide and regional populations for sage grouse are as follows:

(1) Objective 1 — Statewide: maintain or enhance sage-grouse numbers and distribution at the 2003 spring breeding population level, approximately 40,000 birds, until 2055.

(2) Objective 2 — Baker Resource Area: maintain or enhance sage-grouse numbers and distribution at the 2003 spring breeding population level, approximately 3,000 birds, until 2055.

(3) Objective 3 — Vale District BLM (not including Baker): maintain or enhance sage-grouse numbers and distribution at the 2003 spring breeding population level, approximately 16,000 birds, until 2055.

(4) Objective 4 — Burns District BLM: maintain or enhance sage-grouse numbers and distribution at the 2003 spring breeding population level, approximately 6,500 birds, until 2055.

(5) Objective 5 — Lakeview District BLM: maintain or enhance sage-grouse numbers and distribution at the 2003 spring breeding population level, approximately 12,000 birds, until 2055.

(6) Objective 6 — Prineville District BLM: restore sage-grouse numbers and distribution near the 1980 spring breeding population level, approximately 3,000 birds, until 2055.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: DFW 94-2005, f. & cert. ef. 8-19-05

635-140-0010

Habitat Objectives

Statewide and regional habitat objectives for sage-grouse are as follows:

(1) Objective 1 — Statewide: retain ≥70% of sage-grouse range as sagebrush habitat in advanced structural stages, sagebrush class 3, 4 or 5, with an emphasis on classes 4 and 5. The remaining 30% will include areas of juniper encroachment, non-sagebrush shrubland, and grassland that potentially can be rehabilitated or enhanced.

(2) Objective 2 — Maintain 100% of existing sagebrush habitats and enhance potential habitats that have been disturbed in the following regions. Existing conditions are:

(a) Baker Resource Area: 82% sagebrush and 18% disturbed habitats.

(b) Vale District (not including Baker): 73% sagebrush and 27% disturbed habitats.

(c) Burns District: 68% sagebrush and 32% disturbed habitats.

(d) Lakeview District: 72% sagebrush and 28% disturbed habitats.

(e) Prineville District: 47% sagebrush and 53% disturbed habitats.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: DFW 94-2005, f. & cert. ef. 8-19-05

635-140-0025

Five-Year Review

The Department will review the Plan every five years.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: DFW 94-2005, f. & cert. ef. 8-19-05

DIVISION 160

WILDLIFE MANAGEMENT PLAN

635-160-0000

Elk Management Plan Content and Purpose

The document entitled “Oregon Elk Management Plan” dated February 2003 is incorporated by reference into these rules. Copies of the plan are available through the Department. The plan provides program direction, identifies objectives, and outlines strategies to fulfill management, research, and habitat needs. Together with the rules establishing elk seasons, this plan establishes the framework and the implementation of the Department’s elk program.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.164

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.164

Hist.: FWC 62-1992, f. & cert. ef. 7-30-92; FWC 13-1995, f. & cert. ef. 2-15-95; DFW 13-2003, f. & cert. ef. 2-14-03; DFW 95-2005, f. & cert. ef. 8-19-05

635-160-0010

Plan Objectives for Elk Management

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.164

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.164

Hist.: FWC 62-1992, f. & cert. ef. 7-30-92; FWC 13-1995, f. & cert. ef. 2-15-95; DFW 13-2003, f. & cert. ef. 2-14-03

635-160-0020

Plan Implementation

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.164

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.164

Hist.: FWC 62-1992, f. & cert. ef. 7-30-92; FWC 13-1995, f. & cert. ef. 2-15-95; DFW 13-2003, f. & cert. ef. 2-14-03

635-160-0030

Five-Year Review

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 496.164

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.164

Hist.: FWC 62-1992, f. & cert. ef. 7-30-92; FWC 13-1995, f. & cert. ef. 2-15-95; DFW 13-2003, f. & cert. ef. 2-14-03

DIVISION 170

WILDLIFE MANAGEMENT PLAN

635-170-0001

Black Bear Management Plan Content and Purpose

The Commission adopted the Black Bear Management Plan on July 17, 1987, and adopted the first revisions to the Plan on March 17, 1993. Copies of the Plan are available through the Oregon Department of Fish and Wildlife. This document provides program direction, and identifies objectives and strategies to fulfill management, research, habitat, and status survey needs. The Plan is also intended as an informational document to assist resource management agencies with their wildlife programs.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 55-1987, f. & ef. 7-23-87; FWC 25-1993, f. & cert. ef. 3-31-93

635-170-0005

Program Objectives

The objectives of the Black Bear Management Plan are:

(1) Recognize the black bear as an important part of Oregon’s fauna, valued by many Oregonians.

(2) Maintain healthy black bear populations within the state into the future.

(3) Conduct a management program that maintains healthy populations of black bear, and recognizes the desires of the public and the statutory obligations of the Department.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 55-1987, f. & ef. 7-23-87; FWC 25-1993, f. & cert. ef. 3-31-93

635-170-0010

Plan Implementation

Implementation of the Black Bear Management Plan entails the following actions:

(1) Obtain an annual return of teeth of 30 percent or more (averaged over two consecutive years) of the general season harvested black bear. A mandatory hunter check requirement will be initiated if the 30 percent goal is not reached.

(2) Provide personnel and fiscal resource availability permit, begin a black bear research project in western and/or eastern Oregon by 1998. The projects will be designed to assist with development of population estimates and measurement of population trends.

(3) Annual general harvest seasons will occur between the outside dates of August 1 and November 30, as long as the Plan’s harvest guidelines are met. If guidelines are not met, hunting restrictions will be employed as directed in the Plan.

(4) Continue damage control efforts with a variety of methods, including controlled hunts, emergency hunts, general seasons, U.S. Department of Agriculture Animal Damage Control personnel, landowners, and other private individuals.

(5) Evaluate the use of alternative methods to alleviate western Oregon tree damage.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 55-1987, f. & ef. 7-23-87; FWC 25-1993, f. & cert. ef. 3-31-93

635-170-0015**Five-Year Review**

The Black Bear Management Plan will be updated and reviewed by the Oregon Fish and Wildlife Commission by December, 1998.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 55-1987, f. & ef. 7-23-87; FWC 117-1992, f. & cert. ef. 10-28-92; FWC 25-1993, f. & cert. ef. 3-31-93

DIVISION 180**WILDLIFE MANAGEMENT PLAN****635-180-0001****Cougar Management Plan Content and Purpose**

The 2006 Oregon Cougar Management Plan establishes state policy and direction for Oregon's cougar management program. The 2006 Plan replaces previous plans. Chapters V (Cougar Management Objectives) and VI (Adaptive Management Process) of that 2006 Plan, as well as its **Appendix I** (Glossary), are incorporated here by reference as administrative rule. Copies may be obtained at the Salem headquarters office of the Oregon Department of Fish and Wildlife, 3406 Cherry Avenue NE, Salem, OR 97303. The 2006 Plan also serves as an informational and historical document for the Department.

[Publications: Publications referenced are available from the agency.]

[Appendix referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 108-1987, f. & ef. 12-28-87; FWC 26-1993, f. & cert. ef. 3-31-93; DFW 38-2006, f. & cert. ef. 6-6-06

635-180-0015**Five Year Review**

The Cougar Management Plan will be updated and reviewed by the Oregon Fish and Wildlife Commission by April, 2011.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

Hist.: FWC 108-1987, f. & ef. 12-28-87; FWC 118-1992, f. & cert. ef. 10-28-92; FWC 26-1993, f. & cert. ef. 3-31-93; DFW 38-2006, f. & cert. ef. 6-6-06

DIVISION 190**WILDLIFE MANAGEMENT PLAN****635-190-0000****Mule Deer Management Plan Content and Purpose**

The document entitled "Oregon Mule Deer Management Plan" dated February 2003 is incorporated by reference into these rules. Copies of the plan are available through the Department. The plan provides program direction, identifies objectives, and outline strategies to fulfill management, research, and habitat needs. Together with the rules establishing deer seasons, this plan establishes the framework and the implementation of the Department's mule deer program.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: FWC 129-1990, f. & cert. ef. 12-24-90; DFW 13-2003, f. & cert. ef. 2-14-03; DFW 95-2005, f. & cert. ef. 8-19-05

635-190-0010**Plan Objectives for Mule Deer Management**

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: FWC 129-1990, f. & cert. ef. 12-24-90; DFW 13-2003, f. & cert. ef. 2-14-03

635-190-0020**Plan Implementation**

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

Hist.: FWC 129-1990, f. & cert. ef. 12-24-90; DFW 13-2003, f. & cert. ef. 2-14-03

635-190-0030**Five-Year Review**

Stat. Auth.: ORS 183 & 96

Stats. Implemented: ORS 183 & 496

Hist.: FWC 129-1990, f. & cert. ef. 12-24-90; DFW 13-2003, f. & cert. ef. 2-14-03

DIVISION 200**SALE, PURCHASE OR EXCHANGE OF WILDLIFE PARTS
(EXCLUDING MARINE AND COMMERCIAL FISH,
SHELLFISH AND MARINE INVERTEBRATES)****635-200-0000****Purpose and Applicability**

(1) ORS 498.022 states that except as provided by rule adopted by the commission, no person may purchase, sell, or exchange, or offer to purchase, sell, or exchange any wildlife parts. The purpose of these rules is to provide in one division all rules allowing the sale, purchase, or exchange of wildlife parts.

(2) Each exception to the statutory prohibition applies only to the parts of lawfully taken animals. Unless otherwise specifically allowed by law, the sale, purchase, or exchange of the parts of any wildlife that was taken unlawfully continues to be prohibited. In the case of any enforcement action for violation of these rules, the burden of proving that the animal was taken lawfully is on the person who sells, purchases, or exchanges wildlife parts.

Stat. Auth.: ORS 96.012, 496.138, 496.146, 498.019, 498.022 & 498.042

Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

Hist.: DFW 96-1998, f. & cert. ef. 11-25-98

635-200-0010**Definitions**

(1) Unless specifically stated otherwise in this rule, terms used in this division retain the meaning assigned them under other divisions of OAR 635 and the governing statutes.

(2) "Cervid" is defined in OAR 635-045-0002.

(3) "Furtaker" means a holder of a furtaker's license or a hunting license for furbearers.

(4) "Furbearer" and "furbearing mammals" are defined in OAR 635-050-0050.

(5) "Processed" means a hide, pelt, or cape that has been:

(a) Permanently preserved through a process such as tanning, freeze-drying or converting to rawhide (but not including salting, drying or freezing); or

(b) Converted into a handcrafted item.

(6) "Raw pelt" is defined in OAR 635-050-0050.

(7) "Road-killed" means struck and killed by a motor vehicle.

(8) "Unprocessed" means not processed, as defined in this rule.

(9) "Unprotected Mammals" is defined in OAR 635-050-0050.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

Hist.: DFW 96-1998, f. & cert. ef. 11-25-98

635-200-0020**Furbearing and Unprotected Mammals Generally**

(1) Any person may sell, purchase or exchange the pelt, carcass or any part thereof, of any legally taken furbearing or unprotected mammal as allowed by OAR 635 division 50.

(2) Any person may purchase unprocessed furbearing or unprotected mammal pelts, provided that such pelts are purchased from the furtaker who took the furbearer and that the pelts are purchased for personal use and not for resale. For any pelt purchased under this section, the purchaser must retain a record of the furtaker's brand.

(3) Any licensed fur dealer may sell, purchase or exchange unprocessed furbearer pelts pursuant to OAR 635-200-0030.

(4) Any person may sell, purchase, or exchange unprocessed unprotected mammal pelts.

(5) Any person may sell, purchase, or exchange processed furbearing or unprotected mammal pelts, carcasses and parts thereof.

(6) A licensed furtaker may sell or exchange, and any person may purchase, road-killed furbearers or unprotected mammals, provided that:

(a) The road kill is taken by a licensed furtaker during an authorized season for hunting or trapping the species; and

(b) The sale is made by the licensed furtaker who took the road kill.

(7) No person may sell a bobcat (*Lynx rufus*) or river otter (*Lutra canadensis*) pelt without the appropriate year's ownership tag as required in OAR 635 division 50.

(8) No person may sell raw bobcat river otter pelts taken before September 1, 1982 unless they were metal-sealed by the Oregon State

Police or the department before that date as required in OAR 635 division 50.

(9) Any person may sell, purchase, or exchange the carcass or parts of blacktail jackrabbits (*Lepus californicus*), whitetail jackrabbits (*Lepus townsendii*) or any tree squirrel (except western gray squirrel (*Sciurus griseus*) or northern flying squirrel (*Glaucomys sabrinus*)), provided that the animal was lawfully taken and the carcass or parts were lawfully obtained outside Oregon, as documented by appropriate regulatory agency, business or other reliable records.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
Hist.: DFW 96-1998, f. & cert. ef. 11-25-98

635-200-0030

Fur Dealer and Taxidermy

(1) Whenever a fur dealer purchases, possesses, sells, or disposes of the pelt of any furbearing mammal, the dealer must record:

- (a) The date, numbers and types of pelts;
- (b) For furbearing mammals requiring tags, the tag number, the state issuing the tag, the species, and the year the tag was issued; and
- (c) The name and address of those from whom the pelts were obtained, and to whom they were sold or otherwise transferred;
- (d) This record must be maintained at the business address of the fur dealer for a period of three years.

(2) No fur dealer may purchase, sell, or possess any raw pelt requiring a tag or seal without having a proper tag or seal affixed to the pelt.

(3) Fur buyers who are agents for companies shall have a fur dealer's license and record the company whom they represent on the fur dealer's license application.

(4) Fur dealer records and pelts are subject to inspection at any time by any Oregon State Police officer or department representative.

(5) Failure to comply with the recordkeeping criteria in OAR 635-200-0030(1) or to permit inspection of such records may result in a two-year license suspension.

(6) Licensed taxidermists may sell a client's unclaimed, legally taken, mounted wildlife, except migratory birds protected by Federal Law 16 USC 703, provided that:

(a) Upon completion, at least two written notices of intent to sell are sent to the client;

(b) Two months have passed since completion of mount;

(c) The amount realized by the sale of a mount is not to exceed the original quoted price stated contemporaneously in writing, less any deposit received;

(d) Taxidermists may mount and sell legally taken furbearing animals with a fur dealer's license.

(7) At the time of receiving wildlife for mounting, every licensed taxidermist shall:

(a) Record the date, number and kinds of wildlife received;

(b) Record the tag number and year of issuance of those furbearing mammals requiring tags;

(c) Record the date taken and county or hunting unit and state where taken and the name and address of the person who killed the wildlife;

(d) Record the name and address of the person from whom received and the quoted price for the taxidermy work;

(e) Maintain this record at the business address of the taxidermist for a three-year period;

(f) Maintain copies of the written notices, as described in 635-200-0030(6), date of sale, amount of sale and name and address of the person purchasing the mount at the business address of the taxidermist for a three-year period.

(8) Taxidermy records are subject to inspection at any time by any Oregon State Police officer or department representative.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
Hist.: DFW 96-1998, f. & cert. ef. 11-25-98

635-200-0040

Certain Extant Furbearer and Other Species Lawfully Obtained Out of State

(1) Any person may purchase, sell, or exchange the carcass or parts of the following species, provided that the animal was lawfully taken and the carcass or parts were lawfully obtained outside Oregon,

as documented by appropriate regulatory agency, business or other reliable records:

- (a) Lynx (*Lynx lynx*);
- (b) Wolverine (*Gulo gulo*);
- (c) Wolf (*Canis lupis*);
- (d) Fisher (*Martes pennanti*);
- (e) Kit fox (*Vulpes velox*);
- (f) Ringtail (*Bassariscus astutus*).

(2) For those of the above species that are subject to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the documentation required by this rule is the tag required by CITES as of November 1998.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
Hist.: DFW 96-1998, f. & cert. ef. 11-25-98

635-200-0050

Deer, Elk, and Antelope (Pronghorn)

(1) Any person may purchase, sell, or exchange processed hides, hooves, dewclaws, sinews, or capes of deer (*Odocoileus hemionus* or *O. virginianus*), elk (*Cervus canadensis*) or antelope (pronghorn) (*Antilocapra americana*).

(2) Any person may sell or exchange the unprocessed hides, hooves, dewclaws, sinews, or capes of a deer, elk, or antelope legally taken during an authorized hunting season.

(3) Any person may sell, purchase, or exchange any bone, elk ivory "buglers" or other part of the skeletal structure of a deer or elk, except the skull.

(4) Any person may sell or exchange lawfully taken antlers which are detached from the skull, skull is split apart between the antlers or naturally shed antlers to a licensed antler dealer for use only in manufacturing handcrafted items from parts of these antlers. Handcrafted items do not include complete sets of antlers or whole heads and antlers which are mounted for display or other purposes. Any person may purchase such lawfully manufactured handcrafted items.

(5) Except as provided in subsection 6, any person desiring to purchase or exchange unprocessed deer, elk, and antelope hides, hooves, dewclaws, or sinews must first secure a Hide Dealer Permit. Clients of a taxidermist do not need this permit when a taxidermist provides the hide for mounting a client's legally taken antler or horn.

(a) Any person desiring to purchase or exchange antlers for use in the manufacture of handcrafted items must first secure an Antler Dealers Permit. Antlers may not be purchased unless antlers are detached from the skull, the skull is split apart between antlers, or the antlers are naturally shed;

(b) Hide and Antler Dealer Permits may be obtained by applying to the Oregon Department of Fish and Wildlife.

(6) Any person may purchase the following for their personal use (not resale):

(a) Unprocessed deer, elk and antelope hides; and

(b) Deer and elk antlers (if detached from the skull, if skull is split apart between the antlers, or if naturally shed).

(7) Hide Dealer and Antler Dealer Permit shall cost \$10 and shall expire on December 31 of the year issued.

(8) At the time of purchase or exchange for unprocessed deer and elk hides and antlers, and for antelope hides, every dealer shall maintain a record. Such record shall:

(a) Include the date of the transaction, numbers and kinds of hides or antlers purchased or exchanged, and the name and address of the person from whom acquired;

(b) Be maintained at the business address of the hide dealer or antler dealer for a three-year period.

(9) Hide and antler dealer records are subject to inspection at any time by any State Police officer or Department of Fish and Wildlife representative.

(10) Any person may sell, purchase or exchange any bone or other part of the skeletal structure of pronghorn antelope, except the skull and horn sheaths.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
Hist.: DFW 96-1998, f. & cert. ef. 11-25-98; DFW 90-2002(Temp), f. & cert. ef. 8-16-02 thru 2-11-03; DFW 114-2002(Temp), f. & cert. ef. 10-18-02 thru 2-11-03; DFW 127-2002(Temp), f. & cert. ef. 11-14-02 thru 2-11-03; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-200-0060**Fallow Deer, Reindeer, and Sika Deer**

(1) Any person may sell, purchase or exchange the meat, antlers, or other parts of a fallow Deer (*Dama dama*), reindeer (*Rangifer tarandus*) or sika deer (*Cervus nippon*).

(2) Any person may sell, purchase or exchange the meat, antlers, or other parts of any other nonnative cervid.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
 Hist.: DFW 96-1998, f. & cert. ef. 11-25-98; DFW 90-2002(Temp), f. & cert. ef. 8-16-02 thru 2-11-03; DFW 114-2002(Temp), f. & cert. ef. 10-18-02 thru 2-11-03; DFW 127-2002(Temp), f. & cert. ef. 11-14-02 thru 2-11-03; Administrative Correction 9-16-06

635-200-0070**Moose**

Any person may sell, purchase, or exchange the following parts of moose (*Alces alces*):

(1) The hide;

(2) Any bone or other part of the skeletal structure, except the skull; and

(3) Antlers (if detached from the skull, if skull is split apart between antlers or if antlers are naturally shed).

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
 Hist.: DFW 96-1998, f. & cert. ef. 11-25-98; DFW 90-2002(Temp), f. & cert. ef. 8-16-02 thru 2-11-03; DFW 114-2002(Temp), f. & cert. ef. 10-18-02 thru 2-11-03; DFW 127-2002(Temp), f. & cert. ef. 11-14-02 thru 2-11-03; Administrative Correction 9-16-06

635-200-0080**Wildlife Not Native to Oregon**

(1) Except as provided in this rule, any person may sell, purchase or exchange the parts of any species other than those species listed in **Appendix 5** ("Extant, Self-Sustaining Oregon Vertebrates by Physiographic Provinces, Selected Community Types and Selected Habitat Components") of the Oregon Wildlife Diversity Plan 1993–1998 (November 1993).

(2) Any person may sell, purchase, or exchange the inedible parts of bullfrogs (*Rana catesbeiana*).

(3) The sale, purchase, or exchange of nonnative cervid parts is governed by Section 60 of this rule.

[Publications: Publications referenced are available from the agency.]
 Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
 Hist.: DFW 96-1998, f. & cert. ef. 11-25-98

635-200-0090**Sale of Meat**

(1) Any person may sell or purchase food items prepared with the meat of game birds (except migratory waterfowl), game mammals or fish donated as part of:

(a) Fund raisers held by trapping, hunting or fishing organizations, or churches, schools and other nonprofit charitable organizations, provided that the wildlife was not taken under a damage control permit; or

(b) Charitable use by churches, schools and other nonprofit charitable organizations.

(2) The exception provided in subsection (1) does not allow the sale of raw meat.

(3) Any person may sell or purchase the meat and by-products of domesticated elk (as defined by ORS 174.106) raised pursuant to a cervid license issued by the Fish and Wildlife Commission, provided that:

(a) The slaughter and processing is conducted in an official exotic animal establishment inspected and certified by the U.S. Department of Agriculture; and

(b) The elk is slaughtered, processed and sold in compliance with the rules of the Oregon Department of Agriculture pursuant to Oregon Laws 2001, Chapter 783, Section 2.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
 Hist.: DFW 96-1998, f. & cert. ef. 11-25-98; DFW 35-2002, f. & cert. ef. 4-18-02

635-200-0100**Birds**

(1) Concerning gallinaceous birds (pheasants, turkeys, quail, and grouse):

(a) Any person may sell, purchase or exchange the carcass, meat or parts of propagated birds; and

(b) Sell, purchase or exchange parts, but not the meat, of wild birds;

(c) This exception does not apply to the sale, purchase, or exchange of the parts or meat of wild sharp-tailed grouse (*Tympanuchus phasianellus*), sage grouse (*Centrocercus urophasianus*), and spruce grouse (*Dendragapus canadensis*).

(2) Any person may sell, purchase or exchange the feathers of migratory waterfowl (ducks, geese, brant and swans) to be used in making fishing flies, bed pillows and mattresses and similar commercial use, provided that:

(a) Such feathers were obtained from birds killed by lawful hunting or seized and condemned by Federal or State game authorities; and

(b) "Similar commercial use" does not include millinery or ornamental use.

(3) Any person may sell, purchase, or exchange the carcasses or parts of starlings (*Sturnus vulgaris*) and English Sparrows (*Passer domesticus*).

(4) Any person may sell, purchase or exchange the carcasses or parts of captive-reared waterfowl to the extent allowed by the rules of the U.S. Fish and Wildlife Service implementing the federal Migratory Bird Act, ORS 40 CFR (Code of Federal Regulations) 21.13 and 21.14 in effect as of November 1998.

(5) Any person may sell, purchase or exchange raptor "pellets," regurgitated masses that typically contain bones, skulls, and teeth of prey (mammals, birds, reptiles, or amphibians).

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
 Hist.: DFW 96-1998, f. & cert. ef. 11-25-98

635-200-0110**Rendering**

Any person may sell, purchase, or exchange the fats, oils, and similar end products of the process of rendering wildlife carcasses or parts.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
 Hist.: DFW 96-1998, f. & cert. ef. 11-25-98

635-200-0120**Taxidermy Mounts**

(1) A game mammal taxidermy mount acquired from an Oregon decedent by survivorship or any form of succession may be sold by the decedent's survivor or successor to any person, provided that the seller first obtains a registration permit from the department.

(2) To obtain a permit, the seller must provide the department with:

(a) An Oregon death certificate for the decedent;

(b) For mounts of game mammals harvested before January 1, 1999, an affidavit by the seller stating that (to the best of the seller's knowledge) the decedent legally harvested the game mammal and describing how the seller legally acquired the mount by survivorship or succession; and

(c) For mounts of game mammals harvested on or after January 1, 1999, a properly validated tag which the decedent used to document legal harvest of the game mammal.

(3) Upon compliance with the requirements of subsection (2), the department shall register the mount and affix a permanent identification number.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
 Hist.: DFW 96-1998, f. & cert. ef. 11-25-98

635-200-130**Sale, Purchase, or Exchange of Feathers**

Any person may sell, purchase, or exchange lawfully obtained feathers of:

(1) Bird species other than those listed in **Appendix 5** ("Extant, Self-sustaining Oregon Vertebrates by Physiographic Provinces, Selected Community Types and Selected Habitat Components") of the Oregon Wildlife Diversity Plan 1993–1998 — November 1993);

(2) Propagated and wild gallinaceous birds, except sharp-tailed grouse (*Tympanuchus phasianellus*), sage grouse (*Centrocercus urophasianus*), and spruce grouse (*Dendragapus canadensis*);

(3) Migratory waterfowl, for the making of fishing flies, bed pillows and mattresses, and similar commercial use, provided that such

feathers were obtained from birds killed by lawful hunting or seized and condemned by federal or state game authorities.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
Hist.: DFW 96-1998, f. & cert. ef. 11-25-98

DIVISION 300

WILDLIFE DAMAGE PLANS

635-300-0001

Elkhorn Wildlife Area Program

(1) The Commission approves the preferred alternative "A" identified in the Public Review Draft of the Elkhorn Wildlife Area program distributed on May 20, 1986. Approval of this alternative authorizes Department purchase, easement or lease of private properties in order to continue operation of the existing Elkhorn Wildlife Area Program. The Commission also approves documentation presented in the Public Review Draft of the Elkhorn Wildlife Area program and documents attached thereto and the July 7, 1986 Statewide Goal Compliance and Local Land Use Plan Compatibility Report issued by and available from the Department of Fish and Wildlife at its Salem headquarters office.

(2) The Commission finds that:

(a) Continuation of the current Elkhorn Wildlife Area program will reduce big game damage to agricultural and forest uses by providing alternative feed sources at specific locations under controlled and timely circumstances;

(b) The program will enable numbers of big game to be maintained at a level providing optimal hunting and other recreational opportunities;

(c) Equitable and orderly enjoyment of wildlife will be enhanced by the public access to be made available on the lands or interest therein acquired for the feeding program; and

(d) The benefits of continuing the existing program exceed costs of reducing or discontinuing the program by assuring the economic contribution of recreational hunting to the state and local economy while reducing or eliminating big game damage.

Stat. Auth.: ORS 496
Stats. Implemented: ORS 496
Hist.: FWC 44-1986, f. & ef. 8-19-86; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-300-0005

Goals and Objectives

The goals and objectives of the Elkhorn Wildlife Area Program are:

(1) To mitigate the loss of traditional big game winter range areas along the north, west and south portions of the Powder River Valley through habitat management and a supplemental feeding program.

(2) To provide supplemental or subsistence feed for wintering elk and deer to alleviate damage to private lands.

(3) To provide habitat for big game animals and other wildlife indigenous to the area.

(4) To provide hunting and other wildlife oriented recreation opportunities for the general public.

Stat. Auth.: ORS 496
Stats. Implemented: ORS 496
Hist.: FWC 44-1986, f. & ef. 8-19-86

635-300-0010

Implementation of Policies

Implementation of the Elkhorn Wildlife Area Program entails the following actions:

(1) Purchase, easement or long-term lease of the five privately owned sites presently used for feeding or comparable sites in the same vicinity. Purchases of the Roth property at Hunt Mountain and the Alpine Veneer property at Muddy Creek shall receive immediate priority.

(2) Maintain habitat developments and damage control activities at levels necessary to complement the feeding program to assure damage is controlled to the maximum extent possible.

(3) Limit the number of wintering elk fed to a maximum of 1,400 elk in the Elkhorn region in order to continue and maintain the current operation. The number of deer to be fed is not specifically limited.

(4) The Elkhorn region is defined as that area east of the crest of the Elkhorn Mountains, west of Interstate 84, north of Township 11 South, W.M. and south of Township 4 South, W.M. The Elkhorn Wildlife Area is defined as the areas in that region owned by, leased to or under easement to the Department where specific site(s) are used for feeding.

(5) Annually test big game animals to determine whether disease problems exist at feeding stations.

(6) Develop and submit, for approval by Baker and/or Union Counties, those applications that may be required by each county's respective acknowledged land use plan and zoning ordinance to allow big game feeding stations. Applications will address the specific local land use approval standards acknowledged by the Land Conservation and Development Commission. Such standards may include but may not be limited to: Anticipated or needed programs for green forage; need for elk proof fencing; the location of roads and barns; etc.

(7) The Elkhorn Wildlife Area Plan shall specifically accept and address future programs approved by the Fish and Wildlife Commission (including those recommended by the Wildlife Damage Task Force) that reduce or alleviate game damage at any season.

Stat. Auth.: ORS 496
Stats. Implemented: ORS 496
Hist.: FWC 44-1986, f. & ef. 8-19-86

635-300-0015

Delegation of Authority

The Director is specifically authorized to approve purchase, easement or long-term lease of properties from willing sellers for amounts not less than the fair market value and not more than the fair market value plus ten percent based on a current appraisal made pursuant to applicable federal law. (Public Law 91-646, Uniform Relocation and Real Property Acquisition Act, Final Rules, **Federal Register** Vol. 51 No. 39; page 7026 dated February 27, 1986 Subpart B (Real Property Acquisition) S. 102(d) Establishment and Offer of Just Compensation and (i) Administrative Settlement.)

Stat. Auth.: ORS 496
Stats. Implemented: ORS 496
Hist.: FWC 44-1986, f. & ef. 8-19-86

DIVISION 400

INSTREAM WATER RIGHT RULES

635-400-0000

Purpose

(1) These rules set the policy, procedures, criteria, standards, including flow methodologies, and definitions for instream water right applications by the Department of Fish and Wildlife to the Water Resources Department. Instream water rights provide for protection of public uses as defined in OAR 635-400-0010. These rules provide for the Department of Fish and Wildlife to apply for instream water rights for the conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat. The rules set out: the internal procedures for application for and coordination of instream water rights, the criteria and standards for prioritizing waterways for application, the methodologies to be used in determining flow requirements and water surface elevations needed for the public uses, and the process assisting with transfers of regular water rights to instream water rights.

(2) In 1987, the Legislature created a new type of water right called an instream water right. Instream water rights are established by certificate from the Water Resources Commission, pursuant to ORS 537.332 to 537.360, to maintain and support public uses within natural water bodies. The instream water right is held in trust by the Water Resources Department but is regulated and enforced like all other water rights. The Water Resources Department's procedures for establishing instream water rights are OAR 690-077-0000 through 690-077-0100. The Department of Fish and Wildlife may apply for instream water rights on any waters of the state that meet the definition set out in ORS 537.332(1) and that provide for one or more of the public uses for which the Department is allowed to apply. Instream water rights allow the Department of Fish and Wildlife to manage fish and wildlife to provide the optimum recreational and aesthetic benefits for present and future generations of the citizens of this state.

Stat. Auth.: ORS 496 & 537

Stats. Implemented: ORS 496 & 537
Hist.: FWC 110-1989, f. 10-24-89, cert. ef. 10-28-89

635-400-0005**Policy**

It is the policy of the Oregon Fish and Wildlife Commission to apply for instream water rights on waterways of the state to conserve, maintain and enhance aquatic and fish life, wildlife, and fish and wildlife habitat to provide optimum recreational and aesthetic benefits for present and future generations of the citizens of this state. The long-term goal of this policy shall be to obtain an instream water right on every waterway exhibiting fish and wildlife values.

Stat. Auth.: ORS 496 & 537
Stats. Implemented: ORS 496 & 537
Hist.: FWC 110-1989, f. 10-24-89, cert. ef. 10-28-89

635-400-0010**Definitions**

As used in these rules:

(1) "Application" means an official instream water right application developed by the Water Resources Department.
(2) "Commission" means the Fish and Wildlife Commission.
(3) "Department" means the Department of Fish and Wildlife.
(4) "Deputy Director" means the deputy director of the Department.

(5) "DEQ" means the Department of Environmental Quality.
(6) "Director" means the director of the Department of Fish and Wildlife.

(7) "Environmental Basin Investigation Reports" means reports on instream flow studies conducted by the OSGC between the mid-1960s and the mid-1970s.

(8) "Forest Service Method" means a methodology developed by the Pacific Northwest Region, USDA Forest Service, to determine instream flow requirements of salmonids (Swank, G. W. and Phillips, R.W. 1976. Instream flow methodology for the Forest Service in the Pacific Northwest Region, pp 334-343. In *Proceedings of Symposium and Special Conference on Instream Flow Needs*, Orsborn, J.F. and O.H. Allman, eds. Vol. II, American Fisheries Society, Bethesda, Maryland).

(9) "Held in Trust by the Water Resources Department," as defined in OAR 690-077-0010(8), means that the water right must be enforced and protected for the public uses listed in the water right. Actions by the Water Resources Department affecting instream water rights are limited by public trust obligations.

(10) "IFIM" means Instream Flow Incremental Methodology, a methodology to determine instream flows for fish and other aquatic life, developed by the U.S. Fish and Wildlife Service (Bovee, K.D. 1982. A guide to stream habitat analysis using the instream flow incremental methodology. Information Paper No. 12, U.S. Fish and Wildlife Service, FWS/OBS-82-26, Fort Collins, CO).

(11) "Instream Flow Requirement" means the amount of water required for aquatic and fish life, wildlife or fish and wildlife habitat. This requirement may be quantified as an amount of flow, such as in a stream or river, or a water surface elevation in a standing waterway.

(12) "Instream Water Right," as defined in ORS 537.332(2), means a water right held in trust by the Water Resources Department for the benefit of the people of the State of Oregon to maintain water in stream for public use. An instream water right does not require a diversion or any other means of physical control over the water.

(13) "Onflow Method" means a methodology to determine instream flow requirements for salmonid spawning areas based on the mean width, depth and velocity of water in a stream channel at one measure flow (Sams, R.E. and L.S. Pearson, 1963. A study to develop methods for determining spawning flows for anadromous salmonids. Unpublished report, Oregon Fish Commission, Portland, Oregon. 56 pp.).

(14) "Oregon Method" means a methodology to determine instream flow requirements for fish, developed by the OSGC (Thompson, K.E. 1972). Determining streamflows for fish life. pp. 31-50. In *Proceedings of the Instream Flow Requirement Workshop*, Pacific N.W. River Basins Commission, Portland, Ore.

(15) "OSGC" means Oregon State Game Commission (a predecessor to the Department).

(16) "Parks" means the Parks and Recreation Division of the Department of Transportation.

(17) "Public Use" as defined in ORS 537.332(4), includes but is not limited to:

(a) Recreation;

(b) Conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat and any other ecological values;

(c) Pollution abatement; or

(d) Navigation.

(18) "State Sensitive and State or Federally Listed Threatened or Endangered Species" means those species defined in ORS 496.004 and OAR 635-100-0001 and determined through ORS 496.172 through 496.176 or through the federal process.

(19) "Stream order" means a widely accepted system of classifying streams. First order streams have no tributaries and are often called headwater streams. When two first order streams meet they form a second order stream. the joining of two second order streams form a third order stream and so on. When two streams of the same order meet the next higher order is formed.

(20) "Waterway" means a stream, lake or place where water naturally occurs.

(21) "WRD" means the Water Resources Department.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496 & 537
Stats. Implemented: ORS 496 & 537
Hist.: FWC 110-1989, f. 10-24-89, cert. ef. 10-28-89

635-400-0015**Determination of Instream Flow Measurement Methodologies**

(1) Instream flow requirements requested in Department instream water right applications shall be based on the methodologies and standards in this section.

(2) Discussion of and guidelines for implementing the rules in this section are provided in the Oregon Department of Fish and Wildlife Guidelines for Instream Flow Methodologies (1989).

(3) Habitat requirements for conservation, maintenance or enhancement of fish and wildlife migration, spawning, nesting brooding, egg incubation, larval or juvenile development, juvenile and adult rearing and aquatic life shall all be considered when developing an instream flow requirement.

(4) Fish and wildlife species plans, basin and subbasin plans, management objectives, statutes, administrative rules and commission policies shall be used to assist in determining the required instream flows for conserving, maintaining or enhancing fish or wildlife habitat or populations.

(5) Instream flow requirements shall be defined by either month or half-month intervals, depending on the temporal duration of particular fish and wildlife life stages.

(6) The instream flow requirement shall be based on habitat criteria recommended by one of the following technical sources:

(a) IFIM habitat suitability curves published in a series of technical reports by the U.S. Fish and Wildlife Service;

(b) The Oregon Method;

(c) The Forest Service Method.

(7) An instream flow requirement shall be specified as a quantity of water or water surface elevation as determined by the methodologies in this section and dependent upon other habitat factors, fish or wildlife species plans, basin or subbasin plans, management objectives or other commission policies for the waterway.

(8)(a) The instream flow requirement for any specified period shall be no less than the highest instream flow or water surface elevation required by any of the fish or wildlife species of management interest during that period;

(b) Fish and wildlife species of management interest shall be determined by fish and wildlife species plans, basin and subbasin plans, management objectives, statutes, administrative rules and commission policies.

(9) Site-specific studies may be needed to determine flows necessary for flushing of sediment deposits, gravel recruitment, stimulating upstream migration of fish species, maintaining passage for fish migration or other specific requirements.

(10)(a) If hydrological estimates or gaging data can be obtained, the instream flow requirements shall be compared against the range of naturally occurring stream flows or water surface elevations;

(b) Instream flow requirements greater than 70 percent or less than 30 percent of the naturally occurring stream flows or water

surface elevations for any given time period shall be evaluated for appropriateness of the requirement in relation to naturally occurring stream flows or water surface elevations.

(11) An instream flow requirement shall be specific to a stream reach or a particular standing body of water:

(a) The length of stream reach shall be determined according to biological and hydrological factors;

(b) A stream reach shall extend from the upstream end to a downstream point where either:

(A) Species use of the stream changes;

(B) Streamflow diminishes by at least 30%; or

(C) Stream order changes.

(12) Whenever possible, actual measurements of stream flow or water surface elevation shall be made at or near the required instream flows or water surface elevations. Preferably these measurements shall be made at times when the waterway is occupied by the fish or wildlife life stages to be protected.

(13)(a) Instream flow requirements in the OSGC Environmental Basin Investigation Reports shall be used to apply for instream water rights for waterways listed in the reports;

(b) If the physical conditions of the waterway have changed since the instream flow requirements were established, such as construction of a dam, reservoir or major channel changes, one of the methods in section (14) of this rule shall be used to determine the instream flow requirements.

(14) The acceptable methodologies for determining new instream flow requirements for aquatic and fish life, wildlife and their habitats shall be the following:

(a) On large lower reaches of main stem rivers, instream flow requirements shall be determined through an IFIM study by an inter-agency interdisciplinary team drawn from specialists in hydrology, water quality, water resources planning, fish and wildlife biology, limnology, recreational planning and any other related field. Besides fish and wildlife biology, three or more of the above specialties may be represented on a team;

(b) On principal tributaries to main stem rivers, either the IFIM or the Oregon Method shall be used;

(c) On secondary tributaries to main stem rivers, either the IFIM, Oregon Method or the Oneflow Method may be used:

(A) The IFIM shall be used before the Oregon Method if Department resources are available;

(B) The Oneflow Method may be used only when there is not enough time to conduct the IFIM or Oregon Method. Optimum spawning discharge shall be estimated using this technique. Corresponding incubation, rearing and migration instream flows shall be based on OSGC or Department streamflow requirement conversion factors;

(C) Instream flow requirements estimated through use of the Oneflow Method and conversion factors shall be verified through measurement of actual streamflows during the next spawning season and next low flow rearing conditions.

(d) Minor tributaries are second or third order streams and may include headwater streams, minor direct tributaries to the ocean, estuaries or main stem rivers:

(A) Instream flow requirements may be determined by either direct measurement of flow or surface water elevation during each critical fish or wildlife life history stage or by IFIM, Oregon Method or Oneflow Method;

(B) Direct measurement may be used to determine lake, pond or wetland water surface elevations or volumes needed to maintain fish, wildlife or their habitats.

Stat. Auth.: ORS 496 & 537

Stats. Implemented: ORS 496 & 537

Hist.: FWC 110-1989, f. 10-24-89, cert. ef. 10-28-89

635-400-0020

Standards for Selection of Streams or Stream Reaches for Instream Water Right Applications

When applying for instream water rights the Department shall use the following resources and standards for prioritizing waterways:

(1) Fish and wildlife species plans, basin and subbasin plans, management objectives, statutes, administrative rules and Commission policies shall be used to determine the waterway priority for applying for instream water rights.

(2) Highest priority waterways for instream water right applications shall have one or more of the following conditions existing at the time of application:

(a) State or federal sensitive, threatened or endangered fish or wildlife species, or important populations of native resident or anadromous fish, as defined by fish species plans, basin and subbasin plans, management objectives, other Commission policies, statutes, administrative rules, treaties or other legal agreements;

(b) Important populations of native wildlife species, as defined by wildlife species plans, management objectives, other Commission policies, statutes, administrative rules, treaties or other legal agreements;

(c) Court, Legislature or Commission mandated priorities, including all protected areas as defined by the Northwest Power Planning Council's protected area designations as adopted in August 1988;

(d) State Scenic Waterways or Federal Wild and Scenic Rivers;

(e) One of the conditions in subsections (2)(a) through (d) of this rule exists and a potential threat to the fish or wildlife resource is identified, including the threat to aquatic and fish life, wildlife and fish and wildlife habitat by cumulative impacts from out-of-stream uses of water.

(3) An instream water right application may also be requested to conserve, maintain or enhance one or more of the following fish or wildlife habitats or functions of a waterway by protecting instream flows or water surface elevations that provide for:

(a) Passage of adult or juvenile fish;

(b) Access to important spawning or rearing areas;

(c) High quality critical rearing areas;

(d) Protection of incubating fish eggs and alevins;

(e) Flushing stream systems of sediment and for gravel transport and recruitment;

(f) Populations of aquatic organisms and other aquatic life to provide sufficient food for fish and wildlife;

(g) Breeding or wintering migratory bird habitat, furbearing mammal habitat, and other wildlife habitats;

(h) Maintenance of riparian and wetland habitats;

(i) Water quality for fish or wildlife, including, but not limited to, factors such as limiting or diluting sediment loads, maintaining correct water temperature and increasing dissolved oxygen levels;

(j) Protection of inflow to standing water and to maintain lake, wetland and other standing water surface elevations;

(k) Protection of habitat improvement investments and potential sites for habitat improvements;

(l) Special habitat features within and adjacent to the waterway which may be critical to fish or wildlife species life cycles;

(m) The fish and wildlife values for which a state Scenic Waterway of federal Wild and Scenic River was established.

(4) The Department shall conserve, maintain or enhance angling, hunting and nonconsumptive recreational uses of fish and wildlife by requesting instream water right applications through Parks (see OAR 635-400-0040).

Stat. Auth.: ORS 496 & 537

Stats. Implemented: ORS 496 & 537

Hist.: FWC 110-1989, f. 10-24-89, cert. ef. 10-28-89

635-400-0025

Responsibilities to WRD

The Department shall coordinate with WRD on prioritizing instream water rights for monitoring of flows:

(1) The Department shall coordinate with WRD Watermasters to develop monitoring plans for instream water rights. Monitoring plans may include:

(a) Locations and methods of instream flow measurement. The downstream end of each instream water right reach shall be considered the best flow measurement location, unless conditions do not allow measurement at this location;

(b) Use of volunteers and Department personnel to conduct monitoring;

(c) The frequency of monitoring;

(d) A system for reporting and enforcing violations of instream water rights.

(2) The Department shall work with WRD to revise the existing Memorandum of Understanding between the Department and WRD to include issues related to instream water rights, such as measuring, monitoring and enforcement of instream water rights.

Stat. Auth.: ORS 496 & 537
 Stats. Implemented: ORS 496 & 537
 Hist.: FWC 110-1989, f. 10-24-89, cert. ef. 10-28-89

635-400-0030**Internal Process for Instream Water Right Application**

(1) Instream water right requests shall be initiated by Department Field Operations staff or Fish, Wildlife or Habitat Conservation Division staff. The Commission, Director or Deputy Director, may also initiate instream water right requests:

(a) Department staff shall submit completed draft instream water right applications to the Department Instream Water Right Coordinator:

(A) Prior to sending the draft applications to the Department Instream Water Right Coordinator, the draft instream water right applications shall be reviewed within seven working days by the Department Regional Supervisor or Assistant Regional Supervisor for consistency with regional direction and other Commission policies. A response shall be sent within the same seven day time frame by the Department Regional Supervisor or Assistant Regional Supervisor to the Department person originating the request. The response shall either approve or deny the request for an instream water right application;

(B) Draft applications may be hand-written or typed, and shall contain all information required on the application, as set forth in OAR 690-077-0020;

(C) Information in the draft application shall follow the standards set out in OAR 635-400-0020;

(D) Draft instream water right applications submitted to the Department Instream Water Right Coordinator shall be based on the priorities set out in OAR 635-400-0020. However, a lower-priority waterway with readily available flow or water surface elevation information may be submitted before a higher-priority waterway having no available flow or water surface elevation information.

(b) Within 30 days the Department Instream Water Right Coordinator shall review the draft applications and send approved draft applications to Department Fish, Wildlife, and Habitat conservation Division representatives for review and to DEQ and Parks as set forth in OAR 690-077-0020(2):

(A) Draft applications needing more information or corrections prior to review by Department Divisions and Coordination with agencies may be sent back to the initiator of the application;

(B) Review and response by Department Divisions shall not exceed 30 days from the date the review was requested;

(C) Review by Department Divisions shall determine if the draft application conforms with Commission policy and program direction for the water way listed in the draft instream water right application;

(D) Any suggested change or correction to the draft application by the Department Divisions shall be reviewed by the Department Instream Water Right Coordinator and coordinated with the initiator of the draft application;

(E) Changes or corrections to the draft application suggested by DEQ and Parks through OAR 690-077-0020 shall be reviewed for consistency with Department rules, policy and available information. These suggested changes or corrections may be made if they are consistent with Department rules, policy and available information;

(F) DEQ or Parks, or both may incorporate the public uses for which they are responsible into a Department application for instream water rights in accordance with OAR 690-077-0020;

(G) The final application shall have all changes and corrections consistent with Department rules, policy, and information available.

(c) The final application shall be signed by the Director or the Director's designated representative:

(A) If DEQ or Parks, or both are combining their applications for an instream water right with the Department's application, the application must be signed by representatives of DEQ or Parks, or both;

(B) All completed signed applications on which the Department is the sole signatory shall be submitted immediately to the WRD for processing.

(d) If an application is returned by the WRD because of deficiencies in fulfilling requirements of OAR 690-077-0020, the Department Instream Water Rights Coordinator shall correct those deficiencies within the required time period or withdraw the application. A request may be made of the WRD for an extension to correct the deficiencies;

(e) The Department Habitat Conservation Division shall be responsible for monitoring the application through the application process:

(A) If a petition for review is received by the WRD, in accordance with OAR 690-077-0030, and the WRD Director determines that OAR 690-077-0030 is not satisfied, the Department Habitat Conservation Division shall work with the WRD and the petitioner to resolve the concerns:

(B) If an application is referred to the Water Resources Commission for review in accordance with OAR 690-077-0030, the Department Habitat Conservation Division shall work with the Water Resources Commission, the WRD and the petitioner to seek approval of the application:

(C) If the Water Resources Commission requires a public hearing (as set forth in OAR 690-077-0035), the Department shall become a party to the hearing and provide evidence to support approval of the application:

(D) In paragraphs (1)(e)(A)–(C) of this rule, the Department shall seek to have applications certified for the quantity of water needed to support the public uses applied for:

(E) Notwithstanding paragraphs (1)(e)(A)–(D) of this rule, the Department, at any time in the application process, any withdraw an application on which it is the sole signatory. If the Department is a co-applicant with Parks or DEQ or both, the Department may withdraw its portion of the application.

(2) The Department shall maintain a complete, up-to-date and accessible file of all instream water rights applications and certifications:

(a) Certified instream water rights shall be e recorded on the Department computerized database for water rights and on the Department habitat database;

(b) Copies of the certificates and pending applications shall be readily accessible to Department staff, other agencies and members of the public:

(A) Copies of the certificates shall be maintained in the Department Habitat Conservation Division on microfiche, the Department Engineering Section and the appropriate Department Fish or Wildlife District;

(B) The Department Habitat Conservation Division shall provide the appropriate Department Fish or Wildlife District, Region and Divisions with information regarding certification of recent instream water rights.

Stat. Auth.: ORS 496 & 537
 Stats. Implemented: ORS 496 & 537
 Hist.: FWC 110-1989, f. 10-24-89, cert. ef. 10-28-89

635-400-0035**Purchase, Lease, or Gift of Water Rights for Instream Water Rights**

The Department shall buy, lease, and accept as gifts water rights for the purpose of transferring the water right to an instream water right for the public uses and purposes set forth in OAR 635-400-0000 through 635-400-0035:

(1) Donors of gifts shall be recognized through a formal Commission process.

(2) Water rights that may be transferred to instream water rights shall be reviewed for potential benefits and adverse impacts to fish and wildlife or their habitats, angling, hunting, trapping or nonconsumptive uses of fish or wildlife:

(a) Standards set out in OAR 635-400-0020 shall apply to prioritize water rights that are to be bought or leased;

(b) Gifts of water rights shall be accepted regardless of priorities set out in OAR 635-400-0020, if the transfer does not harm fish or wildlife or their habitats, angling, hunting, trapping or nonconsumptive uses of fish or wildlife.

Stat. Auth.: ORS 496 & 537
 Stats. Implemented: ORS 496 & 537
 Hist.: FWC 110-1989, f. 10-24-89, cert. ef. 10-28-89

635-400-0037**Public Involvement**

Any individual, organization or public agency may request the Department apply for an instream water right on a waterway.

(1) The Department Instream Water Right Coordinator shall review the request with the appropriate Department District and

Region to determine the Department priority of the waterway request.

(2) If the request is determined to be for a high priority waterway, as defined by OAR 635-400-0002, the Department Instream Water Right Coordinator may apply for the instream water right, after determining the instream flow requirement in accordance with OAR 635-400-0015

Stat. Auth.: ORS 496 & 537

Stats. Implemented: ORS 496 & 537

Hist.: FWC 110-1989, f. 10-24-89, cert. ef. 10-28-89

635-400-0040

Review and Coordination of Instream Water Right Applications Submitted by Other Agencies

(1) Within 30 days of receipt, the Department Habitat Conservation Division shall review and return comments on all draft instream water right applications from other agencies, in accordance with OAR 690-077-0020, for potential adverse impacts or benefits to fish and wildlife populations or their habitats, angling, hunting, trapping and nonconsumptive uses of fish and wildlife:

(a) Every effort shall be made by the Department to resolve conflicts with draft applications, identified in section (1) of this rule, before the applications are submitted to WRD by other agencies;

(b) The Department Instream Water Right Coordinator shall track the WRD process for instream water right applications submitted by other agencies in which the Department has an interest.

(2) The following standards will be used to determine the level of Department participation in the application and certification process:

(a) The Department shall support and shall provide staff assistance, if needed, to the agency making an instream water right application if the following standards apply:

(A) State sensitive or state or federally listed threatened or endangered fish or wildlife or their habitats are involved;

(B) The requested instream water right is beneficial to conserving, maintaining or enhancing significant native fish and wildlife populations or habitat;

(C) The requested instream water right is beneficial to conserving, maintaining or enhancing Department fish and wildlife management objectives for commercial harvest, angling, hunting, trapping or nonconsumptive uses of fish or wildlife;

(D) Requested instream water right is in a state Scenic Waterway or federal Wild and Scenic River.

(b) The Department shall support but may elect not to provide staff assistance to an agency making application if the following standards apply:

(A) An adequate instream water right for fish and wildlife populations or their habitats already exists;

(B) The application is for a waterway that provides no identified benefits for fish or wildlife populations or their habitats;

(C) The application is for general recreation or esthetics;

(D) The waterway does not meet priorities and standards established in OAR 635-400-0020.

(c) The Department shall oppose draft instream water right applications submitted by agencies if such applications cause one or more of the following problems:

(A) Increased instream flows provided by storage are greater than the natural or traditional instream flows occurring during any time period and cause adverse impacts to fish and wildlife populations or habitats, commercial harvest, angling, hunting, trapping or nonconsumptive uses of fish and wildlife;

(B) Decreased lake or reservoir water surface elevations occur that are lower than the natural or traditional water surface elevations during any time period and cause losses to fish or wildlife populations or their habitats, commercial harvest, angling, hunting, trapping or nonconsumptive uses of fish and wildlife;

(C) Any proposed storage releases or reservoir filling schedules that are required to meet the instream water right and adversely affect Commission policies and program direction established for that waterway or other affected waterways.

Stat. Auth.: ORS 496 & 537

Stats. Implemented: ORS 496 & 537

Hist.: FWC 110-1989, f. 10-24-89, cert. ef. 10-28-89

DIVISION 405

STATE AGENCY COORDINATION PROGRAM

635-405-0000

Purpose

The purpose of these rules is to establish the procedures to be used by the Department in implementing the provisions of its State Agency Coordination Program, as required by ORS 197.180 and OAR 660, divisions 030 and 031. The State Agency Coordination program will assure that Department programs and actions determined to affect land use shall comply with the statewide planning goals and are compatible with acknowledged city and county comprehensive plans and land use regulations. It is not the intent of these rules to authorize local governments to prevent the Department from carrying out its statutory responsibility to manage wildlife and develop habitat protection standards.

Stat. Auth.: ORS 197 & 496

Stats. Implemented: ORS 197 & 496

Hist.: FWC 66-1990, f. & cert. ef. 6-27-90

635-405-0005

Definitions

For the purposes of OAR 635-405-0000 through 635-405-0045 only:

(1) "Acknowledged Comprehensive Plan" as defined in OAR 660-030-0005(1) and adopted herein means a comprehensive plan and land use regulations or plan or regulations amendment which comply with the goals as provided in ORS 197.251, 197.640 to 197.649, and 197.625.

(2) "Agency consistency with Comprehensive Plans" as defined in OAR 660-030-0005(7) and adopted herein has the same meaning as the term "compatibility" as provided in section (9) of this rule and OAR 660-030-0070.

(3) "Agency Coordination Program" as defined in OAR 660-030-0005(3) and adopted herein means the submittal made by a state agency to the DLCD pursuant to ORS 197.180(2)(a)–(d) and OAR 660, division 30.

(4) "Aquatic Habitat" means the waters which will support fish or other organisms which live in water. Aquatic habitat includes the adjacent land area and vegetation (i.e., riparian habitat) that provides shade, food, and/or protection for those organisms.

(5) "Big Game Range" means the geographic area occupied by deer, elk, cougar, black bear, mountain sheep, mountain goat, moose, silver gray squirrel, or antelope, often on a seasonal basis. Big game range consists of one or all of the following:

(a) "Summer Range" means a geographic area used by big game animals during the summer, usually at a higher elevation and generally covering a larger land area than winter range; and

(b) "Transitional Range or Travel Corridor" means a route or geographic area that is used by big game animals between summer and winter range, usually characterized as a band or belt of suitable vegetation and terrain that provides protective cover. Transitional range often overlaps both summer and winter range; and

(c) "Winter range" means a geographic area occupied by big game animals from late fall through early spring. Winter range is usually smaller in area and at lower elevations than summer range, and has vegetation and terrain that minimizes the effects of winter stress on big game animals.

(6) "Bird Habitat Site" means that portion of the territory of a bird species that is essential to survival and perpetuation of the species, either as individuals or as a population. "Territory," as used herein, means the total area used by an individual for feeding, reproduction, loafing, and/or rearing. Such sites include but are not limited to:

(a) Bald eagle nest sites;

(b) Heron rookeries;

(c) Band-tailed pigeon mineral springs;

(d) Osprey nest sites.

(7) "Certification" as defined in OAR 660-030-0005(4) and adopted herein means an order issued by LCDC which finds that a state agency's coordination program satisfies the requirements of ORS 197.180(2)(a)–(d) and OAR 660, division 030.

(8) "Commission" means the State Fish and Wildlife Commission.

(9) "Compatibility with Comprehensive Plans" as defined in OAR 660-030-0005(5) and adopted herein means that a state agency has taken actions pursuant to OAR 660-030-0070, including following procedures in its coordination program where certified, and there are no remaining land use conflicts between the adoption, amendment, or implementation of the agency's land use program and an acknowledged comprehensive plan.

(10) "Compliance with the Goals" as defined in OAR 660-030-0005(6) and adopted herein means that the state agency land use programs and actions must comply with the applicable requirements of the statewide planning goals as provided in OAR 660-030-0065.

(11) "Coordination" as defined in OAR 660-030-0005(8) and adopted herein means the needs of all levels of government, semi-public and private agencies, and the citizens of the State of Oregon have been considered and accommodated as much as possible.

(12) "County Coordinator" means the Department employee assigned to each county in Oregon who is responsible for coordinating the Department's land use activities with the county and its cities.

(13) "Department" means the Oregon Department of Fish and Wildlife.

(14) "Develop" means Department actions involving site identification and preparation, and the use, construction, improvement, and expansion of new or existing Department facilities.

(15) "Director" means the State Fish and Wildlife Director.

(16) "DLCD" means the Department of Land Conservation and Development.

(17) "Endangered Species" means:

(a) Any native wildlife species determined by the Commission to be in danger of extinction throughout any significant portion of its range within the state; or

(b) Any native wildlife species listed as an endangered species pursuant to the federal **Endangered Species Act of 1973** (PL 93-205, **16 USC § 1531**), as amended.

(18) "Facilities" means Department dwellings, offices, and other permanent structures or sites where Department administrative or program functions are performed or managed.

(19) "Fish" means all game fish as defined by ORS 496.009, food fish as defined by ORS 506.036, and aquatic shellfish which live or could live in the waters of this state, including mollusks, crustaceans, all freshwater and marine invertebrates, and all live eggs or larvae thereof, but not including aquaria species in aquaria.

(20) "Goal" means a philosophical statement and desirable direction of a Department program. Such goals may lead to agency policy and then to rules and operational plans for implementation.

(21) "Guideline" means a suggested direction or method.

(22) "Habitat" means a geographical area that can provide the environmental conditions suitable to perpetuate wildlife species or a population of such species.

(23) "Habitat Conservation Division Land Use Coordinator" means the Department employee responsible for coordinating statewide Department land use activities with the affected cities and counties.

(24) "LCDC" means the Land Conservation and Development Commission.

(25) "Manage" means to protect, preserve, propagate, promote, utilize, and control wildlife.

(26) "Management Plan" means a program of action designed to reach given objectives derived from Department policies or goals.

(27) "Objective" means a specific statement of planned results to be achieved by a predetermined date. Once achieved, such objectives represent measurable progress toward attainment of the broader goal.

(28) "Policy" means overall direction to embrace the goals and acceptable general procedures of the Department.

(29) "Riparian Habitat/Land" means land situated along the bank of a stream or other body of water characterized by vegetation and microclimate influenced by perennial and/or intermittent water associated with high water tables and soils which exhibit some wetness characteristics.

(30) "Rules and Programs Affecting Land Use" as defined in OAR 660-030-0005(2) and adopted herein means:

(a) A state agency's rules and programs (hereinafter referred to as "land use programs") which are:

(A) Specifically referenced in the statewide planning goals; or

(B) Reasonably expected to have significant effects on:

(i) Resources, objectives or areas identified in the statewide planning goals; or

(ii) Present or future land uses identified in acknowledged comprehensive plans.

(b) Do not include state agency rules and programs, including any specific activities or functions which occur under the rules and programs listed in paragraph (31)(a)(A) of this rule, if:

(A) An applicable statute, constitutional provision or appellate court decision expressly exempts the requirement of compliance with the statewide goals and compatibility with acknowledged comprehensive plans; or

(B) The rule, program, or activity is not reasonably expected to have a significant effect on:

(i) Resources, objectives, or areas identified in the statewide goals; or

(ii) Present or future land uses identified in acknowledged comprehensive plans; or

(C) A state agency transfers or acquires ownership or an interest in real property without making any change in the use or area of the property. Action concurrent with or subsequent to a change of ownership that will affect land use or the area of the property is subject to either the statewide goals or applicable city or county land use regulations.

(c) A final determination of whether or not an agency rule or program affects land use will be made by LCDC pursuant to ORS 197.180 and OAR 660, division 030.

(31) "SAC" means State Agency Coordination.

(32) "Sensitive" refers to wildlife species, subspecies, or populations that are subject to a decline in number of sufficient magnitude to qualify their listing as Threatened due to loss in quantity or quality of habitat or other factors.

(33) "Standard" means a specific level of attainment.

(34) "Statewide Planning Goals" means the mandatory statewide planning standards adopted by LCDC pursuant to ORS 197.005 to 197.860.

(35) "Threatened Species" means:

(a) Any native wildlife species the Commission determines is likely to become an endangered species within the foreseeable future throughout any significant portion of its range within this state; or

(b) Any native wildlife species listed as a threatened species pursuant to the federal **Endangered Species Act of 1973** (PL 92-205, **16 USC § 1531**), as amended.

(36) "Waters of This State" means all waters over which the State of Oregon has jurisdiction or joint or other jurisdiction with any other state or government, including waters of the Pacific Ocean and all bays, inlets, and ponds, lakes, rivers and streams within or forming the boundaries of this state, but not including waters in aquaria or in isolation facilities approved by the Department.

(37) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(38) "Wildlife" means fish, wild birds, amphibians, reptiles, and wild mammals.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 197 & 496

Stats. Implemented: ORS 197 & 496

Hist.: FWC 66-1990, f. & cert. ef. 6-27-90

635-405-0010

Applicability

(1) The provisions of OAR 635-405-0000 through 635-405-0045 shall apply to actions taken by the Department when considering amendments to existing programs described in section(3) of this rule.

(2) The provisions of OAR 635-405-0000 through 635-405-0045 shall apply to the Department programs and actions described below, and to any other programs or actions subsequently determined to have a significant effect on land use pursuant to ORS 197.180 and OAR 660-030-0075.

(3) The provisions of OAR 635-405-0000 through 635-405-0045 shall apply to the following Department programs and actions:

(a) Issuing permits for:

(A) Private salmon hatcheries;

(B) In-water explosives or harmful substances.

(b) Development of new, or improvement or expansion of existing Department facilities;

(c) Feeding wildlife during the winter on private or non-federal public lands;

(d) Applicable Department programs and actions to comply with Statewide Planning Goal 19 — Ocean Resources. Specifically:

- (A) Goal 19, Implementation Requirement 1;
- (B) Goal 19, Implementation Requirement 2.a.i;
- (C) Goal 19, Implementation Requirement 2.a.ii;
- (D) Goal 19, Implementation Requirement 2.b.

Stat. Auth.: ORS 197 & 496

Stats. Implemented: ORS 197 & 496

Hist.: FWC 66-1990, f. & cert. ef. 6-27-90

635-405-0015

Compliance with the Statewide Planning Goals and Compatibility with Acknowledged Comprehensive Plans and Land Use Regulations

Prior to undertaking any action or program listed in OAR 635-405-0010, the Department shall find that the program or action complies with the statewide planning goals and is compatible with applicable acknowledged comprehensive plans and land use regulations. The Department shall make its goal compliance and plan compatibility findings in accordance with OAR 635-405-0000 through 635-405-0045 and other applicable rules, and the Department's certified state agency coordination program, which is hereby adopted by reference.

Stat. Auth.: ORS 197 & 496

Stats. Implemented: ORS 197 & 496

Hist.: FWC 66-1990, f. & cert. ef. 6-27-90

635-405-0020

Compliance with the Statewide Planning Goals

(1) The Department shall attempt to achieve goal compliance whenever possible by taking actions that are compatible with the acknowledged comprehensive plans of the applicable local governing body.

(2) An action within a "land use program" of the Department is considered to be in compliance when such action is compatible with the acknowledged comprehensive plan and land use regulations of the applicable local governing body.

(3) The Department will achieve compliance by acting compatibly with applicable acknowledged comprehensive plans; however, should a situation arise which requires direct goal findings pursuant to OAR 660-030-0065(3), the Department shall adhere to the following procedure:

(a) Confirm that a situation exists pursuant to OAR 660-030-0065(3) requiring the Department to adopt findings of compliance with one or more of the statewide planning goals;

(b) Identify the specific statewide planning goal(s) or goal requirements the Department must address;

(c) Consult directly with the affected jurisdiction(s);

(d) Request interpretive guidance from the DLCD and the Attorney General's office;

(e) Rely on any relevant Goal interpretations for state agencies adopted by the LCDC under OAR 660;

(f) Adopt any necessary findings to assure compliance with the statewide planning goals.

Stat. Auth.: ORS 197 & 496

Stats. Implemented: ORS 197 & 496

Hist.: FWC 66-1990, f. & cert. ef. 6-27-90

635-405-0025

Compatibility with Acknowledged Comprehensive Plans and Land Use Regulations

The following procedure is intended to assure that a Department program or action determined to affect land use is compatible with the acknowledged comprehensive plans and land use regulations of the applicable local governing body:

(1) Except where it is necessary for the Department to adopt findings for compliance with the statewide planning goals, the Department shall achieve goal compliance by acting compatibly with acknowledged comprehensive plans and land use regulations. To make the necessary determinations of compatibility for a Department project or action affecting land use, the Department shall rely on the following two procedures:

(a) A copy of the local land use permit or equivalent documentation from the applicable local governing body or its designee that the proposed project or action has received land use approval; or

(b) A letter or some other form of verification from the applicable local governing body or its designee stating that the proposed project or action is permitted under the jurisdiction's comprehensive plan but does not require specific land use approval.

(2) Upon receipt of an application for a private salmon hatchery permit, the Department will apply procedures pursuant to OAR 635-040-0009(4) and (5).

(3) An applicant seeking approval from the Department to place explosives or harmful substances in waters of this state pursuant to ORS 509.140 shall provide information to this Department assuring the project's compliance with the statewide planning goals and compatibility with the applicable acknowledged comprehensive plan(s) and land use regulations. Such information shall be submitted in a manner established by the Department and shall include a written declaration by the applicant acknowledging that:

(a) Department approval of the project is not a finding of compliance with the statewide planning goals and compatibility with the applicable comprehensive plan; and

(b) The applicant has or shall obtain land use approval or determination of compatibility from the applicable local governing body.

(4) When siting or conducting expansion of a Department facility, the Department will apply procedures pursuant to OAR 635-405-0025(1).

(5) When siting winter wildlife-feeding activities on private or non-federal public lands, the Department will apply procedures pursuant to OAR 635-405-0025(1).

Stat. Auth.: ORS 197 & 496

Stats. Implemented: ORS 197 & 496

Hist.: FWC 66-1990, f. & cert. ef. 6-27-90

635-405-0030

Dispute Resolution

(1) The Department shall attempt to resolve all disputes regarding land use issues by direct contact with the applicable local governing body(ies). Whenever possible, Department efforts to avoid and resolve potential land use conflicts concerning a specific use or action shall be conducted prior to and through local government land proceedings. These efforts may include Department participation in pre-application meetings and conflict mediation activities, and provision of technical information and assistance to project applicants as well as the applicable local governing body(ies).

(2) In the event the Department and an applicable local governing body do not agree that a Department program or action, or local governing body action is compatible with the applicable acknowledged comprehensive plan(s) and land use regulations, the Department will attempt to resolve the dispute through the following procedures:

(a) Department staff, where appropriate, may request meetings with planning staff or other representatives of the local government to discuss:

(A) The ways in which the proposed Department program or action can be made compatible with the jurisdiction's comprehensive plan and land use regulations, including possible modification of the proposed program or action, while achieving the Department's desired results;

(B) Existing or possible Department alternative actions, including withdrawal of the proposal.

(b) When determined to be necessary by the Department, local denials of Department requests for land use approvals or compatibility determinations may be pursued through appropriate appeals processes.

(c) Where appropriate, the statutory plan amendment and periodic review processes shall be used to obtain local land use approvals for a program or action proposed by the Department which affects land use.

(d) If the dispute is not resolved through subsections (2)(a)–(c) of this rule, the Department may request informal mediation or a compatibility determination from the LCDC in accordance with OAR 660-030-0070.

Stat. Auth.: ORS 197 & 496

Stats. Implemented: ORS 197 & 496

Hist.: FWC 66-1990, f. & cert. ef. 6-27-90

635-405-0035**Compliance and Compatibility of New or Amended Land Use Programs**

(1) LCDC certification of the Department's SAC Program signifies that the Department has fulfilled its statutory state agency coordination responsibilities. The Department shall implement the following procedures to assure that new Department programs and any amendments to existing Department programs identified in OAR 635-405-0010 shall conform to the Department's certified SAC Program and the requirements in ORS 197.180 and OAR 660, division 030.

(2) The Department shall not amend its certified state agency coordination program, adopt new programs, or amend existing programs identified in OAR 635-405-0010 without notifying the DLCD in accordance with OAR 660-030-0075.

(3) Such notice to adopt or amend a program or regulation as described in section (2) of this rule shall be provided to the DLCD in writing not less than 45 days before Department adoption is scheduled to occur.

(4) The notice provided to DLCD shall demonstrate that the proposed new adoption or amendment:

- (a) Does not affect land use; or
- (b) Affects land use and goal compliance and comprehensive plan compatibility shall be assured through adherence to existing procedures in the Department's certified SAC Program; or
- (c) Affects land use, but is not covered by regulations and procedures in the Department's certified SAC program. In this case, the notice shall include an explanation of how the Department shall assure goal compliance and comprehensive plan compatibility in accordance with the applicable provisions of OAR 660-030-0075.

Stat. Auth.: ORS 197 & 496

Stats. Implemented: ORS 197 & 496

Hist.: FWC 66-1990, f. & cert. ef. 6-27-90

635-405-0040**Coordination with Affected State and Federal Agencies and Special Districts**

The Department Habitat Conservation Division Land Use Coordinator or other appropriate Department employees shall coordinate with affected state and federal agencies and special districts to discuss wildlife habitat inventory and habitat protection and management standards. The information and assistance provided may include, but is not limited to:

(1) Delineation (i.e., boundaries and locations) of significant wildlife habitat, such as:

- (a) Big game ranges;
 - (b) Bird habitat sites;
 - (c) Threatened and endangered habitat as defined in OAR 635-100-0100 to 635-100-0130;
 - (d) Riparian habitat/land;
 - (e) Wetlands;
 - (f) Aquatic habitat;
 - (g) Sensitive species habitat;
 - (h) Other significant wildlife habitats not listed above.
- (2) Estimated wildlife population levels whenever data is available.

(3) Identification of conflicting uses and an analysis of the consequences of such conflicting uses on identified fish and wildlife habitat as required by city and county comprehensive plans and land use regulations and to comply with the statewide planning goals.

(4) Wildlife habitat protection and management standards including but not limited to:

- (a) Dwelling density criteria;
- (b) Setback buffers from wildlife habitat resource sites;
- (c) Types of and timing restrictions on activities conflicting with wildlife uses;
- (d) Instream flows or lake levels;
- (e) Structures compatible with wildlife uses;
- (5) Educational and informational materials to promote public awareness and involvement in protection of wildlife habitat; and
- (6) Estimated monetary values of wildlife whenever this information is available.

Stat. Auth.: ORS 197 & 496

Stats. Implemented: ORS 197 & 496

Hist.: FWC 66-1990, f. & cert. ef. 6-27-90

635-405-0045**Cooperation and Technical Assistance to Local Governments**

Subject to statutory limitations, the Department may provide technical assistance and information to local governments through its County Coordinators as availability and resources permit. This effort may include Department participation in pre-application meetings, and provision of technical information and assistance to project applicants as well as the affected local governments. Technical assistance and information provided by the Department shall be for the purpose of implementing Department programs and activities affecting land use and wildlife habitat protection programs under its jurisdiction during Periodic Review, plan updates, plan amendments or implementation actions of acknowledged comprehensive plans pursuant to OAR 635-405-0040 and the Department's State Agency Coordination Program. This Section is not intended to preclude or prevent local governments from seeking fish and wildlife-related technical assistance from other state and federal agencies or the private sector.

Stat. Auth.: ORS 197 & 496

Stats. Implemented: ORS 197 & 496

Hist.: FWC 66-1990, f. & cert. ef. 6-27-90

DIVISION 410**NATURAL RESOURCE LOSSES****635-410-0000****Authority of the Department of Fish and Wildlife**

ORS 468B.060 provides the Oregon Department of Fish and Wildlife with authority to seek damages in a court of competent jurisdiction for the value of fish and wildlife injured or killed as the result of pollution or violation of the condition of any permit, and for all costs of restoring fish and wildlife production in affected areas. In addition, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) provides for recovery of damages to natural resources by the federal government and/or state governments. OAR 635-410-0000 through 635-410-0035 describe how the Department shall investigate, document and assess the value of natural resource losses pursuant to its authority under state and federal law. Nothing in these rules, however, shall preclude assessment of losses according to formulas set forth in CERCLA regulations.

Stat. Auth.: ORS 468B.060, 496.138, 496.146, 496.750, 506.119 & 506.720

Stats. Implemented: ORS 468B.060, 496.138, 496.146, 496.750, 506.119 & 506.720

Hist.: FWC 126-1991, f. 10-23-91, cert. ef. 11-1-91; DFW 10-1998, f. & cert. ef. 2-5-98

635-410-0005**Policy**

The Department shall:

(1) Promptly investigate natural resource losses to determine the cause and extent of damage to fish and wildlife and their habitat.

(2) Seek compensation from any persons responsible for the injury or destruction of fish, wildlife and habitat, and the costs of restoration of affected fish and wildlife production, including habitat restoration.

(3) Work cooperatively with other state and federal agencies to:

- (a) Eliminate sources of pollution or other environmental damage;

- (b) Prevent natural resource losses through educational efforts and through enforcement of antipollution and other environmental laws; and

- (c) Ensure that violations of antipollution and other environmental laws are pursued to the fullest extent of the law.

Stat. Auth.: ORS 468B.060, 496.138, 496.146, 496.750, 506.119 & 506.720

Stats. Implemented: ORS 468B.060, 496.138, 496.146, 496.750, 506.119 & 506.720

Hist.: FWC 126-1991, f. 10-23-91, cert. ef. 11-1-91; DFW 10-1998, f. & cert. ef. 2-5-98

635-410-0010**Definitions**

For the purposes of OAR 635-410-0000 through 635-410-0035:

(1) "Affected area" means the area or areas in which natural resources have been directly or indirectly affected.

(2) "Damages" means the amount of money sought by the Department in a court of competent jurisdiction for the value of fish and wildlife injured or destroyed, and for the cost of restoring fish and wildlife production, including habitat restoration.

(3) "Department" means the Oregon Department of Fish and Wildlife.

(4) "Fish and wildlife" means all fish, shellfish, intertidal animals, wild birds, amphibians, reptiles and wild mammals.

(5) "Fish kill" means injury or destruction of fish or their productivity, regardless of cause.

(6) "Natural resources" means land, fish, wildlife, biota, air or water.

(7) "Natural resource losses" means any injury or destruction of fish, wildlife or their habitat, when caused by pollution or violation of the condition of any permit.

(8) "Net economic value" means the sum of all net values for products and services associated with recreational and commercial uses of the affected natural resources, such as consumer surpluses and producer surpluses, plus the sum of all nonuse (or preservation) values, such as option and existence values.

(9) "Pollution" means any such alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state which will or tends to, either by itself or in connection with any other substance, create a public nuisance, or which will or tends to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wildlife, fish or other aquatic life or the habitat thereof.

Stat. Auth.: ORS 468B.060, 496.138, 496.146, 496.750, 506.119 & 506.720

Stats. Implemented: ORS 468B.060, 496.138, 496.146, 496.750, 506.119 & 506.720

Hist.: FWC 126-1991, f. 10-23-91, cert. ef. 11-1-91; DFW 10-1998, f. & cert. ef. 2-5-98

635-410-0015

Investigation Procedures

In investigating any natural resource loss, the Department shall use generally recognized and accepted scientific field, laboratory and analytical procedures to guide the field investigation of the natural resource loss, and specifically to:

(1) Analyze and determine the cause(s) of losses;

(2) Promptly respond to and mitigate losses;

(3) Determine habitat or fish and wildlife management measures that may be required to restore fish and wildlife production in affected areas;

(4) Determine violations of statute, rule or permits; and

(5) Inform Department staff, other agencies, the general public and news media on the extent, nature, and causes of natural resource losses.

Stat. Auth.: ORS 468B.060, 496.138, 496.146, 496.750, 506.119 & 506.720

Stats. Implemented: ORS 468B.060, 496.138, 496.146, 496.750, 506.119 & 506.720

Hist.: FWC 126-1991, f. 10-23-91, cert. ef. 11-1-91; DFW 10-1998, f. & cert. ef. 2-5-98

635-410-0020

Safety Policy

It is the policy of the Department that no person shall enter potentially contaminated areas without the use of protective clothing and equipment as required by Oregon law. All personnel shall observe recommended precautions when working in chemically contaminated areas, and shall comply with applicable rules and statutes of the Oregon Occupational Health and Safety Administration.

Stat. Auth.: ORS 468B.060, 496.138, 496.146, 496.750, 506.119 & 506.720

Stats. Implemented: ORS 468B.060, 496.138, 496.146, 496.750, 506.119 & 506.720

Hist.: FWC 126-1991, f. 10-23-91, cert. ef. 11-1-91; DFW 10-1998, f. & cert. ef. 2-5-98

635-410-0025

Unauthorized Collection of Samples

No person shall collect injured or dead fish or wildlife without the express written consent of the Department. Any unauthorized collection may be considered tampering with evidence in violation of ORS 162.295, and illegal possession of wildlife, pursuant to ORS 498.002.

Stat. Auth.: ORS 468B.060, 496.138, 496.146, 496.750, 506.119 & 506.720

Stats. Implemented: ORS 468B.060, 496.138, 496.146, 496.750, 506.119 & 506.720

Hist.: FWC 126-1991, f. 10-23-91, cert. ef. 11-1-91; DFW 10-1998, f. & cert. ef. 2-5-98

635-410-0030

Calculation of Numbers and Monetary Value of Fish and Wildlife, and Cost of Restoring Productivity Pursuant to ORS 468B.060

In calculating the number and monetary value of fish and wildlife injured or killed, as well as the cost of restoring productivity pursuant to ORS 468B.060, the Department shall use the following formula:

(1) Fish Kills: Number of Fish.

(a) If non-adult fish were injured or killed, the survival rate to the adult life stage, or catchable size in the case of game or food fish, for any given non-adult life stage shall be multiplied by the number of that life stage killed or injured to estimate adult equivalents.

(A) Survival rates specific to the population affected shall be used if information is available.

(B) Standard survival rates shall be assumed if no survival rates specific to the affected population are available.

(C) Standard survival rates (to catchable size) by life stage to be used for Pacific salmon, steelhead and resident trout species are provided as follows:

(i) Chinook — Redd Size Eggs 4,500; Eggs 0.01; 0 Fry <60 mm 0.02; 0+ Fry >60 mm 0.05; 1+ 0.20; 2+ 1.00;

(ii) Steelhead — Redd Size Eggs 3,300; Eggs 0.01; 0 Fry <60 mm 0.02; 0+ Fry >60 mm 0.06; 1+ 0.25; 2+ 1.00;

(iii) Coho — Redd Size Eggs 2,800; Eggs 0.01; 0 Fry <60 mm 0.02; 0+ Fry >60 mm 0.06; 1+ 0.25; 2+ 1.00;

(iv) Searun Cutthroat — Redd Size Eggs 1,750; Eggs 0.01; 0 Fry <60 mm 0.02; 0+ Fry >60 mm 0.08; 1+ 0.30; 2+ 1.00;

(v) Resident Trout 10-15 inches — Redd Size Eggs 1,400; Eggs 0.02; 0 Fry <60 mm 0.03; 0+ Fry >60 mm 0.09; 1+ 0.35; 2+ 1.00;

(vi) Resident Trout 5-10 inches — Redd Size Eggs 250; Eggs 0.03; 0 Fry <60 mm 0.06; 0+ Fry >60 mm 0.20; 1+ 0.70; 2+ 1.00.

(D) Standard survival rates (to catchable size) by life stage to be used for common warmwater game fish species are provided as follows:

(i) Bass — Eggs (nest size assumed to be 5,000 eggs) 0.005; 0 Fry (Hatched) 0.020; 0+ Fry (Autumn) 0.15; 1+ 0.50; 2+ 1.00; 3+ 1.00;

(ii) Other — Eggs (nest size assumed to be 5,000 eggs) 0.002; 0 Fry (Hatched) 0.008; 0+ Fry (Autumn) 0.08; 1+ 0.25; 2+ 0.50; 3+ 1.00.

(E) If the number of fish injured or killed in a juvenile life stage cannot be estimated effectively because of difficulty in observing or collecting dead and injured fish, the adult equivalent of that life stage shall be estimated as the greater of the number of harvestable (legal-sized) fish killed or injured, or the adult equivalent population of that life stage estimated for a comparable freshwater area.

(b) If the fish loss or associated habitat damage may reduce production of future generations, the loss of adults in subsequent generations prior to full restoration or recovery of adult production through artificial or natural means shall be estimated.

(c) The adult loss for each species shall be determined as the sum of actual adult losses, plus adult equivalents of non-adult life stages, plus loss of adults in subsequent generations.

(2) Fish Kills: Value of Fish. After calculating numbers lost as provided in 635-410-0030(1), the Department shall determine for each species the greatest value, after comparing values calculated by using each of the following methods (if applicable):

(a) Multiply the monetary value provided for any species identified in ORS 496.705(2)(a) through (k), by the adult loss.

(b) Multiply the monetary value provided for any food fish species identified in ORS 506.720 by the adult loss.

(c) Multiply the adult loss for any species otherwise protected by the wildlife laws (and not specifically provided for in ORS 496.705 or ORS 506.720 or the laws of the United States) by \$25.

(d) Determine the replacement cost for fish or wildlife species not specifically identified in ORS 496.705 or ORS 506.720 by using appropriate scientific, governmental or commercial information on costs of fish and wildlife propagation (e.g., the values from American Fisheries Society Monetary Values of Fish or vendor price lists). This cost shall be adjusted for inflation from the date of publication or documentation of the information used. The replacement cost shall include all administrative costs of the Department in direct support of the replacement or restocking effort.

(e) If hatchery replacement of an affected species is inappropriate pursuant to any applicable statute or rule, estimate all expected costs to the Department of obtaining, transporting and successfully introduc-

ing replacement wild stock. This estimate shall include administrative costs in direct support of the replacement effort.

(f) Estimate the reduction in net economic value associated with the affected fish and wildlife species from appropriate published or documented sources (e.g., agency reports or scientific publications), taking into account commercial, recreational, nonuse and other values associated with the resource. This estimate shall be adjusted for inflation from the date of publication or documentation of the information used.

Stat. Auth.: ORS 468B.060, 496.138, 496.146, 496.750, 506.119 & 506.720
Stats. Implemented: ORS 468B.060, 496.705 & 506.720
Hist.: FWC 126-1991, f. 10-23-91, cert. ef. 11-1-91; DFW 10-1998, f. & cert. ef. 2-5-98

635-410-0035

Damage Assessment Procedure

(1) The Department may seek recovery in damages for natural resource losses pursuant to CERCLA, either in lieu of or in addition to any recovery authorized by ORS 468B.060.

(2) Pursuant to ORS 468B.060, the Department shall pursue recovery in the form of damages or, where desirable, in-kind compensation. The Department shall claim the full value of fish or wildlife injured or destroyed and, where applicable, the cost of restoring production in affected areas, including but not limited to habitat restoration.

(3) Before initiating suit for damages in any court of competent jurisdiction, the Department shall serve a letter by registered or certified mail upon the responsible party demanding compensation for the value of the fish or wildlife injured or destroyed and the cost of restoring production in affected areas, including but not limited to habitat restoration.

(4) If after 60 days from the date of mailing the responsible party fails or refuses to pay, the Department may seek recovery in a court of competent jurisdiction.

(5) Any sums collected shall first be made available for habitat or population restoration work in the affected region.

(6) In-kind compensation, in the form of habitat restoration or other actions beneficial to restoration of fish or wildlife production, may be acceptable to the Department, provided that, at a minimum:

(a) The services are commensurate in value with the monetary value of the compensation claim;

(b) The form of in-kind compensation is acceptable to both the Department's Habitat Conservation Division and the appropriate Regional Office.

Stat. Auth.: ORS 468B.060, 496.138, 496.146, 496.750, 506.119 & 506.720
Stats. Implemented: ORS 468B.060, 496.138, 496.146, 496.750, 506.119 & 506.720
Hist.: FWC 126-1991, f. 10-23-91, cert. ef. 11-1-91; DFW 10-1998, f. & cert. ef. 2-5-98

DIVISION 412

FISH PASSAGE

635-412-0005

Definitions

(1) For the purposes of OAR 635-412-0010 through 635-412-0040 the following definitions shall apply.

(2) "Active channel width" means the stream width between the ordinary high water lines, or at the channel bankfull elevation if the ordinary high water lines are indeterminate.

(3) "Artificial obstruction" means any dam, diversion, dike, berm, levee, tide or flood gate, road, culvert or other human-made device placed in the waters of this state that precludes or prevents the migration of native migratory fish.

(4) "Attraction flow" means the flow that emanates from or near a fishway entrance in sufficient quantity, velocity, and location to attract upstream migrants into the fishway, which can consist of gravity flow from the fish ladder and auxiliary water system flow added in or near the lower ladder.

(5) "Bankfull elevation" means the point on a stream bank at which overflow into a floodplain begins.

(6) "Bed" or "bed and banks" means the physical container of the waters of this state, bounded on freshwater bodies by the ordinary high water line or bankfull stage, and on bays and estuaries by the limits of the highest measured tide.

(7) "Channel" means a waterway that periodically or continuously contains moving waters of this state and has a definite bed and banks that serve to confine the water.

(8) "Commission" means the Oregon Fish and Wildlife Commission.

(9) "Construction" means:

(a) Original construction;

(b) Major replacement, which includes:

(A) for dams and diversions, excavation or replacement of 30 percent by structure volume of the dam, including periodic or seasonal replacements, unless:

(i) Only checkboards are replaced; or

(ii) Fish passage approval has already been obtained in writing from the Department for expected replacement.

(B) For tide gates and flood gates:

(i) Cumulative replacement of over 50 percent of the gate material; or

(ii) Cumulative removal, fill, replacement, or addition of over 50 percent of the structure supporting the gate, excluding road-stream crossing structures.

(C) For dikes, berms, levees, roads, or other artificial obstructions that segment estuaries, floodplains, or wetlands:

(i) Activities defined under OAR 635-412-0005(9)(d) in all locations where current channels cross the artificial obstruction segmenting the estuary, floodplain, or wetland; or

(ii) The cumulative removal, fill, replacement, or addition of over 50 percent by volume of the existing material directly above an historic channel or historically-inundated area; and

(D) For other artificial obstructions, the cumulative removal, fill, replacement, or addition of over 50 percent of the structure comprising the artificial obstruction to native migratory fish migration;

(c) Structural modifications that increase storage or diversion capacity; or

(d) For purposes of culverts, installation or replacement of a roadbed or culvert, further defined as:

(A) Roadbed installation or replacement at culverts includes any activity that:

(i) Creates a road which crosses a channel;

(ii) Widens a roadfill footprint within a channel; or

(iii) Fills or removes over 50 percent by volume of the existing roadbed material directly above a culvert, except when this volume is exclusively composed of the top 1 foot of roadbed material.

(B) Culvert installation or replacement includes any activity that:

(i) Installs or constructs a new culvert, overflow pipe, apron, or wingwall within a channel;

(ii) Extends existing culverts, aprons, or wingwalls within a channel, except one-time placements of culvert ends which do not extend greater than 1 foot beyond the adjacent road footprint in place prior to August 2001;

(iii) Cumulatively through time makes significant repairs or patches to over 50 percent of the linear length of a culvert;

(iv) Replaces any part of a culvert, except ends which become misaligned or eroded and which are replaced to their original configuration;

(v) At any point along the linear length of a culvert, reduces the entire inside perimeter of the culvert; or

(vi) Makes replacements, repairs, patches, or modifications to an existing culvert that are different than the original configuration and which reduce any level of fish passage for native migratory fish with current access, as determined by the Department, to the culvert.

(10) "Dam" means a structure, or group of structures with different functions, spanning or partially-spanning a stream in one location in order to pool water, facilitate the diversion of water, or raise the water surface elevation.

(11) "Department" means the Oregon Department of Fish and Wildlife.

(12) "Director" means the Director of the Oregon Department of Fish and Wildlife.

(13) "Design streamflow range" means the range of flows within a stream, bracketed by the Low Fish Passage Design Flow and the High Fish Passage Design Flow, for which a fishway shall provide fish passage.

(14) "Emergency" means unforeseen circumstances materially related to or affected by an artificial obstruction that, because of

adverse impacts to a population of native migratory fish, requires immediate action.

(15) "Estuary" means a body of water semi-enclosed by land and connected with the open ocean within which salt water is usually diluted by fresh water derived from the land. "Estuary" includes all estuarine waters, tidelands, tidal marshes and submerged lands extending upstream to the head of tidewater. However, for the purposes of these rules, the Columbia River Estuary extends to the western edge of Puget Island.

(16) "Exclusion barrier" means a structure placed that prevents fish passage for the benefit of native migratory fish.

(17) "Experimental fish passage structure" means a fish passage structure based on new ideas, new technology, or unique, site-specific conditions determined by the Department to not be covered by existing fish passage criteria but to have a reasonable possibility of providing fish passage.

(18) "Fish passage" means the ability, by the weakest native migratory fish and life history stages determined by the Department to require passage at the site, to move volitionally, with minimal stress, and without physical or physiological injury upstream and downstream of an artificial obstruction.

(19) "Fish passage structure" means any human-built structure that allows fish passage past an artificial obstruction, including, but not limited to, fishways and road-stream crossing structures such as culverts and bridges.

(20) "Fishway" means the set of human-built and/or operated facilities, structures, devices, and measures that together constitute, are critical to the success of, and were created for the sole purpose of providing upstream fish passage at artificial or natural obstructions which create a discontinuity between upstream and downstream water or bed surface elevations.

(21) "Fishway entrance" means the component of a fishway that discharges attraction flow into the tailrace and where upstream migrant fish enter the fishway.

(22) "Fishway pools" means discrete sections within a fishway separated by overflow weirs or non-overflow walls that create incremental water surface elevation gains and dissipate energy.

(23) "Floodplain" means that portion of a river valley, adjacent to the channel, which is built of sediments deposited during the present regimen of the stream and which is covered with water when the waterway overflows its banks at flood stage.

(24) "Forebay" means the water impounded immediately upstream of an artificial obstruction.

(25) "Fundamental change in permit status" means a change in regulatory approval for the operation of an artificial obstruction where the regulatory agency has discretion to impose additional conditions on the applicant, including but not limited to licensing, relicensing, reauthorization or the granting of new water rights, but not including water right transfers or routine maintenance permits unless they involve construction or abandonment of an artificial obstruction.

(26) "High fish passage design flow" means the mean daily average stream discharge that is exceeded 5 percent of the time during the period when the Department determines that native migratory fish require fish passage.

(27) "Historically" means prior to 1859 (statehood).

(28) "Inflow" means surface movement of waters of this state from a lower ground surface elevation to a higher ground surface elevation or away from the ocean.

(29) "In-proximity" means within the same watershed or water basin, as defined by the Oregon Water Resources Department, and having the highest likelihood of benefiting the native migratory fish populations, as defined by the Oregon Department of Fish and Wildlife, directly affected by an artificial obstruction.

(30) "Low fish passage design flow" means the mean daily average stream discharge that is exceeded 95 percent of the time, excluding days with no flow, during the period when the Department determines that native migratory fish require fish passage.

(31) "Mitigation" means alternatives to providing fish passage at an artificial obstruction as per ORS 509.585.

(32) "Native migratory fish" means native fish (as defined under OAR 635-007-0501) that migrate for their life cycle needs. These fish include all sub-species and life history patterns of the following species listed by scientific name in use as of 2005. Common names are pro-

vided for reference but are not intended to be a complete listing of common names, sub-species, or life history patterns for each species.

- (a) *Acipenser medirostris* — Green Sturgeon;
- (b) *Acipenser transmontanus* — White Sturgeon;
- (c) *Amphistichus rhodotus* — Redtail surfperch;
- (d) *Catostomus columbianus* — Bridgelip sucker;
- (e) *Catostomus luxatus*/*Deltistes luxatus* — Lost River sucker;
- (f) *Catostomus macrocheilus* — Largescale sucker;
- (g) *Catostomus microps* — Modoc sucker;
- (h) *Catostomus occidentalis* — Goose Lake sucker;
- (i) *Catostomus platyrhynchus* — Mountain sucker;
- (j) *Catostomus rimiculus* — Klamath smallscale sucker;
- (k) *Catostomus snyderi* — Klamath largescale sucker;
- (l) *Catostomus tahoensis* — Tahoe sucker;
- (m) *Catostomus warnerensis* — Warner sucker;
- (n) *Chasmistes brevirostris* — Shortnose sucker;
- (o) *Hypomesus pretiosus* — Surf smelt;
- (p) *Lampetra ayresi* — River lamprey;
- (q) *Lampetra lethophaga* — Pit-Klamath lamprey;
- (r) *Lampetra minima* — Miller Lake lamprey;
- (s) *Lampetra similes* — Klamath River lamprey;
- (t) *Lampetra tridentata* — Pacific lamprey;
- (u) *Oncorhynchus clarki* — Coastal, Lahontan and West Slope

cutthroat trout;

- (v) *Oncorhynchus keta* — Chum salmon;
- (w) *Oncorhynchus kisutch* — Coho salmon;
- (x) *Oncorhynchus mykiss* — Steelhead, Rainbow and Redband

trout;

- (y) *Oncorhynchus nerka* — Sockeye/Kokanee salmon;
- (z) *Oncorhynchus tshawytscha* — Chinook salmon;
- (aa) *Prosopium williamsoni* — Mountain whitefish;
- (bb) *Ptychocheilus oregonensis* — Northern pikeminnow;
- (cc) *Ptychocheilus umpqua* — Umpqua pikeminnow;
- (dd) *Salvelinus confluentus* — Bull trout;
- (ee) *Spirinchus thaleichthys* — Longfin smelt;
- (ff) *Thaleichthys pacificus* — Eulachon.

(33) "Net benefit" means an increase in the overall, in-proximity habitat quality or quantity that is biologically likely to lead to an increased number of native migratory fish after a development action and any subsequent mitigation measures have been completed.

(34) "Ordinary high water line" (OHWL) means the line on the bank or shore to which the high water ordinarily rises annually in season.

NOTE: see OAR 141-085-0010 for physical characteristics that can be used to determine the OHWL in the field.

(35) "Oregon Plan" means the guidance statement and framework described in ORS 541.405.

(36) "Over-crowding" means fish density within a pool's wetted volume is such that there is less than 0.25 cubic feet of water per pound of fish for the maximum number of fish expected to be present within the pool at the same time, as determined by the Department.

(37) "Road" means a cleared or built surface, and associated materials or measures for support and safety, used for the purpose of motorized or non-motorized movement between different locations.

(38) "Roadfill footprint" means the area occupied by soil, aggregate, and/or other materials or structures necessary to support a road, including, but not limited to, appurtenant features such as wing walls, retaining walls, or headwalls.

(39) "Stream" means a body of running waters of this state moving over the surface of the land in a channel or bed including stream types classified as perennial or intermittent and channelized or relocated streams.

(40) "Sub-basin" means a 4th-field hydrologic unit as defined by the U.S. Geological Survey.

(41) "Tailrace" means the water immediately downstream of an instream structure.

(42) "Temporary" means in place less than the in-water work period defined by the Department for a particular location.

(43) "Trap" means the set of human-built and/or operated facilities, structures, devices, and measures that hold fish and prevent them from passing volitionally.

(44) "Unforeseen circumstances" means:

(a) An event that causes an existing human-made structure in the waters of the state which provides fish passage to become an artificial obstruction; or

(b) New fish population information indicating that an existing artificial obstruction is placing a local native migratory fish population in jeopardy.

(45) "Volitionally" means with minimal delay and without being trapped, transferred, or handled by any person, unless specifically allowed under OAR 635-412-0035(6).

(46) "Waters of this state" means natural waterways including all tidal and non-tidal bays, intermittent and perennial streams, constantly flowing streams, lakes, wetlands and other bodies of water in this state, navigable and non-navigable, including that portion of the Pacific Ocean that is within the boundaries of Oregon.

(47) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Stat. Auth.: ORS 496.138

Stats. Implemented: ORS 509.580, 509.585, 509.610 & 509.625

Hist.: DFW 2-2006, f. & cert. ef. 1-9-06

635-412-0010

Fish Passage Task Force

(1) The Director shall appoint nine members to constitute the Fish Passage Task Force.

(2) Three members shall represent interests subject to the obligation to install passage at facilities they install, own or operate; three members shall represent fishing, environmental or conservation interests, and three members shall represent the general public.

(3) Members shall serve four year terms, and shall be eligible for reappointment to the task force, except that the initial designation of members shall appoint members of each interest group to a three year, four year or five year term to establish a staggered system of new appointments for each interest group's members.

(4) The Task Force shall:

(a) Serve as the public advisory committee and advise the Director and Commission regarding rulemaking to implement the fish passage and waiver requirements;

(b) Prioritize projects from the statewide inventory of artificial dams and obstructions for purposes of enforcement;

(c) Recommend to the Director and Commission appropriate levels of funding and special conditions applicable to projects installing passage or alternatives to passage resulting in a net benefit to native migratory fish;

(d) Select one of its members to serve as chair and one as vice chair of the Task Force;

(e) Review and recommend to the Commission which projects should be exempt, and changes to the list of projects exempt from passage requirements under section 8 of Section 2 of HB 3002 (2001);

(f) Report semiannually to the joint legislative committee created under ORS 171.551, or to the appropriate interim legislative committee with responsibility for salmon restoration or species recovery, advising the committee on matters related to fish passage;

(g) Review applications for waivers of the fish passage requirement, and advise the Commission as to whether alternative measures result in a net benefit to native migratory fish;

(h) Perform such other duties relating to fish passage as requested by the Director or Commission;

(i) The task force shall meet at such times and places as may be determined by the chair or by a majority of members of the task force.

(5) The Department's Fish Passage Coordinator shall serve as staff for the task force.

(6) The chair of the Task Force shall conduct the meetings of the task force, serve as the main contact point between the Department and Commission and the Task Force and perform such other duties as the Task Force shall set. The vice chair of the task force shall serve as chair if the chair is unavailable to carry out the duties of chair.

(7) Members of the Task Force may not receive compensation for services as a member of the Task Force; however, in accordance with ORS 292.495, a member of the Task Force may receive reimbursement for actual and necessary travel or other expenses incurred in the performance of official duties.

Stat. Auth.: HB 3002

Stats. Implemented: HB 3002

Hist.: DFW 10-2002, f. & cert. ef. 2-4-02

635-412-0015

Prioritization

(1) The Department shall establish for enforcement purposes a list of priority artificial obstructions at which fish passage would provide the greatest benefit to native migratory fish.

(2) The priority list shall be based on the needs of native migratory fish.

(a) The prioritization shall consider the following factors relative to each artificial obstruction for all native migratory fish currently or historically present at the artificial obstruction:

(A) The quantity of native migratory fish habitat which is inaccessible;

(B) The quality of native migratory fish habitat which is inaccessible;

(C) Unique or limited native migratory fish habitat which is inaccessible, or should remain inaccessible for fish management purposes;

(D) The biological status of the native migratory fish;

(E) The level of fish passage currently provided at the artificial obstruction;

(F) The presence of other artificial obstructions upstream and downstream and the timeframe native migratory fish will be able to utilize restored passage; and

(G) Existing agreements with the Department regarding fish passage.

(b) The prioritization may utilize existing Department information or professional judgment in the absence of information specific to a given site.

(c) The priority list shall contain one artificial obstruction per Oregon sub-basin, which shall be ranked across the state.

(d) The Department shall field verify the information used for prioritization prior to enforcement actions.

(e) The Department shall re-evaluate the priority list with the most recent information after enforcement occurs at five priority artificial obstructions or as directed by the Commission.

(3) The Commission shall review, approve, or amend the priority list after the initial priority list is developed, when the Department re-prioritizes, and no less frequently than once every five years.

(4) Once the Commission has approved the priority list, the Department may order a person owning or operating an artificial obstruction on the priority list who has been issued a water right, owns a lawfully installed culvert or owns another lawfully installed obstruction to install fish passage or to provide mitigation if:

(a) The Department can arrange for non-owner or non-operator funding of at least 60 percent of the cost for fish passage design, construction, and installation; and

(b) The artificial obstruction is ranked in the top ten for the state or highest within a Department Region on the priority list.

(5) Once the Department has arranged for non-owner or non-operator funding of at least 60 percent of the cost for fish passage design, construction, and installation at an artificial obstruction the owner or operator has two years to:

(a) Install a fish passage structure according to a fish passage plan approved by the Department; or

(b) Provide mitigation that the Commission determines is a net benefit to native migratory fish.

Stat. Auth.: ORS 496.138

Stats. Implemented: ORS 509.585 & 509.625

Hist.: DFW 2-2006, f. & cert. ef. 1-9-06

635-412-0020

Fish Passage Approval

(1) No person shall construct or maintain any artificial obstruction across any waters of this state that are inhabited, or were historically inhabited, by native migratory fish without providing passage for native migratory fish.

(2) Prior to construction, fundamental change in permit status or abandonment of an artificial obstruction in any waters of this state, a person owning or operating an artificial obstruction shall obtain a determination from the Department as to whether native migratory fish are or were historically present in the waters, unless the owner or operator assumes the presence of native migratory fish.

(3) If the Department determines, or the owner or operator assumes, that native migratory fish are or were historically present in the waters, prior to construction, fundamental change in permit status,

or abandonment of the artificial obstruction the person owning or operating the artificial obstruction shall either:

(a) Obtain from the Department an approval determination of a fish passage plan that meets the requirements of OAR 635-412-0035 for the specific artificial obstruction.

(b) Obtain from the Department a programmatic approval of a fish passage plan for multiple artificial obstructions of the same type. The Department may also grant programmatic approval to an agent for multiple owners or operators of artificial obstructions of the same type. Programmatic approvals are only valid so long as the owner or operator complies with the conditions of the programmatic approval. The Department shall only provide programmatic approval if:

(A) Fish passage structures placed under the programmatic approval meet criteria determined by the Department;

(B) The owner, operator, or agent demonstrates to the Department prior experience providing or approving acceptable fish passage structures;

(C) The owner, operator, or agent reports installation information annually to the Department, including but not limited to the location and installation date of all fish passage structures placed under the programmatic approval;

(D) The owner or operator allows, or the agent requires owners or operators to allow, the Department to inspect fish passage structures placed under the programmatic approval at reasonable times; and

(E) The owner, operator, or agent agrees to expeditiously remedy all fish passage structures placed under the programmatic approval which the Department finds do not meet the criteria or conditions of the programmatic approval.

(c) Pursuant to ORS 527.710(6), install and maintain road-stream crossing structures on non-federal forestlands in compliance with State Board of Forestry, through the Oregon Department of Forestry, rules and guidelines. These rules and guidelines require concurrence by the Oregon Department of Fish and Wildlife that they meet the purposes of the Department's fish passage program;

(d) Obtain a waiver from fish passage requirements for the artificial obstruction as provided in OAR 635-412-0025; or

(e) Obtain an exemption from fish passage requirements for the artificial obstruction as provided in OAR 635-412-0025.

(4) Fish passage plans shall provide for and be implemented such that fish passage is installed at the artificial obstruction prior to completion of or by the end of the same in-water work period as the action which triggered fish passage requirements under subsection (2), unless:

(a) An owner or operator demonstrates to the Department an imminent or immediate threat to human safety which requires construction at a failed artificial obstruction prior to being able to complete the requirements of subsection (3), and the Department approves a fish passage plan in which the requirements of subsection (3) shall be met by the end of the next in-water work period or as soon as practicable. Providing passage at the time of construction is preferred;

(b) The Commission finds that additional time is necessary and appropriate given the size and scope of the project;

(c) Installation begins within this period and the Department finds that additional time to complete installation is necessary and appropriate given the size and scope of the project; or

(d) The Department finds that additional time is necessary and appropriate as part of the terms and conditions of a negotiated settlement for a federal proceeding, or in coordination with other federal requirements.

Stat. Auth.: ORS 496.138

Stats. Implemented: ORS 509.585 & 509.645

Hist.: DFW 23-2003, f. & cert. ef. 3-26-03; DFW 2-2006, f. & cert. ef. 1-9-06

635-412-0025

Fish Passage Waivers and Exemptions

(1) Waivers from fish passage requirements shall be granted for an artificial obstruction if the Commission (or Department, as applicable) determines that mitigation rather than fish passage proposed by the person owning or operating the artificial obstruction provides a net benefit to native migratory fish.

(2) Net benefit to native migratory fish is determined by comparing the benefit to native migratory fish that would occur if the artificial obstruction had fish passage to the benefit to native migratory fish that would occur using the proposed mitigation. To qualify for a waiver of the requirement to install fish passage, mitigation shall result in a ben-

efit to fish greater than that provided by the artificial obstruction with fish passage. The net benefit to fish determination shall be based upon conditions that exist at the time of comparison.

(3) Waivers shall be valid so long as the owner or operator continues to provide the agreed-upon mitigation measures and until the waived artificial obstruction undergoes further construction, a fundamental change in permit status, or abandonment.

(4) The Commission (or Department as applicable) may grant exemptions from fish passage requirements at an artificial obstruction if it is determined that:

(a) A lack of fish passage has been effectively mitigated;

(b) The owner or operator has received a legal waiver for the artificial obstruction from the Commission or the Department; or

(c) There is no appreciable benefit to providing fish passage.

(5) For exemptions granted under subsection (4)(a) and (4)(b), the exemption continues only so long as the original benefit of the mitigation is maintained.

(6) The Commission shall review, at least once every seven years, exempt artificial obstructions that do not have exemption expiration date to determine whether the exemption should continue. The Commission may revoke or amend an exemption if it finds that circumstances have changed such that the basis for the exemption no longer applies. An exemption granted as a result of an action which triggered fish passage requirements under OAR 635-412-0020(2) tolls the trigger event until the exemption is revoked.

(7) To obtain a waiver or an exemption from fish passage requirements, an owner or operator of an artificial obstruction shall obtain from and submit to the Department an application for the waiver or exemption.

(8) Based on application review, verification and site-specific knowledge, Department staff shall provide a written benefit analysis of whether the waiver request meets the requirements of subsection (1) or the exemption request meets the requirements of subsections (4) and (5). If there is some level of fish passage at the artificial obstruction, but it does not meet the requirements of OAR 635-412-0035, that passage shall be factored into the Department's net benefit analysis, allowing a reduction in required mitigation.

(9) To receive a waiver, or an exemption under subsection (4)(a), an owner or operator of an artificial obstruction shall enter an agreement with the Commission (or Department as applicable) that clearly describes timelines, duties, responsibilities, and options regarding the mitigation. The agreement shall state that the mitigation shall be completed prior to completion of or by the end of the same in-water work period as the action which triggered fish passage requirements under OAR 635-412-0020(2), unless the Commission finds that additional time is necessary and appropriate:

(a) Given the size and scope of the project; or

(b) To coordinate with requirements of federal proceedings.

(10) Once the application, analysis, and a draft agreement are completed, a decision on whether the waiver or exemption shall be granted shall be made by:

(a) The Department:

(A) If it determines that the total stream distance, including tributaries, affected by the artificial obstruction for which the waiver or exemption is being sought is less than or equal to 1 mile to a natural barrier;

(B) If the request is for an exemption under subsection (4)(a) or (4)(b); or

(C) For re-authorization of an existing hydroelectric project subject to ORS 543A.030 to 543A.055 and not subject to federal hydroelectric relicensing; and

(b) The Commission:

(A) In all other instances; or

(B) If the Department refers a decision to the Commission; or

(C) If the owner or operator files a protest of the Department's determination to the Commission.

(11) The decision to grant a waiver or exemption shall include the determination described in subsection (1) or (4) as well as approval of the agreement required in subsection (9).

(12) In addition to the Fish Passage Task Force as prescribed in OAR 635-412-0010(4)(e) and (g), the Department shall notify local watershed council(s), local soil and water conservation district(s), identified stakeholders, and others who have expressed an interest in fish passage issues or the specific waiver or exemption request and

provide an opportunity to comment on the request at least three weeks prior to a decision on whether the waiver or exemption should be granted.

(13) The Commission (or Department, as applicable) may require further public comment prior to a decision on whether a waiver or exemption should be granted.

(14) The Department shall maintain a database of the locations of waived and exempted artificial obstructions and mitigation.

Stat. Auth.: ORS 496.138

Stats. Implemented: ORS 509.585 & 509.645

Hist.: DFW 23-2003, f. & cert. ef. 3-26-03; DFW 2-2006, f. & cert. ef. 1-9-06

635-412-0030

Fish Passage Protests

(1) A person owning or operating an artificial obstruction may request alternative dispute resolution at any point in the process of determining fish passage requirements.

(2) The owner or operator of the artificial obstruction who objects to a determination made by the Department under these rules may file a protest with the Commission. Protests must be submitted in writing within 30 days of receipt of a written determination from the Department and must include the grounds for protesting the Department's determination.

(3) The Commission may approve, deny, or modify the Department's determination after sufficient opportunity for public review and comment.

(4) If a protest is not filed within 30 days of receipt of a written determination from the Department, the Department's determination shall become a final order.

Stat. Auth.: ORS 496.138

Stats. Implemented: ORS 509.585 & 509.645

Hist.: DFW 23-2003, f. & cert. ef. 3-26-03; DFW 112-2004, f. & cert. ef. 11-17-04

635-412-0035

Fish Passage Criteria

(1) General requirements for fish passage are:

(a) Unless the owner or operator of an artificial obstruction chooses to provide year-round fish passage for all native migratory fish and life history stages, the Department shall determine:

(A) Native migratory fish currently or historically present at the site which require fish passage;

(B) Life history stages which require fish passage; and

(C) Dates of the year and/or conditions when passage shall be provided for the life history stages and native migratory fish.

(b) The person submitting the fish passage plan to the Department for approval shall submit all information necessary to efficiently evaluate whether the design will meet fish passage criteria;

(c) If site-specific circumstances indicate that the fish passage criteria are not adequate to provide fish passage, the Department may require in writing that additional fish passage criteria be met;

(d) If native migratory fish- or site-specific circumstances warrant it, the Department may provide an exception to any specific fish passage criterion if the Department determines in writing that fish passage shall still be provided;

(e) All fish passage structures shall be designed to take into consideration their upstream and downstream connection and prevent undesirable impacts to fish passage, including but not limited to scour and headcuts;

(f) If joint state and federal approval is required, the Department shall take into account federal requirements during approval;

(g) Primarily at sites with little existing site information or questionable design solutions, the Department may require monitoring and reporting to determine if a fish passage structure meets applicable criteria and/or is providing fish passage; and

(h) The person owning or operating an artificial obstruction shall maintain the fish passage structure in such repair and operation as to provide fish passage of native migratory fish at all times required by the Department.

(2) Requirements for fish passage at dams and other artificial obstructions which create a discontinuity between upstream and downstream water surface or streambed elevations are:

(a) Fishways shall provide fish passage at all flows within the design streamflow range;

(b) The fishway entrance shall be located and adequate attraction flow shall be provided at one or more points where fish can easily locate and enter the fishway;

(c) Fishway water velocities shall:

(A) Range between 1 and 2 feet per second in transport channels;

(B) Average no greater than 5 feet per second in baffled-chute fishways, including but not limited to Alaska steeppasses and denils; and

(C) Not exceed 8 feet per second in discrete fishway transitions between the fishway entrance, pools, and exit through which fish must swim to move upstream, including but not limited to slots, orifices, or weir crests.

(d) At any point entering, within, or exiting the fishway where fish are required to jump to move upstream, the maximum difference between the upstream and downstream water surface elevations shall be 6 inches, except it shall be 12 inches if only salmon or steelhead adults require fish passage;

(e) In fishway locations through which fish must swim, water depths shall be a minimum of 6 inches where only juveniles require passage and 12 inches where adults require passage, except:

(A) Baffled-chute fishways, including but not limited to Alaska steeppasses and denils, shall have a minimum flow depth of 2 feet throughout the length of the fishway; and

(B) Water depths shall be a minimum of 2 feet within jump pools which shall be located downstream of any point entering, within, or exiting the fishway where fish are required to jump to move upstream.

(f) All fishway locations through which fish must swim shall be at least 12 inches wide;

(g) Fishway pools shall:

(A) Be sized according to the native migratory fish and life history stages requiring passage and to avoid over-crowding;

(B) Have $V \geq wQH/4$ at all flows within the design streamflow range, where:

(i) "V" is the water volume in cubic feet;

(ii) "w" is 62.4, the unit weight of water, in pounds per cubic foot;

(iii) "Q" is the fish ladder flow in cubic feet per second;

(iv) "H" is the energy head of pool-to-pool flow in feet; and

(v) 4 has a unit of foot-pounds per second per cubic foot.

(C) Where the fishway bends 90 degrees or more, have turning pools with a flowpath centerline double the length of non-turning pools; and

(D) Be placed at least every 25 feet of horizontal distance in baffled-chute fishways, including but not limited to Alaska steeppasses and denils;

(h) The fishway exit should be located to minimize the risk of fish unintentionally falling downstream of the artificial obstruction;

(i) Fishway trash racks shall:

(A) Allow for easy maintenance and debris removal;

(B) Have a minimum clear space between vertical members of 9 inches, except:

(i) 10 inches shall be provided if adult chinook are present; and

(ii) At least 4 inches shall be provided if only juveniles are present; and

(C) Have a minimum clear space between horizontal members of 12 inches;

(j) The fishway shall:

(A) Have water temperatures which are within 1 degree Fahrenheit of the water entering the fishway;

(B) Be designed to assure that fish do not leap out of the fishway;

(C) Have all edges and fasteners which fish may contact ground smooth or chamfered;

(D) Not have protrusions extend into the flow path of the fishway;

(E) Have as much ambient lighting as possible;

(F) Have fishway components which are not detailed in OAR 635-412-0035(2), including but not limited to auxiliary water systems, designed considering the most recent National Marine Fisheries Service or U.S. Fish and Wildlife Service fish passage criteria and guidelines; and

(G) Meet the species-specific requirements in OAR 635-412-0035(7) if any of those native migratory fish require fish passage.

(k) Requirements for specific types of fishways include:

(A) Baffled-chute fishways, including but not limited to Alaska steeppasses and denils, shall not be used in areas where downstream passage will occur through the baffled-chute fishway;

(B) All fishways of a specific type with accepted configurations shall comply with those configurations; and

(C) Fish passage plans for stream channel-spanning weirs, roughened channels (including but not limited to nature-like, rock, or engineered-stream fishways), and hybrid fishways (including but not limited to pool-and-chute ladders) which may combine criteria elements of natural streams and/or established fishway types (including but not limited to pool-and-weir, vertical slot, and baffled-chute fishways) shall clearly demonstrate how water depths, water velocities, water drops, jump pools, structure sizing, and fish injury precautions shall provide fish passage.

(I) For downstream fish passage:

NOTE: fish screening and bypass requirements for diverted water are separate from these requirements.

(A) Fish passage structures shall have an open water surface, except a submerged or enclosed conduit or orifice may be utilized if:

(i) Acceptable guidance or collection mechanisms are used and kept free from debris;

(ii) Water depth is greater than 4 inches during all flows;

(iii) Water velocity is greater than 2 feet per second during all flows;

(iv) Water is not pumped;

(v) Conduits have smooth surfaces and avoid rapid changes in direction to preclude fish impact and injury; and

(vi) Conduits are at least 10 inches wide.

(B) Plunging flow moving past an artificial obstruction via spillways, outlet pipes, or some other means which may contain fish shall:

(i) At all flows, fall into a receiving pool of sufficient depth, depending on impact velocity and quantity of flow, to ensure that fish and flow shall not impact the stream bottom or other solid features; and

(ii) Have a maximum impact velocity into a receiving pool, including vertical and horizontal velocity components, less than 25 feet per second; and

(C) Water depth over spillways shall be greater than 4 inches during all flows.

(3) Requirements for fish passage at road-stream crossing structures such as bridges and culverts are:

(a) Stream Simulation Option:

(A) Open-bottomed and closed-bottom road-stream crossing structures shall have beds under or within the structure that:

(i) Are equal to or greater than the active channel width, as measured at sufficient locations outside the influence of any artificial or unique channel constrictions or tributaries both upstream and downstream of the site;

(ii) Are equal to the slope of, and at elevations continuous with, the surrounding long-channel streambed profile, unless the Department approves maintaining a pre-existing road-impounded wetland;

(iii) Have, for open-bottomed road-stream crossing structures, a minimum of 3 feet vertical clearance from the active channel width elevation to the inside top of the structure;

(iv) Maintain average water depth and velocities that simulate those in the surrounding stream channel; and

(v) Are composed of material that:

(I) Assures the bed under or within the road-stream crossing structure is maintained through time;

(II) Is either natural (similar size and composition as the surrounding stream) or supplemented to address site-specific needs including, but not limited to, bed retention and hydraulic shadow;

(III) Contains partially-buried, over-sized rock if the road-stream crossing structure is greater than 40 feet in length;

(IV) Is mechanically placed during structure installation rather than allowed to naturally accumulate, unless the surrounding streambed is primarily bedrock; and

(V) Excluding partially-buried over-sized rock, is, for closed-bottom road-stream crossing structures, at a minimum depth of 20 percent of the structure height and a maximum depth of 50 percent of the structure height; and

(B) Trash racks shall not extend below the active channel width elevation and shall have a minimum of 9 inches clear spacing between vertical members; or

(b) Alternative Option: the Department may approve road-stream crossing structures for which clear justification is provided, based on fish performance and/or fish behavior data and hydraulic conditions, that the alternative design shall provide fish passage.

(4) Requirements for fish passage at artificial obstructions in estuaries, and above which a stream is present, are:

(a) Fish passage shall be provided at all current and historic channels;

(b) Fish passage structures shall meet the criteria of OAR 635-412-0035(2) or (3), except fish passage structures shall be sized according to the cumulative flows or active channel widths, respectively, of all streams entering the estuary above the artificial obstruction; and

(c) Tide gates and associated fish passage structures shall be a minimum of 4 feet wide and shall meet the requirements of OAR 635-412-0035(2) within the design streamflow range and for an average of at least 51% of tidal cycles, excluding periods when the channel is not passable under natural conditions.

(5) Requirements for fish passage at artificial obstructions in estuaries, floodplains, and wetlands, and above which no stream is present, are:

(a) Downstream Fish Passage:

(A) Downstream fish passage shall be provided after inflow which may contain native migratory fish;

(B) Downstream fish passage shall be provided until water has drained from the estuary, floodplain, or wetland, or through the period determined by the Department which shall be based on one, or a combination of, the following:

(i) A specific date;

(ii) Water temperature, as measured at a location or locations determined by the Department;

(iii) Ground surface elevation;

(iv) Water surface elevation; and/or

(v) Some other reasonable measure.

(C) Egress delays may be approved by the Department based on expected inflow frequency if there is suitable habitat and as long as passage is provided by the time the conditions in OAR 635-412-0035(5)(a)(B) occur;

(D) A minimum egress flow of 0.25 cubic feet per second (cfs) at one point of egress shall be provided;

(E) Egress flow of 0.5 cfs per 10 surface acres, for at least the first 100 surface acres of impounded water, shall be provided;

(F) All plunging egress flows shall meet the requirements of OAR 635-412-0035(2)(I)(B);

(G) If egress flow is provided by a pump, it shall be appropriately screened;

(H) The minimum water depth and width through or across the point of egress shall be 4 inches;

(I) The ground surface above the artificial obstruction shall be sloped toward the point(s) of egress to eliminate isolated pools; and

(J) An uninterrupted, open connection with a minimum water depth of 4 inches shall be present from the point of egress to the downstream waters of this state, unless another connection is provided as per OAR 635-412-0035(2)(I)(A).

(b) Upstream Fish Passage: a fishway or road-stream crossing structure with or without a tide gate shall be provided during the period determined by the Department if there is current or historic native migratory fish spawning or rearing habitat within the estuary, floodplain, or wetland area impounded by the artificial obstruction.

(6) Requirements for fish passage at traps are:

(a) A collection permit issued by the Department is required to operate all traps;

(b) Traps shall be constructed to prevent physical or physiological injury to native migratory fish;

(c) Traps shall meet all requirements of OAR 635-412-0035(2)(g);

(d) Traps located within a fishway (i.e., "in-ladder" traps) shall not inhibit native migratory fish from entering the fishway or trap and shall be removed if the Department determines that fish are not entering the trap;

(e) Native migratory fish shall be processed through traps with minimal possible delay and as frequently as necessary to avoid overcrowding;

(f) All native migratory fish, excluding those which have approved take authorization from the Department and which do not require fish passage as per OAR 635-412-0035(1)(a), shall be returned to the stream by one of the following methods:

(A) Movement from the trap to immediately-adjacent water which has fish passage; or

(B) Transport within a watered container, including but not limited to lifts, hoppers, locks, and trucks, from the trap to a location approved by the Commission.

(7) Additional requirements for specific native migratory fish are:

(a) *Acipenser* species (sturgeon):

(A) The fish passage structure shall not require fish to jump when entering, within, or exiting the structure;

(B) The fish passage structure, including trash racks, shall be sized to accommodate the largest individual expected to require fish passage; and

(C) Non-volitional transport within a watered container shall be allowed with Department approval.

(b) *Catostomus* and *Chasmistes* species (suckers):

(A) The fish passage structure shall not require fish to jump when entering, within, or exiting the structure;

(B) Fishways shall have a maximum water velocity of 4 feet per second;

(C) Fishways shall have a minimum water depth of 12 inches;

(D) Fishways shall maximize downstream flow between pools to avoid back eddies;

(E) Fishways shall have curved walls within turning pools; and

(F) Fishways shall have a slope less than 4 percent.

(c) *Lampetra* species (lamprey):

(A) Fishways shall not have overhanging surfaces;

(B) Fishways shall have rounded or chamfered edge surfaces over which *Lampetra* species may pass;

(C) Fishways shall, in locations with water velocities greater than 2 feet per second, have a passage route that:

(i) Has a smooth, impermeable, uninterrupted surface or a simulated streambed;

(ii) Has water velocities over the structure's surface less than 8 feet per second; and

(iii) Is wetted.

(d) *Oncorhynchus* species (trout and salmon): fish passage structures for *Oncorhynchus keta* (chum) shall not require fish to jump when entering, within, or exiting the structure.

(e) *Ptychocheilus* species (pikeminnow): fish passage structures shall meet the requirements of OAR 635-412-0035(7)(a).

(f) If more than one native migratory fish species requires passage at a site and the requirements for the different species are mutually exclusive, the Department shall determine passage criteria.

(8) Requirements for artificial obstruction removal are:

(a) Artificial obstruction removals shall follow the requirements of OAR 635-412-0035(10);

(b) If not completely removed, no parts of the remaining artificial obstruction shall:

(A) Constrict the stream channel; or

(B) Cause low flow depths less than the surrounding stream channel.

(c) After an artificial obstruction is removed the stream channel shall be restored; and

(d) The stream channel restoration shall address impacts to stream habitat caused by the artificial obstruction while in place and by its removal, including but not limited to upstream and downstream channel degradation, and provisions shall be made to address unexpected fish passage issues resulting from removal.

(9) Requirements for exclusion barriers are:

(a) Exclusion barriers shall only be placed in the following situations, when fish passage is not required or is provided by other means:

(A) To guide fish to an approved fish passage structure or trap;

(B) To prevent fish from leaving waters of this state and entering human-made water supply conduits;

(C) To prevent fish from entering waters of this state associated with operations of another artificial obstruction that could lead to fish injury; or

(D) To achieve other fish management objectives approved in writing by the Department; and

(b) Exclusion barriers shall comply with National Marine Fisheries Service or U.S. Fish and Wildlife Service criteria.

(10) Requirements for fish passage during construction of fish passage structures and periods when temporary artificial obstructions are in place are:

(a) All fish passage structures shall be constructed and temporary artificial obstructions shall be in place only during the site-specific in-water work period defined or approved by the Department;

(b) At times indicated by the Department as per OAR 635-412-0035(1)(a), downstream fish passage shall be provided and:

(A) The outfall of a stream flow bypass system shall be placed to provide safe reentry of fish into the stream channel; and

(B) If downstream fish passage during construction is not required and stream flow is pumped around the site, the site shall meet Department screening and/or bypass requirements.

(c) At times indicated by the Department as per OAR 635-412-0035(1)(a), upstream fish passage shall be provided and shall be based on the wetted-width or flows of the stream during the period of construction or temporary obstruction;

(d) In-stream construction sites shall be isolated from stream flow and fish;

(e) Prior to in-stream construction activities, all fish shall be safely collected, removed from the construction site or de-watered reach, and placed in the flowing stream by an authorized person with a collection permit issued by the Department; and

(f) After construction, the construction site shall be re-watered in a manner to prevent loss of downstream surface water as the construction site's streambed absorbs water.

(11) Requirements for experimental fish passage structures are:

(a) Experimental fish passage structures shall only be allowed in waters of the state after:

(A) Laboratory testing with native migratory fish or similar species indicates that the structure is feasible to provide fish passage;

(B) Field testing with a prototype structure, at a location where existing fish passage will not be compromised and where fish passage does not need to be addressed under OAR 635-412-0020(2) and (3), indicates that the structure is likely to provide fish passage; and

(C) In addition to information needed to evaluate the structure's design for the specific location, the following are submitted to the Department and approved:

(i) A written summary of the laboratory and field testing and how the results indicate that fish passage shall be provided;

(ii) A monitoring and reporting plan to determine if the installed experimental fish passage structure meets applicable design objectives and is providing fish passage; and

(iii) A modification plan for the experimental fish passage structure if monitoring indicates that fish passage is not being provided, including standard thresholds that will initiate these modifications.

(b) If at any time an experimental fish passage structure is deemed by the Department in writing to not provide fish passage, the owner or operator, in consultation with the Department, shall make such modifications to the structure or operation as are necessary to provide fish passage, and, after a reasonable period, if modifications are deemed by the Department in writing to not provide fish passage, a fish passage structure that meets the standard criteria of OAR 635-412-0035 shall be installed as soon as practicable but no later than the end of the next complete in-water work period after notification by the Department;

(c) The owner or operator of an experimental fish passage structure shall allow the Department to inspect experimental fish passage structures at reasonable times;

(d) Five years after the experimental fish passage structure is installed and fish are present to attempt passage a final monitoring report shall be submitted to the Department and the Department shall determine if the experimental fish passage structure provides fish passage;

(e) If the Department determines that the experimental fish passage structure does not provide fish passage, a fish passage structure that meets the standard criteria of OAR 635-412-0035 shall be installed as soon as practicable but no later than the end of the next complete in-water work period after notification by the Department; and

(f) After three experimental fish passage structures of the same design concept are placed in waters of the state and deemed to provide

fish passage by the Department, the experimental fish passage structure shall no longer be considered experimental.

Stat. Auth.: ORS 496.138

Stats. Implemented: ORS 509.585 & 509.610

Hist.: DFW 2-2006, f. & cert. ef. 1-9-06

635-412-0040

Mitigation Criteria

(1) Mitigation shall not be allowed for artificial obstructions located in, or which would prevent access to, "Habitat Category 1" habitat for native migratory fish as described in OAR 635-415-0025(1).

(2) Mitigation options include:

(a) Providing fish passage at another pre-existing artificial obstruction which is not required to address fish passage under OAR 635-412-0015 or 635-412-0020;

(b) Restoration or enhancement of native migratory fish habitat;

(c) Fish management measures to directly increase naturally-producing, wild, native migratory fish populations; and

(d) Other actions specifically approved by the Commission.

(3) Mitigation shall not include any activity that is a requirement or condition of any other agreement, law, permit, or authorization except if it is also for fish passage mitigation of the same action at the artificial obstruction for a different level of government.

(4) Unless a fish passage waiver for a site has already been obtained and mitigation has been provided, mitigation activities shall not be completed prior to a decision regarding a fish passage waiver.

(5) The Department shall approve final mitigation designs in writing prior to implementation.

NOTE: mitigation actions or concepts, absent specific designs, can be approved at the time a waiver decision is made.

(6) Mitigation actions that provide fish passage shall meet the fish passage criteria contained in OAR 635-412-0035.

(7) The Commission may require the posting of a bond or other financial instrument acceptable to the Commission to cover the cost of mitigation actions or providing fish passage at the artificial obstruction if the mitigation action does not achieve its goals.

(8) A person owning or operating an artificial obstruction is responsible for maintaining, monitoring, evaluating the effectiveness of, and reporting on mitigation.

(9) Mitigation:

(a) Shall be conducted in-proximity to the artificial obstruction, with respect to geographic scope;

(b) Shall have habitat type and quality which is more beneficial than that affected by the artificial obstruction, if mitigation is passage into, restoration of, or enhancement of habitat;

(c) Shall at least benefit the same native migratory fish species affected at the artificial obstruction;

(d) Shall have a clear benefit for those native migratory fish species affected at the artificial obstruction if their status is listed as "threatened" or "endangered" under the state or federal Endangered Species Act;

(e) Shall have standards for monitoring, evaluating, and adaptive management which are approved by the Department, which assure that the goal of the mitigation is achieved and maintained, and which are detailed in the waiver agreement required in OAR 635-412-0025(9);

(f) Shall be considered if the owner or operator of the artificial obstruction believes the feasibility of fish passage at the artificial obstruction is less than that for mitigation;

(g) May require quantification of baseline conditions before a decision regarding a fish passage waiver is made in situations with no existing information, which require recent information, or which have no clear benefit;

(h) Shall attempt to restore or enhance historic conditions;

(i) To the extent possible, shall be consistent with existing native migratory fish or watershed management plans;

(j) May qualify for financial incentives or grants issued by the Department and the owner's or operator's cost for mitigation or passage at the artificial obstruction shall not be a factor in the Department's net benefit determination;

(k) May require data collection and evaluation before a decision regarding a fish passage waiver is made in situations with no existing information, which require recent information, or which have no clear benefit; and

(l) Shall be consistent with the purpose and goals of the Oregon Plan.

Stat. Auth.: ORS 496.138

Stats. Implemented: ORS 509.580, 509.585 & 509.610

Hist.: DFW 2-2006, f. & cert. ef. 1-9-06

DIVISION 415

FISH AND WILDLIFE HABITAT MITIGATION POLICY

635-415-0000

Purpose

The purpose of these rules is to further the Wildlife Policy (ORS 496.012) and the Food Fish Management Policy (ORS 506.109) of the State of Oregon through the application of consistent goals and standards to mitigate impacts to fish and wildlife habitat caused by land and water development actions. The policy provides goals and standards for general application to individual development actions, and for the development of more detailed policies for specific classes of development actions or habitat types.

Stat. Auth.: ORS 496.012, 496.138, 496.171, 506.109 & 506.119

Stats. Implemented: ORS 496.012, 496.138, 496.171, 506.109 & 506.119

Hist.: FWC 133-1991, f. & cert. ef. 11-19-91; DFW 47-1998, f. & cert. ef. 6-15-98; DFW 25-2000, f. 4-26-00, cert. ef. 5-1-00

635-415-0005

Definitions

For the purposes of OAR 635-415-0000 through 635-415-0025 only:

(1) "Department" means the Oregon Department of Fish and Wildlife.

(2) "Development Action" means any activity subject to regulation by local, state, or federal agencies that could result in the loss of fish and wildlife habitat. Development actions may include, but are not limited to, the planning, construction, and operational activities of local, state, and federal agencies. Development actions also include subsequent re-permitting for activities with new impacts or continued impacts that have not been mitigated consistent with current standards.

(3) "Essential Habitat" means any habitat condition or set of habitat conditions which, if diminished in quality or quantity, would result in depletion of a fish or wildlife species.

(4) "Fish and Wildlife" means all fish, shellfish, intertidal animals, wild birds, amphibians, reptiles, and wild mammals over which the Fish and Wildlife Commission has jurisdiction.

(5) "Habitat" means the physical and biological conditions within the geographic range of occurrence of a species, extending over time, that affect the welfare of the species or any sub-population or members of the species.

(6) "Habitat Quantity" means the amount of a given habitat type.

(7) "Habitat Quality" means the relative importance of a habitat with regard to its ability to influence species presence and support the life-cycle requirements of the fish and wildlife species that use it.

(8) "Habitat Type" means the classification of a site or area based on its dominant plant, soil, and water associations or other salient features (e.g. tidal influence, salinity, substrate, alkalinity, etc.) of value to the support and use by fish and wildlife.

(9) "Home Range" means the area that a species traverses in the scope of normal life-cycle activities.

(10) "Impact" means an adverse effect of a development action upon fish and wildlife habitat.

(11) "Important Habitat" means any habitat recognized as a contributor to sustaining fish and wildlife populations on a physiographic province basis over time.

(12) "In-kind Habitat Mitigation" means habitat mitigation measures which recreate similar habitat structure and function to that existing prior to the development action.

(13) "In-proximity Habitat Mitigation" means habitat mitigation measures undertaken within or in proximity to areas affected by a development action. For the purposes of this policy, "in proximity to" means within the same home range, or watershed (depending on the species or population being considered) whichever will have the highest likelihood of benefiting fish and wildlife populations directly affected by the development.

(14) "Irreplaceable" means that successful in-kind habitat mitigation to replace lost habitat quantity and/or quality is not feasible

within an acceptable period of time or location, or involves an unacceptable level of risk or uncertainty, depending on the habitat under consideration and the fish and wildlife species or populations that are affected. "Acceptable," for the purpose of this definition, means in a reasonable time frame to benefit the affected fish and wildlife species.

(15) "Limited habitat" means an amount insufficient or barely sufficient to sustain fish and wildlife populations over time.

(16) "Mitigation" means taking one or more of the following actions listed in order of priority:

(a) Avoiding the impact altogether by not taking a certain development action or parts of that action;

(b) Minimizing impacts by limiting the degree or magnitude of the development action and its implementation;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action and by monitoring and taking appropriate corrective measures;

(e) Compensating for the impact by replacing or providing comparable substitute resources or environments.

(17) "Mitigation Bank" means fish and/or wildlife habitat that is restored, created, or enhanced for the purpose of selling habitat credits in exchange for anticipated unavoidable future habitat losses due to development actions.

(18) "Mitigation Plan" means a written plan or statement that thoroughly describes the manner in which the impact of a development action will be reduced or eliminated over time, avoided, and/or minimized; and the affected environment, including fish and wildlife habitat, monitored, restored, rehabilitated, repaired and/or replaced or otherwise compensated for in accordance with OAR 635-415-0010 of these rules.

(19) "Native" means fish and wildlife species, subspecies or populations that occur currently or historically in Oregon through natural (i.e. nonhuman) colonization or immigration, rather than by human action or intervention.

(20) "Nonnative" means a fish or wildlife species not native to Oregon; foreign or introduced.

(21) "Net Benefit" means an increase in overall in-proximity habitat quality or quantity after a development action and any subsequent mitigation measures have been completed and monitored.

(22) "Net Loss" means a loss of habitat quantity and/or habitat quality resulting from a development action despite mitigation measures having been taken.

(23) "Off-site" means outside the boundary of the development action.

(24) "Off-proximity Habitat Mitigation" means habitat mitigation measures undertaken outside the area that would constitute "in-proximity mitigation" but within the same physiographic province as the development action.

(25) "Out-of-kind Habitat Mitigation" means habitat mitigation measures which result in different habitat structure and function that may benefit fish and wildlife species other than those existing at the site prior to the development action.

(26) "Physiographic Province" means any one of ten major geographical areas within the State of Oregon based on differences in topography, climate, and vegetation as defined in the Oregon Wildlife Diversity Plan (OAR 635-100-0001 through 0040).

(27) "Project Life" means the period of time during which a development action is subject to regulation by local, state, or federal agencies.

(28) "Project Proponent" means any individual, corporation, association or agency or their delegated representative that proposes a development action.

(29) "Reliable Method" means a mitigation method that has been tested in areas with site factors similar to those affected by a development action and the area in which the mitigation action is being proposed and that has been found (e.g., through field trials, demonstration projects or scientific studies) to produce the habitat effects required to meet the mitigation goal for that action.

(30) "Site Factors" means climate, soil series, sediments, hydrology, salinity, pH, DO, plant community, fish and wildlife use, or other characteristics of an area that determine its capacity to produce vegetation or maintain habitat features valuable to fish and wildlife.

(31) "Watershed" means a drainage basin encompassing a stream, its tributaries, and associated uplands at the USGS 4th Field Hydrologic Unit level.

Stat. Auth.: ORS 496.012, 496.138, 496.171, 506.109 & 506.119

Stats. Implemented: ORS 496.012, 496.138, 496.171, 506.109 & 506.119

Hist.: FWC 133-1991, f. & cert. ef. 11-19-91; DFW 47-1998, f. & cert. ef. 6-15-98;

DFW 25-2000, f. 4-26-00, cert. ef. 5-1-00

635-415-0010

Fish and Wildlife Habitat Mitigation Policy

It is the fish and wildlife habitat mitigation policy of the Oregon Department of Fish and Wildlife to require or recommend, depending upon the habitat protection and mitigation opportunities provided by specific statutes, mitigation for losses of fish and wildlife habitat resulting from development actions. Priority for mitigation actions shall be given to habitat for native fish and wildlife species. Mitigation actions for nonnative fish and wildlife species may not adversely affect habitat for native fish and wildlife.

Stat. Auth.: ORS 496.012, 496.138, 496.171, 506.109 & 506.119

Stats. Implemented: ORS 496.012, 496.138, 496.171, 506.109 & 506.119

Hist.: FWC 133-1991, f. & cert. ef. 11-19-91; DFW 47-1998, f. & cert. ef. 6-15-98;

DFW 25-2000, f. 4-26-00, cert. ef. 5-1-00

635-415-0015

Application of Fish and Wildlife Habitat Mitigation Policy

(1) The Department shall work with regulatory and planning agencies, land management agencies, private developers, operators, public interest groups, and the public to implement this Fish and Wildlife Habitat Mitigation Policy.

(2) The Department shall apply the requirements of this division when implementing its own development actions, and when developing recommendations to other state, federal, or local agencies regarding development actions for which mitigation for impacts to fish and wildlife habitat is authorized or required by federal, state, or local environmental laws or land use regulations.

(3) In applying this policy, the Department shall identify and utilize the habitat protection and mitigation opportunities provided by applicable federal, state, and local environmental laws and land use regulations, and shall participate throughout the duration of these regulatory processes to coordinate Department mitigation requirements or recommendations with those of other agencies. If the regulatory authority of an agency provides for mitigation of cumulative or historic losses, the Department shall apply the standards of OAR 635-415-0025 in making its recommendations.

(4) When making recommendations on local land use actions, the Department shall follow the provisions of its certified State Agency Coordination Program and OAR 635 division 405.

(5) Unless required by statute, the Department may elect not to recommend or require mitigation for a development action if, in the opinion of the Department, the impacts to fish and wildlife habitat are expected to be inconsequential in either nature, extent, or duration; or if staff resources are not available.

(6) Nothing in this policy shall be construed to vest authority in the Department where no such statutory or regulatory authority has been granted.

Stat. Auth.: ORS 496.012, 496.138, 496.171, 506.109 & 506.119

Stats. Implemented: ORS 496.012, 496.138, 496.171, 506.109 & 506.119

Hist.: FWC 133-1991, f. & cert. ef. 11-19-91; DFW 47-1998, f. & cert. ef. 6-15-98;

DFW 25-2000, f. 4-26-00, cert. ef. 5-1-00

635-415-0020

Implementation of Department Habitat Mitigation Requirements

(1) The Department shall provide mitigation consistent with the goals and standards of OAR 635-415-0025 for Department development actions that impact fish and wildlife habitat.

(2) The Department shall require mitigation consistent with the goals and standards of OAR 635-415-0025 for development actions that impact fish and wildlife habitat for which the Department has statutory authority to require mitigation as a condition of a permit or order.

(3) The Department shall recommend mitigation consistent with the goals and standards of OAR 635-415-0025 for development actions which impact fish and wildlife habitat for other than Department actions when:

(a) Federal or state environmental laws or land use regulations authorize or require mitigation for impacts to fish and wildlife; or

(b) Local environmental laws or land use regulations authorize or require mitigation for impacts to fish and wildlife habitat; or

(c) The proposed development action requires either an amendment to an acknowledged comprehensive plan or land use regulation relating to fish and wildlife habitat protection, or adoption of a new land use regulation relating to fish and wildlife habitat protection, and the Department believes that mitigation is necessary to comply with Statewide Planning Goal 5 or other applicable statewide planning goal requirements for fish and wildlife habitat protection.

(4) The Department's recommendations or requirements for mitigating the impacts of a development action shall be based on the following considerations:

(a) The location, physical and operational characteristics, and duration of the proposed development action; and

(b) The alternatives to the proposed development action; and

(c) The fish and wildlife species and habitats which will be affected by the proposed development action; and

(d) The nature, extent, and duration of impacts expected to result from the proposed development action.

(5) The Department shall require the project proponent to prepare a written mitigation plan approved by the Department if required by an ODFW implemented statute; or recommend or require a written plan approved by the Department if the impacts of the proposed development action may, in the opinion of the Department, be so significant in nature, extent, or duration that mitigation measures to achieve the goals and standards of OAR 635-415-0025 cannot be identified without the evaluation that would be provided in a written mitigation plan.

(6) The Department may recommend or require the posting of a bond, or other financial instrument acceptable to the Department, to cover the cost of mitigation actions based on the nature, extent, and duration of the impact and/or the risk of the mitigation plan not achieving mitigation goals.

(7) The Department may consider the use of mitigation banks or payment-to-provide mitigation based on the nature, extent, and duration of the impact and/or the risk of the mitigation plan not achieving mitigation goals.

(a) The Department may consider the use of mitigation banks and payment-to-provide mitigation only for habitat categories two through six and only if they are consistent with the mitigation goals and standards identified in OAR 635-415-0025.

(b) The amount of payment-to-provide mitigation, recommended or required, shall include at a minimum the cost of property acquisition, mitigation actions, maintenance, monitoring, and any other actions needed for the long-term protection and management of the mitigation site.

(8) In addition to any other information that may be required by law, a written mitigation plan prepared for the Department shall:

(a) Include the information required in OAR 635-415-0020(4)(a)-(d); and

(b) Describe the mitigation actions which shall be taken to achieve the fish and wildlife habitat mitigation goals and standards of OAR 635-415-0025; and

(c) Describe and map the location of the development action and mitigation actions including the latitude and longitude, township, range, section, quartersection and county; and

(d) Complement and not diminish mitigation provided for previous development actions; and

(e) Include protocols and methods, and a reporting schedule for monitoring the effectiveness of mitigation measures. Monitoring efforts shall continue for a duration and at a frequency needed to ensure that the goals and standards in OAR 635-415-0025 are met, unless the Department determines that no significant benefit would result from such monitoring; and

(f) Provide for future modification of mitigation measures that may be required to meet the goals and standards of OAR 635-415-0025; and

(g) Be effective throughout the project life or the duration of project impacts whichever is greater.

(h) Contain mitigation plan performance measures including:

(A) Success Criteria. The mitigation plan must clearly define the methods to meet mitigation goals and standards and list the criteria for measuring success;

(B) Criteria and a timeline for formal determination that the mitigation goals and standards have been met;

(C) Provisions for long-term protection and management of the site if appropriate;

(D) A reporting schedule for identifying progress toward achieving the mitigation goals and standards and any modification of mitigation measures. Mitigation goals and standards must be achieved within a reasonable time frame to benefit the affected fish and wildlife species.

(9) The requirement for a mitigation plan pursuant to OAR 635-415-0020(8) may, at the discretion of the Department, be partially or entirely fulfilled by incorporation of environmental assessments or environmental impact statements prepared for the proposed development action; or by local government land use regulations which implement the requirements of Statewide Planning Goals 5, 8, 15, 16, or 17 pertaining to fish and wildlife habitat protection.

(10) The project proponent is responsible for the expenses of developing, evaluating, and implementing the mitigation plan and monitoring the mitigation site; however, to the extent that available resources allow, the Department may take one or more of the following actions to assist in the development of a mitigation plan:

(a) Identify fish and wildlife species and habitats to be affected by the proposed development action;

(b) Determine the Habitat Categories that are likely to be affected by the proposed development action;

(c) Identify the nature, extent, and duration of potential impacts upon fish and wildlife habitat resulting from the proposed development action;

(d) Identify mitigation measures to achieve the goals and standards of OAR 635-415-0025.

(e) Furnish any information or counsel to further the purpose of OAR 635 division 415

Stat. Auth.: ORS 496.012, 496.138, 496.171, 506.109 & 506.119

Stats. Implemented: ORS 496.012, 496.138, 496.171, 506.109 & 506.119

Hist.: FWC 133-1991, f. & cert. ef. 11-19-91; DFW 47-1998, f. & cert. ef. 6-15-98;

DFW 25-2000, f. 4-26-00, cert. ef. 5-1-00

635-415-0025

Implementation of Department Habitat Mitigation Recommendations

(1) "Habitat Category 1" is irreplaceable, essential habitat for a fish or wildlife species, population, or a unique assemblage of species and is limited on either a physiographic province or site-specific basis, depending on the individual species, population or unique assemblage.

(a) The mitigation goal for Category 1 habitat is no loss of either habitat quantity or quality.

(b) The Department shall act to protect Category 1 habitats described in this subsection by recommending or requiring:

(A) Avoidance of impacts through alternatives to the proposed development action; or

(B) No authorization of the proposed development action if impacts cannot be avoided.

(2) "Habitat Category 2" is essential habitat for a fish or wildlife species, population, or unique assemblage of species and is limited either on a physiographic province or site-specific basis depending on the individual species, population or unique assemblage.

(a) The mitigation goal if impacts are unavoidable, is no net loss of either habitat quantity or quality and to provide a net benefit of habitat quantity or quality.

(b) The Department shall act to achieve the mitigation goal for Category 2 habitat by recommending or requiring:

(A) Avoidance of impacts through alternatives to the proposed development action; or

(B) Mitigation of impacts, if unavoidable, through reliable in-kind, in-proximity habitat mitigation to achieve no net loss of either pre-development habitat quantity or quality. In addition, a net benefit of habitat quantity or quality must be provided. Progress towards achieving the mitigation goals and standards shall be reported on a schedule agreed to in the mitigation plan performance measures. The fish and wildlife mitigation measures shall be implemented and completed either prior to or concurrent with the development action.

(c) If neither 635-415-0025(2)(b)(A) or (B) can be achieved, the Department shall recommend against or shall not authorize the proposed development action.

(3) "Habitat Category 3" is essential habitat for fish and wildlife, or important habitat for fish and wildlife that is limited either on a

physiographic province or site-specific basis, depending on the individual species or population.

(a) The mitigation goal is no net loss of either habitat quantity or quality.

(b) The Department shall act to achieve the mitigation goal for Category 3 habitat by recommending or requiring:

(A) Avoidance of impacts through alternatives to the proposed development action; or

(B) Mitigation of impacts, if unavoidable, through reliable in-kind, in-proximity habitat mitigation to achieve no net loss in either pre-development habitat quantity or quality. Progress towards achieving the mitigation goals and standards shall be reported on a schedule agreed to in the mitigation plan performance measures. The fish and wildlife mitigation measures shall be implemented and completed either prior to or concurrent with the development action.

(c) If neither 635-415-0025(3)(b)(A) or (B) can be achieved, the Department shall recommend against or shall not authorize the proposed development action.

(4) "Habitat Category 4" is important habitat for fish and wildlife species.

(a) The mitigation goal is no net loss in either existing habitat quantity or quality.

(b) The Department shall act to achieve the mitigation goal for Category 4 habitat by recommending or requiring:

(A) Avoidance of impacts through alternatives to the proposed development action; or

(B) Mitigation of impacts, if unavoidable, through reliable in-kind or out-of-kind, in-proximity or off-proximity habitat mitigation to achieve no net loss in either pre-development habitat quantity or quality. Progress towards achieving the mitigation goals and standards shall be reported on a schedule agreed to in the mitigation plan performance measures. The fish and wildlife mitigation measures shall be implemented and completed either prior to or concurrent with the development action.

(c) If neither 635-415-0025(4)(b)(A) or (B) can be achieved, the Department shall recommend against or shall not authorize the proposed development action.

(5) "Habitat Category 5" is habitat for fish and wildlife having high potential to become either essential or important habitat.

(a) The mitigation goal, if impacts are unavoidable, is to provide a net benefit in habitat quantity or quality.

(b) The Department shall act to achieve the mitigation goal for Category 5 habitat by recommending or requiring:

(A) Avoidance of impacts through alternatives to the proposed development action; or

(B) Mitigation of impacts, if unavoidable, through actions that contribute to essential or important habitat.

(c) If neither 635-415-0025(5)(b)(A) or (B) can be achieved, the Department shall recommend against or shall not authorize the proposed development action.

(6) "Habitat Category 6" is habitat that has low potential to become essential or important habitat for fish and wildlife.

(a) The mitigation goal is to minimize impacts.

(b) The Department shall act to achieve the mitigation goal for Category 6 habitat by recommending or requiring actions that minimize direct habitat loss and avoid impacts to off-site habitat.

Stat. Auth.: ORS 496.012, 496.138, 496.171, 506.109 & 506.119

Stats. Implemented: ORS 496.012, 496.138, 496.171, 506.109 & 506.119

Hist.: FWC 133-1991, f. & cert. ef. 11-19-91; DFW 47-1998, f. & cert. ef. 6-15-98; DFW 25-2000, f. 4-26-00, cert. ef. 5-1-00

DIVISION 420

CHEMICAL PROCESS MINING CONSOLIDATED APPLICATION AND PERMIT REVIEW STANDARDS

635-420-0000

Purpose

The purpose of OAR 635, division 420 is to implement the provisions of Oregon Laws 1991, Chapter 735. These rules prescribe the standards for Department review of proposed chemical process mining operations for the purpose of developing conditions for protection of wildlife and their habitat, to further the Wildlife Policy (ORS 496.012)

and Food Fish Management Policy (ORS 506.109) of the State of Oregon.

Stat. Auth.: ORS 496.012 & 506.109

Stats. Implemented: ORS 496.012 & 506.109

Hist.: FWC 140-1991, f. & cert. ef. 12-26-91

635-420-0010

Definitions

For the purposes of OAR 635-420-0000 through 635-420-0120 only:

(1) "Associated Wastewaters" means wastewaters, including but not limited to tailings in liquid or slurry form, which are created as a result of a chemical process mining operation.

(2) "Available Technology" means technology that is obtainable and:

(a) Has been demonstrated to meet environmental standards at an existing mine or a demonstration project of similar size and scale; or

(b) Is reasonably expected to meet or exceed environmental standards at the proposed mine.

(3) "Baseline Data" means information gathered to characterize the natural and cultural environments of an operation site before a mining operation begins.

(4) "Chemical Process Mine" means a mining and processing operation for metal-bearing ores that uses chemicals to dissolve metals from ore.

(5) "Consolidated Application" means the single application for a chemical process mine required by DOGAMI pursuant to OAR chapter 632, division 037.

(6) "Contained" means the use of solid containers such as tanks, vats or pipes to completely enclose chemical processing solutions or associated wastewaters to preclude access by wildlife.

(7) "Conveyance" means any conduit for chemical processing solutions or associated wastewaters including but not limited to pipes, channels, ditches and troughs.

(8) "Cover" means a permeable or impermeable material used to preclude access to chemical processing solutions or associated wastewaters by wildlife, including but not limited to netting, screening, or floating covers or liners.

(9) "Critical Habitat" for any federally listed threatened or endangered species means:

(a) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of the federal Endangered Species Act (ESA), on which are found those physical and biological features:

(A) Essential to the conservation of the species; and

(B) Which may require special management considerations or protection; and

(b) Specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of the ESA, upon a determination by the Secretary of the Interior that such areas are essential for the conservation of the species.

(10) "Department" means the Oregon Department of Fish and Wildlife.

(11) "DOGAMI" means the Oregon Department of Geology and Mineral Industries.

(12) "Endangered Species" means:

(a) Any native wildlife species determined by the Fish and Wildlife Commission to be in danger of extinction throughout any significant portion of its range within the state; or

(b) Any native wildlife species listed as an endangered species pursuant to the federal **Endangered Species Act of 1973** (PL 93-205, **16 USC § 1531**), as amended.

(13) "Environmental Evaluation" means an analysis prepared pursuant to ORS Chapter 517 to address specific impacts of the chemical process mine operation to allow affected agencies to develop permit conditions.

(14) "Environmental Standards" means standards established either by statute or rule that shall be met by a chemical process mine.

(15) "Essential Habitat" means any habitat condition or set of habitat conditions, which, if diminished in quality or quantity, would result in depletion of a wildlife species.

(16) "Habitat" means the physical and biological conditions within the geographic range of occurrence of a species, extending over time, that affect the welfare of the species or any sub-population or members of the species.

(17) "Habitat Evaluation Procedures" means a system developed by the U.S. Fish and Wildlife Service to determine the habitat value of a project site.

(18) "Habitat Value" means the relative ability of a habitat to support wildlife populations.

(19) "Harm" means mortality of or injury to wildlife, including physical injury or impairment of productivity through alteration of essential behavior patterns such as breeding, feeding or sheltering.

(20) "Hazing" means acts to frighten but not kill wildlife through the use of visual deterrent or audio aversion methods.

(21) "Impact" means an adverse effect of a chemical process mine upon wildlife habitat.

(22) "Mitigation" means the reduction of adverse effects of a proposed chemical process mining operation by considering, in the following order:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action or parts of an action;

(c) Rectifying the impact by repairing, rehabilitating or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate corrective measures; or

(e) Compensating for the impact by replacing or providing comparable substitute resources or environments.

(23) "Necessary Technology" means technology that is required to ensure compliance with environmental standards.

(24) "Off-Site Mitigation" means habitat mitigation measures undertaken in areas distant from the mining operation, and which are intended to benefit wildlife populations other than those directly affected by the mining operation.

(25) "On-Site Mitigation" means habitat mitigation measures undertaken in areas within or in proximity to the mining operation, and which are intended to benefit wildlife populations directly affected by the operation.

(26) "Permittee" means the recipient of a permit for a chemical process mine pursuant to OAR 632, division 037.

(27) "Practicable Technology" means available and necessary technology whose costs are not significantly disproportionate to the potential environmental benefits. A technology is not practicable if the cost is so high it renders a mine operation infeasible.

(28) "Processing" means milling and the use of chemicals to dissolve metals from ore. As used in these rules, processing includes but is not limited to cyanide heap leach processing and cyanide vat processing operations.

(29) "Processing Solutions" means those solutions which are used directly or indirectly to recover minerals.

(30) "Project Coordinating Committee" means the interagency governmental committee established in accordance with OAR 632-037-0020.

(31) "Sensitive" refers to wildlife species, subspecies, 0or populations identified on the List of Sensitive Species adopted pursuant to OAR 635-100-0040.

(32) "Snow Load" means the maximum force that may be applied by snow accumulation in a mean recurrence interval.

(33) "Study Area" means those areas determined by the Technical Review Team for which baseline data must be collected and an environmental evaluation and social impact analysis must be developed.

(34) "Tailings" means ground rock residue from a milling procedure which utilized process solutions to remove minerals from ore.

(35) "Technical Review Team" means the interagency group established in accordance with OAR 632-037-0025.

(36) "Threatened Species" means:

(a) Any native wildlife species the Fish and Wildlife Commission has determined is likely to become an endangered species within the foreseeable future throughout any significant portion of its range within this state; or

(b) Any native wildlife species listed as a threatened species pursuant to the federal **Endangered Species Act of 1973** (PL 92-205, **16 USC § 1531**), as amended.

(37) "Undamaged Ecosystem" means an ecosystem that is comparable in utility and stability to the ecosystem surrounding the chem-

ical process mine and/or the pre-mine ecosystem and which retains the principle ecological characteristics reasonably expected to exist under local, climatic, geological, soil, hydrological and biological conditions.

(38) "Wildlife" means all fish, shellfish, intertidal animals, wild birds, amphibians, reptiles, and wild mammals.

(39) "Wind Load" means the maximum forces that may be applied to a structural element by wind in a mean recurrence interval.

(40) "Zero Mortality Objective" means the lowest level of wildlife mortality achievable by the use of the best available, practicable and necessary technology for wildlife protection measures at a chemical process mining operation, maintained and monitored on an ongoing and constant basis to assure that this standard is achieved throughout the life of the chemical process mining operation and subsequent reclamation.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012 & 506.109

Stats. Implemented: ORS 496.012 & 506.109

Hist.: FWC 140-1991, f. & cert. ef. 12-26-91

635-420-0020

Wildlife Protection Plan

(1) The applicant shall prepare a wildlife protection plan as part of the consolidated application for a chemical process mine in OAR chapter 637, division 037. The plan shall provide sufficient information to demonstrate that the standards for wildlife protection in OAR 635-420-0030 have been met.

(2) On the date the consolidated application is submitted to DOGAMI, the applicant shall provide one copy of the wildlife protection plan and all information incorporated into the plan by reference to each Department representative on the Project Coordinating Committee and the Technical Review Team.

(3) The Department, or a third party contractor hired by the Department, shall review the wildlife protection plan and shall notify DOGAMI and the applicant in writing of any amendments which are necessary for compliance with the standards for wildlife protection in OAR 635-420-0030.

(4) The wildlife protection plan shall:

(a) Provide a site plan drawn to scale showing the location of all chemical processing solutions and associated wastewaters;

(b) Describe the method which shall be used to apply chemical processing solutions to heap leach pads, and the measures which shall be taken to preclude ponding or other conditions which could lead to the ingestion of or exposure to chemical processing solutions by wildlife. These measures shall be selected based on factors which include, but are not limited to, the application rate of chemical processing solutions, and the characteristics of the ore;

(c) Identify the chemical processing solutions and associated wastewaters which shall be contained or covered and fenced to preclude access by wildlife, and provide design drawings, construction specifications and other information necessary to demonstrate compliance with the standards in OAR 635-420-0040 and 635-420-0050. If alternatives to the materials or construction methods in OAR 635-420-0040 and 635-420-0050 are proposed, information shall be provided to demonstrate that the proposed alternatives provide equivalent or better strength, durability and protection for wildlife;

(d) Identify any wastewaters which will not be contained or covered and fenced to preclude access by wildlife, and provide the following information:

(A) A description of the chemical composition of the wastewaters;

(B) A description of the methods which shall be used to maintain the wastewaters in a condition which is not harmful to wildlife;

(C) Current scientific data which is well-documented and verifiable to demonstrate that the chemical composition of the wastewaters will not be harmful to wildlife.

(e) A program for ongoing and constant monitoring and maintenance of wildlife protection measures, including a schedule of activities and the job title of the person or persons responsible for the monitoring program;

(f) A plan for minimizing vehicular and public impact on wildlife;

(A) The plan shall provide for permanent closures of new roads which were developed to provide access to or to serve the mining operation upon cessation of operations and shall provide for temporary closures of such roads during temporary or seasonal shutdowns;

(B) The plan shall identify wildlife migration and movement corridors within the study area, and shall identify methods to avoid or minimize vehicular and public impacts on wildlife;

(C) Additional measures to avoid or minimize vehicular and public impact on wildlife shall be required if, in the judgment of the Department, such measures are necessary due to the number of employees, wildlife concentrations within the area, presence of threatened, endangered, or sensitive species, or other factors. These additional measures may include, but are not limited to:

- (i) Measures for reducing traffic to and from the mines by mine employees, such as carpooling and vanpooling;
- (ii) Speed limits on access roads;
- (iii) Limitations on the use of access roads by the public;
- (iv) Limitations on the use of access roads by employees for purposes other than access to the mine during working hours.

(D) Any controls or limitations on publically owned roads or lands shall be subject to the approval of the appropriate public agency with regulatory authority.

(g) A contingency plan to rectify any failures of wildlife protection measures, or to provide additional wildlife protection if necessary during periods of migration, including a description of hazing programs or other temporary or emergency measures which shall be instituted.

(5) The wildlife protection plan may avoid duplication by incorporating information included in environmental assessments (EA) or environmental impact statements (EIS) prepared for the proposed chemical process mine, or information included in the consolidated permit application required by DOGAMI. The plan shall identify by source, section and page number the information being relied upon to meet each of the requirements of OAR 635-420-0030 and this division.

Stat. Auth.: ORS 496.012 & 506.109

Stats. Implemented: ORS 496.012 & 506.109

Hist.: FWC 140-1991, f. & cert. ef. 12-26-91

635-420-0030

Standards for Wildlife Protection

Chemical process mining operations shall use the best available, practicable and necessary wildlife protection technologies to maintain an objective of zero wildlife mortality. Wildlife protection measures shall meet or exceed the following standards which are necessary to protect wildlife:

(1) Chemical processing solutions shall be applied to heap leach pads by drip-irrigation systems or other methods which preclude ponding or other conditions which could result in the ingestion of or exposure to chemical processing solutions by wildlife.

(2) Chemical processing solutions shall be contained, or shall be covered in accordance with OAR 635-420-0040 and fenced in accordance with OAR 635-420-0050 to preclude access by wildlife.

(3) Associated wastewaters shall be maintained in a condition that is not harmful to wildlife or shall be covered in accordance with OAR 635-420-0040 and fenced in accordance with OAR 635-420-0050 to preclude access by wildlife.

(4) Electrical power lines and other transmission facilities shall be designed and constructed to prevent electrocution hazard to wild birds by incorporating features such as armless poles, vertical separation of wires, pole extensions perches or line insulators. Designs shall be consistent with the specifications contained in "Suggested Practices for Raptor Protection on Powerlines" (Raptor Research Report No. 4, Raptor Research Foundation, Inc., 1981) or with equivalent specifications approved by the Department.

(5) Access to a chemical process mine by mine employees and the public shall be controlled to minimize harassment of wildlife and collisions between vehicles and wildlife. On publically owned lands, these controls shall be developed in conjunction with, and shall be subject to the approval of, the applicable public land management agency.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012 & 506.109

Stats. Implemented: ORS 496.012 & 506.109

Hist.: FWC 140-1991, f. & cert. ef. 12-26-91

635-420-0040

Minimum Standards for Covering or Containment

(1) All conveyances for chemical processing solutions shall be covered or contained to preclude access by wildlife. Conveyances for associated wastewaters shall be covered or contained to preclude

access by wildlife, or shall be maintained in a condition that is not harmful to wildlife.

(2) All uncontained chemical processing solution ponds or impoundments shall be covered to preclude access by wildlife.

(3) Covers and containers shall preclude access to chemical processing solutions and associated wastewaters by wildlife. At a minimum, cover designs shall be based on the following factors:

(a) Wind and snow loads at a mean recurrence interval of 100 years;

(b) Size, shape and location of the area to be covered;

(c) Species and behavior of wildlife at the mine site;

(d) Direction of prevailing winds.

(4) All covers, as well as their supports and attachments, shall be made of durable ultraviolet resistant materials.

(5) The mesh openings of netting and other permeable covers shall be no larger than one square inch unless the Department determines that a larger mesh size is adequate to exclude birds, bats and other wildlife.

(6) Netting and netting support systems shall meet the following minimum specifications:

(a) Netting shall be solid-strand polypropylene, high density polyethylene or other material of equivalent or better strength, durability and resistance to penetration by wildlife;

(b) Netting shall be black or another color which does not attract resident or migratory birds and bats;

(c) Support cable shall be coated to minimize net abrasion;

(d) Sections of netting shall be fastened together or terminated on cables in a manner which precludes access to processing solutions by wildlife. The following minimum specifications shall apply:

(A) Where sections of netting are fastened together, they shall be overlapped a minimum of six inches and attached at intervals no greater than six inches;

(B) Where a section of netting is terminated on a support cable or a perimeter ground cable, the netting shall be folded around the cable, overlap itself a minimum of six inches, and be attached to itself at intervals no greater than six inches;

(C) Where sections of netting that are terminated on support cables lie adjacent to one another, the support cables shall be fastened together at intervals sufficient to prevent gaps greater than one inch wide between the support cables;

(D) Rope made of polypropylene or other material of equivalent or better strength, durability and ultraviolet resistance shall be strung above the netting to minimize net ship in high winds;

(E) Netting shall be fastened to perimeter ground cables which are securely anchored to the ground.

Stat. Auth.: ORS 496.012 & 506.109

Stats. Implemented: ORS 496.012 & 506.109

Hist.: FWC 140-1991, f. & cert. ef. 12-26-91

635-420-0050

Minimum Standards for Fencing

Fencing which meets the following minimum specifications shall be placed around all chemical processing solutions and associated wastewaters which are not contained:

(1) Fences shall be a minimum of eight feet in height. Higher fences may be required by the Department if necessary due to the characteristics of the mine site, including but not limited to slope or topography or the wildlife species identified in the baseline data.

(2) A ground cloth of a minimum of 0.5 inch mesh shall cover the lower 30 inches of the fencing and shall extend below and horizontal to the ground surface for a distance sufficient to exclude burrowing mammals. The ground cloth shall be galvanized hardware cloth or other material of equivalent or better strength, durability and resistance to penetration by wildlife. The Department shall determine appropriate mesh sizes, depths and horizontal distances based on the soil horizons and wildlife species identified in the baseline data.

(3) If fencing materials other than chain link or cyclone fencing are used, the following additional minimum specifications shall be followed:

(a) Wooden posts not less than 11 feet 6 inches long or #133 stud-
ded "T" steel posts not less than ten feet long shall be used as line posts. When steel posts are used, every seventh post shall be wooden;

(b) Wood posts shall have a top diameter of not less than five inches and shall be free from defect, decay or damage. They shall be

treated for at least three feet at the base with a wood preservative to prevent decay or insect damage;

(c) Wood posts shall be sunk at least two feet six inches into the ground and set no more than one rod apart. Posts shall be securely braced at the corners, angles, and at intervals along the line;

(d) The fence shall be constructed of 14.5 gauge woven wire with vertical stays every six inches and no less than 17 horizontal line wires. The bottom of the fence shall be at ground level. The wire shall be tightly stretched and firmly stapled with 1.5-inch staples at the rate of ten staples per post.

Stat. Auth.: ORS 496.012 & 506.109

Stats. Implemented: ORS 496.012 & 506.109

Hist.: FWC 140-1991, f. & cert. ef. 12-26-91

635-420-0060

Wildlife Mitigation Plan

(1) The applicant shall prepare a wildlife mitigation plan as part of the consolidated application for a chemical process mine in OAR chapter 637, division 037. On the date the consolidated application is submitted to DOGAMI, the applicant shall provide one copy of the wildlife mitigation plan and all information incorporated into the plan by reference to each Department representative on the Project Coordinating Committee and the Technical Review Team.

(2) Mitigation measures shall employ reliable methods as defined in OAR 635-415-0015, and shall be based upon the best available, practicable and necessary technology to meet the standard of no overall net loss of habitat value. The standard of "no overall net loss" shall be met through compliance with OAR 635, division 415.

(3) The Department, or a third party contractor hired by the Department, shall review the wildlife mitigation plan and shall notify DOGAMI and the applicant in writing of any amendments which are necessary for compliance with the requirements of this rule or OAR 635, division 415.

(4) The wildlife mitigation plan shall include the information required in OAR 635-415-0020(5). Affected wildlife habitats shall be evaluated using methodologies approved by the Department which are well-documented, measurable and verifiable. Examples of such methodologies include, but are not limited to, the U.S. Fish and Wildlife Service Habitat Evaluation Procedure and, if applicable, the U.S. Fish and Wildlife Service In-Stream Flow Incremental Methodology. Examples of habitats that shall be addressed in the mitigation plan include, but are not limited to:

- (a) Surface waterways, streams, springs, seeps, wetlands and other aquatic habitats;
- (b) Riparian areas;
- (c) Big game habitat;
- (d) Bird habitat;
- (e) Habitat for state or federally listed threatened or endangered species, and state sensitive species;
- (f) Reproduction and nursery areas;
- (g) Fish spawning areas;
- (h) Geomorphic and edaphic habitats including cliffs, caves, sand dunes, play as and local distinctive soils that, along with their vegetation, contrast markedly with the surrounding area;
- (i) Wildlife migration and movement corridors.

(5) The mitigation plan shall ensure that a self-sustaining ecosystem comparable to undamaged ecosystems in the study area is established upon completion of reclamation. The plan shall establish quantitative measures of ecosystem utility and stability, including but not limited to quantitative measures for evaluating habitat diversity, wildlife species diversity, and plant community composition, structure and utilization by wildlife.

(6) The wildlife mitigation plan may avoid duplication by incorporating information included in environmental assessments (EA) or environmental impact statements (EIS) prepared for the proposed chemical process mine, or information included in the consolidated permit application required by DOGAMI. The plan shall identify by source, section and page number the information being relied upon to meet each of the requirements of OAR 635-420-0040(5) and this division.

Stat. Auth.: ORS 496.012 & 506.109

Stats. Implemented: ORS 496.012 & 506.109

Hist.: FWC 140-1991, f. & cert. ef. 12-26-91

635-420-0070

Wildlife Injury and Mortality Reporting

(1) The permittee is responsible for monitoring and maintaining the protection measures described in the wildlife protection plan on an ongoing and constant basis throughout the lifetime of the chemical process mine, including periods of temporary and seasonal closure.

(2) The permittee shall maintain a record of all wildlife injury and mortality that occurs in association with the chemical process mine. This record shall include a photographic record of injury and mortality using a standard protocol approved by the Department.

(3) The permittee shall submit a report of wildlife injury and mortality to the designated Department representative on the Project Coordinating Committee and the Technical Review Team on a quarterly basis starting from the date of issuance of the permit. The report shall be submitted on forms provided by the Department. If no injury or mortality occurs, the report must so state. The Department may require more frequent reporting pending correction of any condition or practice existing at a chemical process mine which is or can reasonably be expected to be harmful to wildlife, or any violation of any requirement of OAR 635-420-0000 through 635-420-0110, or any permit condition designed to protect wildlife.

(4) The permittee shall report the following wildlife injuries or mortalities by telephone to the designated Department representative on the Technical Review Team by the beginning of the next working day following their occurrence or observation:

- (a) Injuries or mortalities which may be associated with exposure to chemical processing solutions or associated wastewater;
- (b) Injuries or mortalities which may be associated with wildlife protective measures;
- (c) Injuries or mortalities of state or federally listed threatened or endangered species or state sensitive species.

Stat. Auth.: ORS 496.012 & 506.109

Stats. Implemented: ORS 496.012 & 506.109

Hist.: FWC 140-1991, f. & cert. ef. 12-26-91

635-420-0080

Inspection of Mining Operations

(1) Every permittee or the permittee's agent shall always keep open to inspection by the Department or its agent the permit area as well as any books, records, papers or memoranda which are pertinent to the administration of this division, 1991 Oregon Laws, Chapter 735, or OAR 632, division 037.

(2) The Department may access and copy any record and inspect any monitoring equipment or method of operation required for compliance with permit conditions for the protection of wildlife.

(3) The permittee shall notify the Department 30 days prior to completion of construction of a chemical process mine. The Department shall inspect the construction site within ten days of completion of construction. The use of chemical processing solutions to dissolve metals from ore shall not commence until the Department notifies the permittee that the inspection is complete. Subsequent inspections shall be conducted at a frequency sufficient to ensure that the requirements of this division and any permit conditions designed to protect wildlife are being met. At a minimum, Department inspections shall be conducted on a semi-annual basis, beginning at the time of permit issuance.

(4) When the Department determines on the basis of an inspection that any condition or practice existing at a chemical process mine is or can reasonably be expected to be harmful to wildlife, or that any permittee is in violation of any requirement of this division or any permit condition designed to protect wildlife, the Department shall document this finding in the inspection report and immediately notify the permittee and DOGAMI.

(5) Copies of the inspection report shall be mailed in a timely fashion to:

- (a) The permittee, or the permittee's designated agent or management personnel at the chemical process mine; and
- (b) DOGAMI.

(6) Copies of any records, reports, inspection materials or information obtained during the Department inspection, except as otherwise provided by ORS 192.410 to 192.505 shall be made available to the public upon request.

Stat. Auth.: ORS 496.012 & 506.109

Stats. Implemented: ORS 496.012 & 506.109

Hist.: FWC 140-1991, f. & cert. ef. 12-26-91

635-420-0090**Content of Inspection Report**

(1) Department inspection reports shall be made on a form approved by the Department and shall indicate:

- (a) The date and time of inspection;
- (b) The name of the Department employee who conducted the inspection and include his or her signature;
- (c) Access to and adequacy of the permittee's wildlife injury and mortality reports and facility monitoring and inspection reports;
- (d) Whether or not the general wildlife protection standards have been adequately implemented;
- (e) Whether or not the special wildlife protection conditions specific to the chemical process mine permit have been adequately implemented;

- (f) Any violations noted by the Department;
- (g) Modifications necessary to correct any identified violations.

(2) The Department shall record on the inspection report any condition or practice existing at a chemical process mine that is or can reasonably be expected to be harmful to wildlife. In making this determination, the Department shall:

- (a) Identify the condition or practice which is or can reasonably be expected to be harmful to wildlife;
- (b) Identify the portion of the chemical process mine within which the condition or practice occurs;
- (c) Specify revisions or modifications of the permit conditions which are necessary to correct the condition or practice, including temporary or emergency measures to be taken in the interim.

(3) The Department shall request DOGAMI to convene the Project Coordinating Committee at the earliest possible date to review permit modifications proposed by the Department to correct a condition or practice which is or can reasonably be expected to be harmful to wildlife.

(4) The Department shall record on the inspection report any condition or practice existing at a chemical process mine that is in violation of any requirement of this division or any permit condition designed to protect wildlife. In making this determination, the Department shall:

- (a) Identify the provisions of the permit which have been violated;
- (b) Set forth with reasonable specificity the nature of the violation;
- (c) Identify the steps necessary to abate the violation, in the most expeditious manner possible, including temporary or emergency measures to be taken in the interim;
- (d) Identify the portion of the chemical process mine which is subject to the violation.

Stat. Auth.: ORS 496.012 & 506.109
 Stats. Implemented: ORS 496.012 & 506.109
 Hist.: FWC 140-1991, f. & cert. ef. 12-26-91

635-420-0100**Liability and Penalties**

(1) The permittee shall be held liable for any wildlife injury or mortality. The issuance of a chemical process mining permit does not relieve the permittee from liability for wildlife injury or mortality resulting from acts conducted pursuant to the conditions of the permit.

(2) Compensation for wildlife injury or mortality shall be determined and pursued as provided for in:

- (a) ORS 517.750 through 517.955, 517.960 through 517.976, OAR 632-037-0125; and
- (b) ORS 468.745, 496.705, 496.992, OAR 635-001-0025, or 635-410-0030 or other applicable statutes and rules.

Stat. Auth.: ORS 496.012 & 506.109
 Stats. Implemented: ORS 496.012 & 506.109
 Hist.: FWC 140-1991, f. & cert. ef. 12-26-91

635-420-0110**Certification of Self-Sustaining Ecosystem**

(1) At least 90 days prior to a request to DOGAMI for release of financial security pursuant to OAR 632-037-0110, the permittee shall submit a report to the Department evaluating the success of habitat restoration against the quantitative measures of ecosystem utility and stability established in the wildlife mitigation plan required pursuant to OAR 635-420-0060.

(2) The evaluation of the success of habitat restoration shall be based on field surveys and monitoring efforts which utilize the approved methodologies used to collect baseline data. The report submitted by the permittee shall describe all field surveys and monitoring efforts which have been conducted. This description shall include, but is not limited to:

- (a) A site plan showing the location of field surveys and monitoring efforts;
- (b) A description of the methodologies used to conduct field surveys and monitoring efforts;
- (c) A record of the dates and frequency of field surveys and monitoring efforts.

(3) The Department, or a third party contractor hired by the Department, shall conduct a site investigation to verify the report submitted by the permittee and to determine if a self-sustaining ecosystem comparable to undamaged ecosystems in the area has been created.

(4) The Department, or a third party contractor hired by the Department, shall notify the permittee and DOGAMI in writing of the results of the Department's site investigation and provide a recommendation on the permittee's request for release or reduction of financial security. The Department's recommendation shall:

- (a) Describe the reasons for the Department's determination that a self-sustaining ecosystem has or has not been created; or
- (b) If the Department is unable to determine whether a self-sustaining ecosystem has been created, describe the additional field studies or monitoring which are necessary to make this determination.

(5) The Department's recommendation shall be sent to DOGAMI and the permittee prior to the public hearing held by DOGAMI under OAR 632-037-0110 to determine whether to allow the release or reduction of financial security. Copies of the Department's recommendation will be available to the public upon request.

Stat. Auth.: ORS 496.012 & 506.109
 Stats. Implemented: ORS 496.012 & 506.109
 Hist.: FWC 140-1991, f. & cert. ef. 12-26-91

635-420-0120**Compliance with Statewide Planning Goals and Compatibility with Acknowledged Comprehensive Plans**

(1) This division represents a "new agency land use program" as defined in OAR 635-405-0005, and is subject to the requirements of the Department's State Agency Coordination Program and OAR 635-405-0035.

(2) The Department shall rely on decisions made by the Department of Geology and Mineral Industries pursuant to their State Agency Coordination Program and OAR chapter 632, divisions 001 and 037 to assure that chemical process mining operations reviewed under this division comply with the Statewide Planning Goals and are compatible with acknowledged comprehensive plans and land use regulations.

(3) The meaning of the land use terms in this rule shall be the same as defined in OAR 635-405-0005.

Stat. Auth.: ORS 496.012 & 506.109
 Stats. Implemented: ORS 496.012 & 506.109
 Hist.: FWC 140-1991, f. & cert. ef. 12-26-91

DIVISION 425**IN-WATER BLASTING PERMITS****635-425-0000****Purpose**

The purpose of these rules is to further the State of Oregon's Wildlife Policy contained in ORS 496.012 and 496.138 and the Food Fish Management Policy contained in ORS 506.109 by applying consistent standards for reviewing and issuing in-water blasting permits as required by ORS 509.140. These rules establish procedures that the Department will use to review and make decisions on applications for in-water blasting activities, including any permit conditions necessary to prevent injury to fish, wildlife, and their habitat.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140
 Stats. Implemented: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140
 Hist.: FWC 134-1991, f. & cert. ef. 11-20-91; DFW 31-2002, f. & cert. ef. 4-16-02

635-425-0005**Applicability**

OAR 635-425-0000 through 635-425-0050 apply whenever the use of explosives is desired in the course of removing any obstruction

in any waters of this state, in constructing any foundations for dams, bridges or other structures, or in carrying on any trade or business.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140
Stats. Implemented: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140
Hist.: FWC 134-1991, f. & cert. ef. 11-20-91; DFW 31-2002, f. & cert. ef. 4-16-02

635-425-0010

Definitions

For the purposes of OAR 635-425-0000 through 635-425-0050 only:

(1) "Applicant" means any person, partnership, corporation, association, public interest organization, political subdivision, governmental board, agency or commission who files an application pursuant to ORS 590.140 for a permit to use explosives.

(2) "Department" means the Oregon Department of Fish and Wildlife.

(3) "District" means the smallest geographic administrative unit of the Department of Fish and Wildlife for the purposes of managing fish and wildlife resources.

(4) "Endangered Species" means:

(a) Any native fish or wildlife species determined by the Fish and Wildlife Commission to be in danger of extinction throughout any significant portion of its range within the state; or

(b) Any native fish or wildlife species listed as an endangered species pursuant to the federal Endangered Species Act of 1973 (PL 93-205, 16 USC § 1531), as amended.

(5) "Explosives" means any explosive substances, including but not limited to powder, detonating cord, binaries, gels, slurries, dynamites and nitroglycerine.

(6) "Fish and Wildlife" means fish, shellfish, intertidal animals, wild birds, amphibians, reptiles, and wild mammals.

(7) "In-Water Blasting" means the use of explosives on, under, or in waters of this state, or in any location adjacent to the waters of this state where blasting would have an impact on fish and wildlife or their habitat.

(8) "Injury" means any harm to fish or wildlife or their habitat due to in-water blasting activities.

(9) "Major Project" means an in-water blasting project that requires multiple detonations or multiple days, or crosses two or more Department regions or districts. Major projects may include but are not limited to bridge removal, pipeline crossings, or channel deepening.

(10) "Minor Project" means an in-water blasting project that has, in the judgement of the Department, minimal effects and requires a single detonation or single-day blasting, and occurs within a single district. Minor projects may include but are not limited to boulder removal to improve fish passage.

(11) "Practicable" means capable of being done within existing knowledge and technical constraints.

(12) "Region" means one of the four major geographic administrative units of the Department of Fish and Wildlife for the purpose of managing fish and wildlife resources.

(13) "Sensitive Species" refers to fish or wildlife species, subspecies, or populations that are subject to a decline in number of sufficient magnitude to qualify their listing as threatened due to loss in quantity or quality of habitat or other factors.

(14) "Threatened Species" means:

(a) Any native fish or wildlife species the Fish and Wildlife Commission has determined is likely to become an endangered species within the foreseeable future throughout any significant portion of its range within this state; or

(b) Any native fish or wildlife species listed as a threatened species pursuant to the federal Endangered Species Act of 1973 (PL 93-205, 16 USC § 1531), as amended.

(15) "Waters of This State" means all waters over which the State of Oregon has jurisdiction, or joint or other jurisdiction with any other state or government, including waters of the Pacific Ocean and all bays, inlets, lakes, rivers, and streams within or forming the boundaries of this state.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140
Stats. Implemented: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140
Hist.: FWC 134-1991, f. & cert. ef. 11-20-91; DFW 31-2002, f. & cert. ef. 4-16-02

635-425-0015

Fish and Wildlife In-Water Blasting Permit Policy

It is the policy of the Oregon Fish and Wildlife Commission to discourage in-water blasting unless it is the only practicable method

to accomplish the project goals. The Department may issue in-water blasting permits only if they contain conditions for preventing injury to fish and wildlife and their habitat.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140
Stats. Implemented: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140
Hist.: FWC 134-1991, f. & cert. ef. 11-20-91; DFW 31-2002, f. & cert. ef. 4-16-02

635-425-0020

Application Requirements

(1) Timing of Application: An application for an in-water blasting permit must be submitted no less than 90 days before the anticipated in-water blasting for a major project, and no less than 30 days before the anticipated in-water blasting for a minor project. The Department may waive these deadlines in emergency situations where the blasting is necessary to prevent irreparable harm, injury or damage to persons or property.

(2) Submittal of Application: The applicant must submit an application on a form prepared by the Department. The application process is as follows:

(a) An application for a minor project must be submitted to the Department's district office for the area in which the blasting will occur;

(b) An application for a major project within a single region must be submitted to the Department's regional office for the region in which the blasting will occur;

(c) An application for a major project affecting two or more Department regions must be submitted to the Oregon Department of Fish and Wildlife.

(3) Content of Application: The application must include the following information:

(a) The applicant's name, home and business addresses, and telephone numbers;

(b) The State Fire Marshal's Certificate of Possession number and the expiration date of the certificate of the person(s) conducting the blasting (see ORS Chapter 480);

(c) The landowner's name (if applicant is not the owner of the property), home and business addresses, telephone numbers, and written consent to the proposed in-water blasting described in the application;

(d) The geographical location of the property that will be affected by the proposed in-water blasting, including a map and description of the site and waterway(s) affected;

(e) Purpose and description of the proposed in-water blasting;

(f) A map indicating where the explosives will be placed;

(g) The estimated distance of impact and area affected by the proposed blasting;

(h) Names, addresses, and telephone numbers of property owners within the area affected by the proposed blasting;

(i) The estimated amount of explosives required;

(j) The date or dates during which blasting is planned;

(k) Where debris from the blasting will be placed;

(l) The type of explosives to be used;

(m) The approximate size and number of charges to be detonated and the detonation delays between each charge;

(n) The conditions under which the blasting will be done, including water depth;

(o) Blasting medium (water column or adjacent rock or soil);

(p) The alternatives, if any, to the proposed in-water blasting, including an analysis of their practicability;

(q) Information on fish and wildlife habitat within the area that would be affected by the proposed blasting and the predicted effects of the proposed blasting on these habitats. The information must include predicted effects of the proposed blasting on beds and banks of the waters of the state, adjacent areas of the riparian vegetation and wetlands, and the potential for dewatering waters of the state as a result of substrate disturbance;

(r) Information on fish and wildlife species in the area that would be affected by the proposed blasting (including age class) and the predicted effects of the proposed blasting on these species;

(s) Any existing environmental assessments, environmental impact statements, or other environmental data pertaining to the project must be submitted to the Department. Such documents may be used to satisfy the requirements of subsections (3)(q)–(r) of this rule if the Department determines they adequately address the requirements of those sections;

(t) Proposed measures for preventing injury to fish, wildlife and their habitat, including an analysis of the effectiveness of these measures under the environmental conditions at the blasting site;

(u) Information documenting the project's compliance with the Statewide Planning Goals and compatibility with the applicable acknowledged comprehensive plan(s) and land use regulations as required in OAR 635-425-0025.

(4) The information required by section (3) of this rule satisfies the requirements of OAR 635-415-0020(9) for preparation of a mitigation plan for activities authorized by the blasting permit.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140
Stats. Implemented: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140
Hist.: FWC 134-1991, f. & cert. ef. 11-20-91; DFW 31-2002, f. & cert. ef. 4-16-02; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

635-425-0025

Compliance with Statewide Planning Goals and Compatibility with Acknowledged Comprehensive Plans

(1) Pursuant to the Department's State Agency Coordination Program, OAR 635 division 405, the applicant must provide information documenting the project's compliance with the Statewide Planning Goals and compatibility with the applicable acknowledged comprehensive plan(s) and land use regulations. Such documentation must include one of the following:

(a) Information affirming that the project has received specific land use approval from the affected city or county;

(b) Information demonstrating that the project does not require specific land use approval by the jurisdiction; or

(c) Findings or information to assure compliance with the statewide planning goals in accordance with OAR 635-405-0020(1)-(3).

(2) If more than one unit of local government has land use approval authority over the site of the proposed project, the applicant must submit documentation in the manner described in section (1) of this rule demonstrating land use compatibility with each of the affected jurisdictions' comprehensive plans.

(3) The meaning of the land use terms used in this division are the same as those contained in OAR 635-405-0005.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140
Stats. Implemented: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140
Hist.: FWC 134-1991, f. & cert. ef. 11-20-91; DFW 31-2002, f. & cert. ef. 4-16-02

635-425-0030

Application Review Procedures

(1) The Department will provide a copy of the In-Water Blasting Permit Rules and an application form to all applicants for an in-water blasting permit.

(2) The Department will review an application to determine if it is complete and notify the applicant in writing within 15 days after receipt of the application if additional information is required. The notice will specify any additional required information and the deadline for submitting the information.

(3) The Department will begin its review when it receives a complete application. Within 45 days of receiving a complete application for a major project, or 20 days for a minor project, the Department will either deny the application in writing or issue a permit with appropriate conditions for preventing injury to fish, wildlife, and their habitat. The Department may extend its review period for up to 30 days to determine appropriate conditions to prevent injury to fish and wildlife and their habitat.

(4) In deciding whether to approve or deny the application, the Department will consider:

(a) Whether blasting is the only practicable method of accomplishing the proposed activity;

(b) Whether injury to fish, wildlife, and their habitat can be prevented by adequately conditioning the permit; and

(c) Whether proposed blasting for fish passage improvement projects is consistent with the Commission's Wild Fish Management Policy.

(5) For major projects within a single region, the applicable regional office will review the application and will either deny it or issue a permit.

(6) For major projects that affect two or more Department regions, the Habitat Division will review the application and either deny it or issue a permit.

(7) For minor projects, the applicable district will review the application and either deny it or issue a permit.

(8) Projects in estuarine and marine waters will be coordinated with Marine Program staff.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 506.119 & 509.140
Stats. Implemented: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140
Hist.: FWC 134-1991, f. & cert. ef. 11-20-91; DFW 31-2002, f. & cert. ef. 4-16-02

635-425-0035

Permit Conditions

The Department will condition each in-water blasting permit as necessary to prevent injury to fish, wildlife, and their habitat. Protective permit conditions include but are not limited to the following:

(1) The applicant must clean up all debris associated with in-water blasting, including blasting wire, dynamite, boxes, etc. The Department may require the applicant to clean up debris such as fly rock.

(2) If necessary to prevent injury to fish and wildlife, the permittee must divert or remove them from the site immediately before blasting, using methods approved by the Department.

(3) If marine mammals are present at the blasting site, the permittee must contact the National Marine Fisheries Service to determine any steps necessary to comply with the federal Marine Mammal Protection Act, and may ask for the Department's assistance in carrying out such steps. The Department may require the permittee to pay in advance for assistance provided.

(4) If the Department determines it is necessary, the permittee must conduct a pre and post blasting survey of fish and wildlife using methods approved by the Department.

(5) Measures to reduce shock waves from explosives will be required if necessary to prevent injury to fish or wildlife. Examples of appropriate methods include using bubble curtains and detonation delays between charges.

(6) Timing of in-water blasting must be restricted to prevent injury to fish, wildlife, and their habitat, fish eggs or other aquatic life, and commercial and recreational fisheries consistent with the Department's "Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Exhibit 1). Timing for all blasting permits must follow the Timing Guidelines unless modified by the appropriate local district fishery biologist due to the absence of fish or wildlife species or the presence of a species not adequately protected by the timing guidelines.

(7) Potential pollutants incidental to the blasting work, including but not limited to fuel and other petroleum product, must be stored in such a manner and location that prevent these pollutants from entering waters of this state.

(8) The permittee must minimize disturbance to streambanks and riparian vegetation. The permittee must recontour and revegetate disturbed soils to the standard set by the Department in consultation with other state or local agencies with regulatory authority over reclamation.

(9) The Department may place special restrictions on blasting permits for projects that may adversely affect state threatened, endangered, or sensitive species, or federal threatened, endangered, or candidate species.

(10) The Department may place special restrictions on blasting permits for projects that may adversely affect special aquatic sites, such as federal estuarine research reserves.

(11) All activities initiated under an in-water blasting permit issued pursuant to OAR 635-425-0000 through 635-425-0050 must be completed within the time period specified in the permit. The Department may extend the time period specified in a permit if the permittee provides a written request stating a valid reason for such an extension. Any extension must be in writing and may include additional conditions to prevent injury to fish, wildlife, and their habitat as provided by these rules.

(12) The applicant must comply with the notification requirements contained in OAR 635-425-0040.

(13) The issuance of a permit does not relieve the permittee from any liability, including but not limited to liability for injury to persons, property, or fish and wildlife or their habitat.

[ED. NOTE: Exhibits referenced are available from the agency]
Stat. Auth.: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140
Stats. Implemented: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140
Hist.: FWC 134-1991, f. & cert. ef. 11-20-91; DFW 31-2002, f. & cert. ef. 4-16-02

635-425-0040**Notification Requirements**

(1) Applicants must notify the district fishery or habitat biologist at least 48 hours before actual blasting, and the Department must have the opportunity to have an observer present during and after the blasting. The Department may conduct a pre-blasting site inspection.

(2) Applicants must notify the local law enforcement agencies before blasting activities.

(3) Applicants must notify all adjacent landowners of record on the most recent property tax assessment roll, renters or lessees, and recreational users within the area affected by the proposed blasting of the schedule for planned in-water blasting. This notice must be by:

- (a) Registered letters to adjacent landowners with return receipt;
- (b) Publication in the local newspaper;
- (c) Postings in the vicinity of the project; and
- (d) Auditory warnings before blasting.

(4) The applicant must provide to the Department satisfactory evidence of compliance with subsections (3)(a)–(c) of this rule at least three days before the blasting occurs.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140

Stats. Implemented: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140

Hist.: FWC 134-1991, f. & cert. ef. 11-20-91; DFW 31-2002, f. & cert. ef. 4-16-02

635-425-0045**Compensation for Injury to Fish and Wildlife**

The applicant must compensate the State of Oregon for any injury to fish, wildlife, or their habitat resulting from failure to comply with the conditions of the in-water blasting permit, or from failure to obtain an in-water blasting permit. Compensation for such injury or damage will be determined as provided for in ORS 496.705 and 496.992, and OAR 635-001-0025 and 635-410-0030. A permit does not relieve the permittee from liability for the injury to persons, property, or fish and wildlife or their habitat resulting from acts conducted pursuant to the conditions of the permit.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140

Stats. Implemented: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140

Hist.: FWC 134-1991, f. & cert. ef. 11-20-91; DFW 31-2002, f. & cert. ef. 4-16-02

635-425-0050**Applicability of Existing Laws**

An in-water blasting permit is designed to prevent injury to fish and wildlife and their habitat. An in-water blasting permit does not authorize violation of any other applicable state, federal or local laws or regulations. An in-water blasting permit does not supersede any requirements to obtain other applicable permits or authorizations, including but not limited to those permits or authorizations designed to protect human health, safety, welfare, navigation, or fish and wildlife.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140

Stats. Implemented: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 509.140

Hist.: FWC 134-1991, f. & cert. ef. 11-20-91; DFW 31-2002, f. & cert. ef. 4-16-02

DIVISION 430**TAX INCENTIVE PROGRAMS****Wildlife Habitat Conservation and Management Program****635-430-0000****Purpose**

The purpose of OAR 635-430-0000 through 635-430-0100, is to implement ORS 308A.400 through 308A.430, Oregon Laws 2003, which allows Oregon cities and counties to develop programs for the conservation and enhancement of wildlife habitat. These rules:

(1) Establish criteria and standards for Department review and monitoring of wildlife habitat conservation and management plans;

(2) Specify the form and content of a wildlife habitat and conservation management plan and the conservation and management practices that are appropriate to preserve, enhance or improve the structure or function of wildlife habitat; and

(3) Establish a process for adding and removing eligible land.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: Ch. 308A, HB 3616, 2003

Hist.: FWC 23-1994, f. & cert. ef. 4-29-94; DFW 11-1998, f. & cert. ef. 5-5-98; DFW 115-2004, f. & cert. ef. 11-26-04

635-430-0010**Definitions**

For the purposes of OAR 635-430-0000 through 635-430-0100 only:

(1) “Cooperating agency” means the Oregon Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, the Natural Resources Conservation Service, the Oregon State University Extension Service or other persons with wildlife conservation and management training meeting the following qualifications:

(a) A degree or certification from an accredited educational institution in a field of study providing knowledge that may be applied to preserve, enhance or improve habitat for native wildlife. Such fields of study include, but are not limited to, wildlife biology, wildlife management, fisheries management, biology, zoology, limnology, botany, ecology, wetland ecology, forest ecology, ecosystem management, environmental engineering, soil science, other natural science, or landscape architecture; or

(b) Certification from a professional society (including but not limited to The Wildlife Society, American Fisheries Society, or Ecological Society of America) or licensure by the state in a field listed in subsection (1)(a) of this rule; or

(c) Evidence of professional experience in a field listed in subsection (1)(a) of this rule.

(2) “Department” means the Oregon Department of Fish and Wildlife.

(3) “Landowner” means the party or parties having the fee interest in land, except where land is subject to a real estate sale contract where “landowner” means the contract vendee.

(4) “Land that is clearly identifiable as containing significant wildlife habitat” means land that meets one or more of the criteria identified in OAR 635-430-0020(1) through (7).

(5) “Lot” has the meaning given that term in ORS 92.010.

(6) “Native vegetation” means vegetation that is indigenous to the subject property or to the physiographic province in which the subject property is located.

(7) “Parcel” has the meaning given that term in ORS 215.010(1).

(8) “Subject property” means a lot, parcel or tract that is subject to a wildlife habitat conservation and management plan.

(9) “Tract” has the meaning given that term in ORS 215.010(2).

(10) “Wildlife” means fish, shellfish, intertidal animals, wild birds, amphibians, reptiles, and wild mammals.

(11) “Wildlife habitat conservation and management plan” or “plan” means a plan developed by a cooperating agency and landowner that specifies the conservation and management practices, including agricultural and forestry practices, that will be conducted to preserve, enhance or improve the structure or function of wildlife habitat on the subject property.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: Ch. 308A, HB 3616, 2003

Hist.: FWC 23-1994, f. & cert. ef. 4-29-94; DFW 11-1998, f. & cert. ef. 5-5-98; DFW 115-2004, f. & cert. ef. 11-26-04

635-430-0020**Wildlife Habitat Conservation and Management Plan Objectives**

The objective of a wildlife habitat conservation and management plan is to preserve, enhance or improve the composition, structure or function of habitat for native wildlife species, with emphasis on native habitats that:

(1) Have been identified as scarce, becoming scarce or of special ecological significance within the city or county. Sources of information that may be used to identify these habitats include, but are not limited to, the Biodiversity Gap Analysis Program of the USGS Biological Resources Division and the Oregon Department of Fish and Wildlife, the Metropolitan Greenspaces Master Plan or equivalent Metropolitan Functional Plans, the Oregon Natural Heritage Program, the Oregon Biodiversity Project, the Oregon Habitat Joint Venture, the Oregon Comprehensive Wildlife Conservation Strategy, and the Oregon Plan for Salmon and Watersheds.

(2) Have been identified by state or federal resource agencies, local governments, regional governments, watershed councils, conservation organizations or other qualified entities as important habitats for ecological restoration to prevent additional loss of native habitats or species.

(3) Are important to achieve the conservation or management objectives for native habitats or species in public or private land management plans covering multiple land ownerships.

(4) Provide habitat for threatened or endangered species listed in or pursuant to 16 USC Section 1533, ORS 496.172(2), and OAR 635-100-0125;

(5) Provide habitat for state sensitive species listed pursuant to OAR 635-100-0040; or

(6) Are identified as significant wildlife habitat in the Goal 5 elements of city or county comprehensive plans.

(7) Areas that have been adopted by the Metropolitan Service District (Metro) as significant natural areas, open spaces or fish and wildlife habitats or regional resources under Goal 5 pursuant to OAR 660-023-0080.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: Ch. 308A, HB 3616, 2003

Hist.: FWC 23-1994, f. & cert. ef. 4-29-94; DFW 11-1998, f. & cert. ef. 2-5-98; DFW 115-2004, f. & cert. ef. 11-26-04

635-430-0025

State Fish and Wildlife Commission Designation of Eligible Land

(1) At the request of the governing body of a county, the Director of the State Fish and Wildlife Department may designate any or all of the following land in unincorporated areas within the county as eligible for wildlife habitat special assessment:

(a) Any land that is zoned for exclusive farm use, mixed farm and forest use or forest use under a land use planning goal protecting agricultural land or forestland; or

(b) Land that is clearly identifiable as containing significant wildlife habitat.

(2) At the request of the governing body of a city, the Director may designate any or all of the following land within the incorporated city as eligible for wildlife habitat special assessment:

(a) Any land that is zoned for exclusive farm use, mixed farm and forest use or forest use under a land use planning goal protecting agricultural land or forestland; or

(b) Land that is clearly identifiable as containing significant wildlife habitat.

(3) With the prior consent of the governing body of a city, the county in which all or a part of the city is located may apply to the Director on behalf of the city for designation of any area that is within both the city and the county as eligible for wildlife habitat special assessment.

(4) The Director may designate land described in subsection (1) or (2) of this section as eligible for wildlife habitat special assessment only if the Director finds that designation will promote the objectives of the program and the implementation requirements of these rules.

(5) Any county that did not forbid, by a resolution or other decision of the county governing body, the establishment of wildlife habitat conservation and management plans as of January 1, 2003, shall be deemed to have the land described in OAR 635-430-0025(1)(a) as eligible for wildlife habitat special assessment.

(6) The governing body of the city or county that requested designation under section OAR 635-430-0025 may request that the Director of the State Fish and Wildlife Department remove that designation.

(7) The Director shall remove the designation if:

(a) The city or county demonstrates that the designation creates an economic burden for the city or county; and

(b) The Director finds that the economic burden is significant.

(8) In making its determination under subsection (7) of this section, the Director shall give significant weight to the demonstration of economic burden made by the city or county.

(9) A determination by the Director of the State Fish and Wildlife Department to designate land as eligible for the wildlife special assessment or to remove that designation shall for property tax purposes be effective as of the tax year beginning the July 1 immediately following the determination.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: Ch. 308A, HB 3616, 2003

Hist.: DFW 115-2004, f. & cert. ef. 11-26-04; DFW 42-2006 f. & cert. ef. 6-14-06

635-430-0030

Wildlife Conservation and Management Practices

Conservation and management practices appropriate to achieve the objectives of OAR 635-430-0020 may include, but are not limited to:

(1) Protecting existing native vegetation;

(2) Planting native trees, shrubs, grasses and other native vegetation;

(3) Removing invasive, non-native vegetation that threatens native plant communities;

(4) Control of invasive, non-native fish or wildlife that threaten native wildlife species;

(5) Burning as prescribed by the Department to maintain fire-dependent native vegetation;

(6) Fencing to protect wildlife habitat or plant communities;

(7) Increasing habitat diversity by practices such as placing downed, woody material, preserving or creating standing dead trees, creating ponds, or other methods approved by the Department;

(8) Placing boulders, logs and other appropriate materials in streams to enhance fish habitat;

(9) Removing buildings, pavements and other man-made features;

(10) Grading altered land areas to restore original hydrology and natural topography;

(11) Restoring, enhancing or creating wetlands;

(12) Establishing vegetative buffers or structural setbacks adjacent to wildlife habitats;

(13) Amending or allowing farming and forestry management practices that preserve, enhance or improve the structure or function of wildlife habitat;

(14) Locating new dwellings or structural improvements to minimize conflict with existing or proposed habitat for native wildlife species;

(15) Planting new riparian vegetation or protecting existing riparian vegetation through fencing or other means;

(16) Leasing or selling in-stream water rights as an integral part of the wildlife habitat conservation and management practices; or

(17) Other efforts that improve water quality, protect and restore fish and wildlife habitats, recover threatened or endangered species, enhance stream flows or maintain or restore long-term ecological health, diversity and productivity on a broad geographic scale.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS Ch. 308A, HB 3616, 2003

Hist.: FWC 23-1994, f. & cert. ef. 4-29-94; DFW 11-1998, f. & cert. ef. 2-5-98; DFW 115-2004, f. & cert. ef. 11-26-04

635-430-0040

Preparation and Content of a Plan

A wildlife habitat conservation and management plan shall be developed by the landowner and a cooperating agency as defined in OAR 635-430-0010(1). The plan shall include the following:

(1) The signed county eligibility certification described in OAR 635-430-0050(1).

(2) The name, home and business addresses and telephone number of the landowner.

(3) The name, address, and telephone number of the cooperating agency.

(4) The township, range, section and tax lot number(s) of the subject property.

(5) The acreage of the subject property.

(6) An aerial photograph of the subject property at a scale of 400 feet per inch, unless otherwise authorized by the Department.

(7) Map(s) and written descriptions of the physical features, vegetation, and wildlife habitats that currently exist on the subject property. The map(s) shall be reproducible, and shall be at a scale of 400 feet per inch unless otherwise authorized by the Department. The map(s) shall display the following:

(a) Rivers and intermittent and perennial streams (including names);

(b) Lakes, ponds and other water bodies;

(c) Wetlands and riparian areas;

(d) Areas that contain threatened or endangered plant species listed under ORS 564.105(2) obtained from existing information available from the Oregon Department of Agriculture, Oregon Natural Heritage Information Center, a cooperating agency, or other source approved by the Department;

(e) Areas of native vegetation, such as oak woodlands or grasslands composed of native plant species;

(f) Location of federal threatened or endangered wildlife species or their critical habitats listed or identified pursuant to 16 USC Section

1533, obtained from existing information available from the Oregon Natural Heritage Information Center, a cooperating agency, or other source approved by the Department;

(g) Location of state sensitive species identified pursuant to OAR 635-100-0040, state threatened or endangered species listed pursuant to ORS 496.172(2) and OAR 635-100-0125, and sites identified pursuant to ORS 496.182(2) that are critical to the survival of state listed threatened or endangered species, obtained from existing information available from the Oregon Natural Heritage Information Center, a cooperating agency, or other source approved by the Department;

(h) Other areas identified in the local comprehensive plan as significant wildlife habitat;

(i) Areas currently managed for forestry;

(j) Areas currently farmed, including the location of all dikes, drainage ditches, or drainage tiles;

(k) Soil map units within the subject property from the Natural Resources Conservation Service Soil Survey.

(l) Dwellings, roads, fences and other artificial structures.

(m) Areas that have been adopted by the Metropolitan Service District (Metro) as significant natural areas, open spaces or fish and wildlife habitats or regional resources under Goal 5 pursuant to OAR 660-023-0080.

(8) A description of:

(a) The wildlife habitat conservation and management objectives to be achieved; and

(b) The conservation and management practices that will be conducted to preserve, enhance or improve the structure or function of wildlife habitat on the subject property.

(9) Time frames to implement each conservation and management practice identified in section (8) of this rule.

(10) Map(s) and written descriptions of the physical features, vegetation, and wildlife habitats reasonably expected to exist on the subject property after implementation of the conservation and management practices described in section (8) of this rule, including the location of areas managed for farming or forestry, existing and proposed dwellings and other proposed structural improvements. The map(s) shall be reproducible, and shall be at a scale of 400 feet per inch unless otherwise authorized by the Department.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS Ch. 308A, HB 3616, 2003

Hist.: FWC 23-1994, f. & cert. ef. 4-29-94; DFW 11-1998, f. & cert. ef. 2-5-98; DFW 115-2004, f. & cert. ef. 11-26-04

635-430-0050

Plan Submission and Review Procedures

The Department will review wildlife habitat conservation and management plans and make decisions as follows:

(1) Before preparing or submitting a plan, the applicant must obtain certification from the city or county, on a Department form, that the subject property lies within an area or zone designated for participation in the Wildlife Habitat Conservation and Management Program.

(2) The landowner shall simultaneously submit the proposed plan to the appropriate district wildlife office of the Department and the appropriate city or county planning department.

(3) The city or county planning department may submit comments on the proposed plan to the appropriate watershed district office of the Department within 30 working days of the city or county's receipt of the proposed plan.

(4) The Department will review a complete plan for compliance with the standards in these rules and evidence of initial implementation.

(5) The Department will, within 90 days of receipt of a complete plan, make a decision to either approve, approve with modifications, or reject the plan, and will notify the landowner of its decision in writing. If the plan is rejected, the Department will identify in writing the reasons for its decision. The landowner may accept the Department's proposed modifications or correct plan deficiencies identified by the Department and resubmit the plan for review.

(6) The Department may choose to limit the number of plans approved each year due to workload constraints. Preference may be given to those plans with the highest quality and/or quantity of habitat. An application that is not approved due to time constraints shall be held for consideration for approval the following year.

(7) Department decisions on plans may be appealed to the Department under the provisions of ORS 183.310 to 183.550 governing contested cases.

(8) The Department will send one copy of an approved plan to the appropriate city or county planning department.

(9) When a wildlife habitat conservation and management plan is approved by the Department and has been initially implemented, the owner of the land subject to the plan may apply to the county assessor to receive wildlife habitat special assessment.

(10) Application shall be made to the county assessor on forms prepared by the Department of Revenue and supplied by the county assessor. (See ORS 308A.424–308A.430 for further tax assessment guidance.)

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 308A, HB 3616, 2003

Hist.: FWC 23-1994, f. & cert. ef. 4-29-94; DFW 11-1998, f. & cert. ef. 2-5-98; DFW 115-2004, f. & cert. ef. 11-26-04

635-430-0060

Approval Standards for Plans

The Department will approve plans that meet the following standards:

(1) The property is located on land that has been designated for participation in the program as defined in OAR 635-430-0025.

(2) The plan was developed by the landowner and a cooperating agency as defined in OAR 635-430-0010(1), and contains all of the elements required under OAR 635-430-0040.

(3) The plan is consistent with the objectives in OAR 635-430-0020.

(4) The wildlife conservation and management practices are appropriate and adequate to carry out the objectives of the plan.

(5) The plan emphasizes preservation, enhancement or improvement of native vegetation appropriate to the site.

(6) All new dwellings or structural improvements are located to minimize conflicts with existing wildlife habitats and negative impacts to native wildlife species.

(7) The plan is consistent with the Fish and Wildlife Habitat Mitigation Policy (OAR chapter 635, division 415) and other applicable Department plans, policies, rules and statutes.

(8) The plan's proposed wildlife conservation and management practices will not increase wildlife damage on adjacent lands.

(9) Buffers needed to protect any new habitats created under the plan will be located on the subject property.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS Ch. 308A, HB 3616, 2003

Hist.: FWC 23-1994, f. & cert. ef. 4-29-94; DFW 11-1998, f. & cert. ef. 2-5-98; DFW 115-2004, f. & cert. ef. 11-26-04

635-430-0070

Amendments to Approved Plans

(1) Landowners may request amendments to approved wildlife habitat conservation and management plans by contacting the appropriate Department watershed district office.

(2) The landowner shall provide a copy of the approved plan and a description of the proposed amendments.

(3) The Department will follow the procedures in OAR 635-430-0050 when reviewing amendments to approved plans.

(4) Amendments shall meet the standards in OAR 635-430-0060.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS Ch. 308A, HB 3616, 2003

Hist.: FWC 23-1994, f. & cert. ef. 4-29-94; DFW 11-1998, f. & cert. ef. 2-5-98; DFW 115-2004, f. & cert. ef. 11-26-04

635-430-0080

Implementation of Approved Plans

(1) For the purpose of making application to the county assessor for wildlife habitat special assessment under ORS 308A.424 to 308A.430, a landowner may request the Department to determine whether an approved wildlife habitat conservation and management plan has been initially implemented.

(2) The Department will, within 90 days of receipt of such request, physically inspect the subject property and determine whether the plan has been implemented.

(3) The Department will consider the plan initially implemented when:

(a) The landowner is carrying out and maintaining the conservation and management practices identified in the plan in accordance with the time frames established in the plan; and

(b) The conservation and management practices are progressing toward the plan's objectives.

(4) If, based on its review, the Department determines the landowner is not implementing the plan as approved, the Department will notify the landowner in writing of the reasons for the decision and the compliance measures he or she must take. The Department will send a copy of this notice to the county assessor.

(5) If the Department determines the landowner is implementing the plan as approved, the Department will provide the landowner with a written declaration to this effect. The Department will send a copy of this declaration to the county assessor.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS Ch. 308A, HB 3616, 2003

Hist.: FWC 23-1994, f. & cert. ef. 4-29-94; DFW 11-1998, f. & cert. ef. 2-5-98; DFW 115-2004, f. & cert. ef. 11-26-04

635-430-0090

Monitoring Approved Plans

(1) The Department will monitor an approved wildlife habitat conservation and management plan periodically to determine continued compliance with the plan.

(2) The Department's monitoring activities will include a physical inspection of the subject property.

(3) The Department will notify the landowner prior to initiating its monitoring activities.

(4) If the ownership of the subject property has changed since Department approval of the plan, the Department will provide the landowner with a copy of the approved plan.

(5) If, based on its monitoring activities, the Department determines the landowner is not implementing the plan as approved, the Department will notify the landowner in writing and identify the compliance measures that he or she must take within six months.

(6) If, at the end of the six-month period, the landowner is still not implementing the compliance measures required by the Department, the Department will notify the landowner and the appropriate county assessor.

(7) If the property is disqualified or withdrawn from the program and all other special assessment programs, there is a potential additional tax liability (see ORS 308A.430 and 308A.700-308A.733).

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS Ch. 308A, HB 3616, 2003

Hist.: FWC 23-1994, f. & cert. ef. 4-29-94; DFW 11-1998, f. & cert. ef. 2-5-98; DFW 115-2004, f. & cert. ef. 11-26-04

635-430-0100

Compatibility with Existing Laws or Ordinances

(1) Department approval of a wildlife habitat conservation and management plan does not authorize violation of federal or state laws or local ordinances, nor does it supersede any requirements to obtain permits or authorizations required by federal or state laws or local ordinances.

(2) New and existing dwellings may be allowed on a lot or parcel subject to wildlife habitat special assessment as provided in ORS 215.799. The fact that a lot or parcel is subject to wildlife habitat special assessment does not make it easier or more difficult for a landowner to obtain approval for a dwelling on the lot or parcel.

Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS Ch. 308A, HB 3616, 2003

Hist.: FWC 23-1994, f. & cert. ef. 4-29-94; DFW 11-1998, f. & cert. ef. 2-5-98; DFW 115-2004, f. & cert. ef. 11-26-04

Riparian Lands Tax Incentive Program

635-430-0300

Purpose

In accordance with Oregon Revised Statutes 308A.350 to 308A.383, the intent of the Riparian Lands Tax Incentive Program is to provide landowners with tax incentives to protect, conserve or restore healthy riparian habitat on private lands adjacent to perennial and intermittent streams.

Stat. Auth.: ORS 308A.383, 496.138 & 506.119

Stats. Implemented: ORS 308A.350 - 308A.383

Hist.: FWC 40-1982, f. & ef. 6-29-82; DFW 41-2000, f. 7-28-00, cert. ef. 8-1-00, Renumbered from 635-009-0300

635-430-0310

Definitions

For the purpose of OAR 635-430-0300 through 635-430-0430:

(1) "Department" means the Oregon Department of Fish and Wildlife.

(2) "Designation as Riparian Land" means Department approval of a landowner's riparian management plan and agreement for qualifying riparian land, after application and review as specified in OAR 635-430-0300 through 635-430-0430. This designation qualifies the riparian land for exemption or partial exemption from taxation.

(3) "Native vegetation" means vegetation that is indigenous to the subject property or to the physiographic province in which the subject property is located.

(4) "Non-aquatic Vegetation" means perennial vegetation adjacent to the edge of the stream channel, which may be submerged or partially submerged during periods of annual high streamflow, but spends the majority of the year completely out of surface water.

(5) "Private lands" means any real property, except real property in which the legal title is vested in a federal, state or local government entity.

(6) "Regular Cultivation" means the practice of annual or semi-annual tilling of soil, usually in conjunction with the production of various agricultural crops, produce or livestock.

(7) "Riparian" means pertaining to or situated on the edge of the bank of a river or stream.

(a) "Riparian Land" means land situated along the bank of a stream characterized by vegetation and microclimate influenced by perennial and/or intermittent water normally associated with high water tables and/or hydric soils. This area must be sufficient to support conservation or management measures identified in the riparian management plan and agreement.

(b) "Riparian Vegetation" means the aquatic and non-aquatic vegetation adjacent to streams that is dependent upon or tolerant of the presence of water near the ground surface for at least part of the year.

(8) "Riparian Management Plan and Agreement" means a written plan and agreement that specifically describes a segment of stream corridor and the protection or restoration measures necessary to meet the requirements of OAR 635-430-0300 to 635-430-0430.

(9) "Stream" means a natural channel that carries flowing surface water during some portion of the year. For the purposes of OAR 635-430-0300 to 635-430-0430, "stream" includes stream-associated wetlands, beaver ponds, oxbows and side channels if they are connected by surface flow to the stream during a portion of the year. A waterway that has been channelized through human interaction can meet the definition of a "stream" if the waterway still retains natural stream functions or can achieve natural stream functions through restoration activities required in a riparian management plan.

(a) "Intermittent Stream" means any natural stream in a natural channel that flows during a portion of every year but does not have continuous surface flow at all times of the year.

(b) "Perennial Stream" means a natural stream in a natural channel that ordinarily has continuous surface flow at all times of the year.

(c) "Stream-associated wetland" means a wetland that is adjacent and hydrologically connected to any stream.

(10) "Vegetation Restoration Potential" means the physical potential of a specific site to become re-vegetated with native vegetation if adequate protection, management, or restoration actions are implemented.

Stat. Auth.: ORS 308A.383, 496.138 & 506.119

Stats. Implemented: ORS 308A.350 - 308A.383

Hist.: FWC 40-1982, f. & ef. 6-29-82; DFW 41-2000, f. 7-28-00, cert. ef. 8-1-00, Renumbered from 635-009-0310; DFW 115-2004, f. & cert. ef. 11-26-04

635-430-0320

Eligibility Criteria

(1) The Department may designate perennial and intermittent streams and the associated riparian lands, as limited by OAR 635-430-0300 to 635-430-0430, as riparian lands if the land meets the eligibility criteria in (2)-(6) below.

(2)(a) The stream and associated riparian land are outside adopted urban growth boundaries and are planned and zoned as forest or agricultural lands (including rangeland); or

(b) The stream and associated riparian land are no longer outside adopted urban growth boundaries, and/or planned or zoned as forest or agriculture but such lands:

(A) Were outside urban growth boundaries as of July 1, 1997;
(B) Were planned and zoned as forest or agricultural lands as of July 1, 1997;

(C) Are managed as designated riparian lands; and

(D) are otherwise eligible for riparian designation. However, the landowner must file an application with the Department for including such lands in the program no later than five years after the date of the zoning change, or incorporation into an adopted urban growth boundary; or

(c) The stream and associated riparian land are located within the boundaries of a city and urban growth boundary and the governing bodies of both the city and the county in which the land is located have adopted ordinances or resolutions that are in effect as of the date the application required under OAR 635-430-00360 is submitted to the Department that:

(A) Allow the designation of land as riparian land as defined in OAR 635-430-0310(7)(a); and

(B) If possible, describe how the city or county will provide technical assistance to landowners preparing riparian management plans and will monitor compliance with approved plans.

(3) The width of the riparian land proposed for tax exemption is sufficient to provide long-term stream bank stability, erosion control, water quality, large wood recruitment, fish and wildlife habitat protection, conservation or restoration, and other functions deemed important to healthy aquatic habitats.

(4) Riparian vegetation on the riparian land is sufficient to support the functions identified in section (3) of this rule, or if the riparian land currently lacks adequate riparian vegetation, the land has significant vegetation restoration potential.

(5) The landowner has implemented measures specified in an approved riparian management plan and agreement, for the continued protection, conservation or restoration of riparian lands.

(6) The riparian land is on private land.

(7) After the Department approves the land for designation as riparian land and all procedural requirements in OAR 635-430-0300 to 635-430-0430 are met:

(a) Lands described in 635-430-0320(2)(a) and (b) are eligible for exemption from ad valorem taxation under ORS 308A.356.

(b) For tax years beginning on or after July 1, 2001, lands described in 635-430-0320(2)(c) are eligible for partial exemption from ad valorem taxation under ORS 308A.359

Stat. Auth.: ORS 308A.383, 496.138 & 506.119

Stats. Implemented: ORS 308A.350 - 308A.383

Hist.: FWC 40-1982, f. & ef. 6-29-82; DFW 41-2000, f. 7-28-00, cert. ef. 8-1-00, Renumbered from 635-009-0315; DFW 115-2004, f. & cert. ef. 11-26-04

635-430-0330

Limitations on Designation of Riparian Lands

Department designation of riparian lands for inclusion in the Riparian Tax Incentive Program is subject to the following limitations:

(1)(a) For each tax year beginning before July 1, 2004, the Department may approve for designation as riparian land no more than 200 miles of private stream bank in any county.

(b) In addition to the amount of land approved under section (1)(a) of this rule, each year the Department may approve for designation as riparian land any remaining allocation from the previous year. This remaining allocation equals the difference between 200 miles and the number of miles designated as riparian land during the previous year, plus the amount of land withdrawn from, or disqualified for, designation as riparian land during the previous year.

(2) Department designation of urban lands described in OAR 635-430-0320(2)(c) as riparian lands is subject to the following additional limitations:

(a) The Department may only approve applications for land described in OAR 635-430-0320(2)(c) for tax years beginning on or after July 1, 2002.

(b) The Department may not approve more than 50 applications for land described in OAR 635-430-0320(2)(c) for any tax year. An application that is not approved because of the limitation imposed by this subsection shall be held for consideration for the next tax year.

Stat. Auth.: ORS 308A.383, 496.138 & 506.119

Stats. Implemented: ORS 308A.350 - 308A.383

Hist.: FWC 40-1982, f. & ef. 6-29-82; DFW 41-2000, f. 7-28-00, cert. ef. 8-1-00, Renumbered from 635-009-0320; DFW 115-2004, f. & cert. ef. 11-26-04

635-430-0340

Factors for Determining Width of Riparian Lands

The Department may designate qualifying perennial and intermittent streams and associated riparian lands up to 100 feet landward (horizontal measurement) from the line of non-aquatic vegetation adjacent to the stream, or an area not exceeding 25 acres of riparian lands per mile of stream, as riparian lands. To determine the width of the land actually designated as riparian land, the Department will consider the following factors necessary to promote erosion control, long-term stream bank stability, water quality, fish and wildlife habitat protection, conservation or restoration, large wood recruitment and other functions deemed important to healthy aquatic habitat:

(1) Stream size at various flows;

(2) Existing riparian vegetation and vegetation restoration potential;

(3) Stream bank slope;

(4) Adjacent land uses;

(5) Stream channel orientation;

(6) Space necessary to establish and protect riparian fences or other structures needed to implement measures specified in an approved riparian management plan and agreement;

(7) Potential for lateral channel migration or new channel formation and any constraints on such migration or formation; and

(8) Location of stream-associated wetlands or off-channel features such as alcoves, oxbows, side channels or other areas important to fish and wildlife habitat.

Stat. Auth.: ORS 308A.383, 496.138 & 506.119

Stats. Implemented: ORS 308A.350 - 308A.383

Hist.: FWC 40-1982, f. & ef. 6-29-82; DFW 41-2000, f. 7-28-00, cert. ef. 8-1-00, Renumbered from 635-009-0325

635-430-0350

Healthy Riparian Habitat

The goal of each riparian management plan and agreement is the protection, conservation or restoration of healthy riparian habitat. Department assessment of the current and potential health of riparian habitat will include, but is not limited to, consideration of the following general goals, as consistent with the ecological potential of an individual property:

(1) Sufficient shade to moderate water and air temperatures;

(2) Adequate native vegetative cover to reduce streambank erosion, provide organic matter input, enhance water quality, and provide for the delivery of large wood to the stream channel;

(3) Sufficient in-channel large wood to promote complex stream habitat conditions, such as pools and riffles; and

(4) Habitat for native fish and wildlife.

Stat. Auth.: ORS 308A.383, 496.138 & 506.119

Stats. Implemented: ORS 308A.350 - 308A.383

Hist.: FWC 40-1982, f. & ef. 6-29-82; DFW 41-2000, f. 7-28-00, cert. ef. 8-1-00, Renumbered from 635-009-0330; DFW 115-2004, f. & cert. ef. 11-26-04

635-430-0360

Application Process

(1) A landowner seeking enrollment in the Riparian Land Tax Incentive Program must apply to the applicable county assessor and the Department.

(2) An applicant must apply to the county assessor no later than December 31 to receive a reduced assessment during the following tax year (beginning July 1). Applicants can obtain county application forms from the county assessor.

(3) An applicant must submit a riparian management plan to the Department and sign a Riparian Land Tax Incentive Program agreement. Applicants can obtain these forms from the Department.

(4) The riparian management plan must, at a minimum, include the following information:

(a) Name, mailing address and telephone number of landowner(s);

(b) Legal description of the subject property: township, range, section and tax lot number(s);

(c) County in which the subject property is located;

(d) Name of the stream associated with the riparian land;

(e) Total streambank miles proposed for enrollment in the program;

(f) Acreage of land proposed for designation as riparian land;

(g) A description of the existing vegetation condition on the riparian lands;

(h) An explanation of the habitat objectives to be achieved on the riparian land by implementing the riparian management plan and agreement consistent with the riparian goals identified in OAR 635-430-0350;

(i) The linear length (feet) of unstable streambank (if any);

(j) Soil types;

(k) Existing use of, or activities on, the riparian land;

(l) Proposed use of, or activities on, the riparian land;

(m) Existing land use activities on the portion of the property immediately adjacent to the riparian lands;

(n) Proposed changes in land use activities (if any) on the portion of the property immediately adjacent to the riparian lands; and

(o) Specific conservation management practices the landowner will implement to meet program objectives and a timeline for implementing these management practices.

(5) The riparian management plan must also contain a map of the subject property with a scale of four-inch per mile or eight-inch per mile (unless otherwise authorized by the Department), that includes the following information:

(a) Legal description of the subject property: township, range, section and tax lot number(s);

(b) Boundaries of the riparian lands proposed for inclusion in the program;

(c) Stream name and location; and

(d) Property boundaries.

(6) The Riparian Land Tax Incentive Program agreement must, at a minimum, contain:

(a) Name, mailing address, and telephone number of the landowner(s);

(b) Legal description of the subject property: township, range, section and tax lot number(s);

(c) Name of the county in which the subject property is located;

(d) Name of the stream associated with the riparian land;

(e) Boundaries of the riparian lands proposed for inclusion in the program;

(f) Authorization for the Department to inspect the property for continued compliance with the riparian management plan pursuant to OAR 635-430-0420, or if so requested by the county assessor, pursuant to ORS 308A.374, and following reasonable efforts to give the landowner prior notification;

(g) Landowner's commitment to follow the riparian management plan associated with the property unless a request for withdrawal is submitted to the county assessor; and

(h) Signatures of landowner(s), Department representative and any other participating party.

(7) Applicants are encouraged to seek technical assistance with developing the riparian management plan and implementing management practices from the local offices of the Oregon Department of Fish and Wildlife or the Soil and Water Conservation District.

(8) To amend an existing riparian management plan and/or agreement, the applicant must submit a new plan or agreement to the Department for review and approval pursuant to these rules.

Stat. Auth.: ORS 308A.383, 496.138 & 506.119

Stats. Implemented: ORS 308A.350 - 308A.383

Hist.: FWC 40-1982, f. & ef. 6-29-82; DFW 41-2000, f. 7-28-00, cert. ef. 8-1-00, Renumbered from 635-009-0335; DFW 115-2004, f. & cert. ef. 11-26-04

635-430-0370

Plan Review and Approval

(1) The Department will approve riparian management plans and agreements submitted to the Department that meet all eligibility requirements and contain adequate provisions for the protection, conservation or restoration of riparian lands, as provided in OAR 635-430-0300 to 635-430-0430. Department approval of a riparian management plan and agreement qualifies the subject land for designation as riparian land.

(2) If only a portion of the property meets the criteria described in OAR 635-430-0320 to 635-430-0340, the Department may approve only the qualifying portion of the property for designation as riparian land. In such event, the applicant may withdraw the entire application.

(3) The riparian management plan and agreement are approved and the land is eligible for tax exempt status only after the plan and agreement are signed by the landowner(s), a Department representative, and any other participating party.

(4) The Department must approve or disapprove an application by April 1 of the year following receipt of the application materials. Applications not denied by that date are deemed approved and the land considered to be qualified as riparian land. The Department will notify the county assessor and the applicant of its approval or disapproval of an application.

(5) The Department will file an order of approval with the county assessor within ten days of Department approval of the completed plan and agreement.

Stat. Auth.: ORS 308A.383, 496.138 & 506.119

Stats. Implemented: ORS 308A.350 - 308A.383

Hist.: DFW 41-2000, f. 7-28-00, cert. ef. 8-1-00

635-430-0375

Riparian Conservation and Management Practices

Conservation and management practices appropriate to achieve the objectives of OAR 635-430-0350 may include, but are not limited to:

(1) Protecting existing native vegetation;

(2) Planting native trees, shrubs, grasses and other native vegetation;

(3) Removing invasive, non-native vegetation that threatens native plant communities;

(4) Control of invasive, non-native fish or wildlife that threaten native wildlife species;

(5) Burning as prescribed by the Department to maintain fire-dependent native vegetation;

(6) Fencing to protect wildlife habitat or plant communities;

(7) Increasing habitat diversity by practices such as placing downed, woody material, preserving or creating standing dead trees, creating ponds, or other methods approved by the Department;

(8) Placing boulders, logs and other appropriate materials in streams to enhance fish habitat;

(9) Removing buildings, pavements and other man-made features;

(10) Grading altered land areas to restore original hydrology and natural topography;

(11) Restoring, enhancing or creating wetlands;

(12) Establishing vegetative buffers or structural setbacks adjacent to wildlife habitats.

Stat. Auth.: ORS 308A.383, 496.138 & 506.119

Stats. Implemented: ORS 308A.350 - 308A.383

Hist.: DFW 115-2004, f. & cert. ef. 11-26-04

635-430-0380

Activities Generally Compatible with Riparian Lands

Activities that are generally compatible with the intent of the riparian lands tax incentive program include, but are not limited to, the following when they are adequately described as a part of an approved riparian lands management plan and agreement:

(1) Livestock watering and crossing areas when fenced and located at defined points, unless the Department specifically finds the watering or crossing areas are consistent with the objectives of the program without fencing or definite location;

(2) All existing legal irrigation and utility developments, including powerlines, water lines, pipelines, irrigation diversion dams, pump stations, pump intakes, irrigation ditches and other similar developments, if they meet adequate fish passage and diversion screening requirements;

(3) Fish habitat restoration projects;

(4) Large wood removal after a natural disaster, but only when large wood poses an immediate and significant threat to private property or public safety, and only if the Department agrees to removal after the review process specified in OAR 635-430-0390;

(5) Equipment or vehicle crossings at fords, culverts and bridges, if the crossing points are minimized, are constructed and maintained in a manner that minimizes sediment delivery to streams, and provide adequate fish passage in accordance with Oregon Department of Fish and Wildlife Guidelines and Criteria for Stream-Road Crossings;

(6) Recreational facilities (i.e., trails, boat ramps, and primitive camp sites) when consistent with the objectives of the program; and

(7) Tree harvest or vegetation management consistent with the objectives of this program and in compliance with the requirements of the Oregon Forest Practices Act (OAR 629-600-0100 through 629-665-0240).

Stat. Auth.: ORS 308A.383, 496.138 & 506.119

Stats. Implemented: ORS 308A.350 - 308A.383
Hist.: FWC 40-1982, f. & ef. 6-29-82; DFW 41-2000, f. 7-28-00, cert. ef. 8-1-00,
Renumbered from 635-009-0340

635-430-0390

Activities Generally Incompatible with Riparian Lands Tax Incentive Program

Activities that are generally incompatible with the protection or restoration of riparian lands include, but are not limited, to the following. These activities may only occur on designated riparian lands if specifically described and approved in the riparian lands management plan or plan amendment.

(1) Regular cultivation, seeding, and harvesting of crops or other farming activities which preclude the development of permanent vegetative cover.

(2) Livestock grazing or feeding areas except at watering points that are approved and appropriately limited in the management plan.

(3) Herbicide spraying, except for the spot control of noxious weeds or when necessary for establishment and survival of vegetation planted in compliance with the riparian management plan. Such spraying must prevent drift into aquatic areas.

(4) Channel or stream bank alterations other than those determined by the Department to be necessary to achieve healthy aquatic habitat conditions.

(5) Construction or relocation of buildings.

(6) Gravel, mineral or soil removal.

(7) Land clearing (vegetation removal).

Stat. Auth.: ORS 308A.383, 496.138 & 506.119

Stats. Implemented: ORS 308A.350 - 308A.383

Hist.: FWC 40-1982, f. & ef. 6-29-82; DFW 41-2000, f. 7-28-00, cert. ef. 8-1-00,
Renumbered from 635-009-0345

635-430-0400

Natural Disasters

(1) If an act of nature (e.g., floods, fire, wind and other natural disaster) significantly damages or reduces riparian vegetation, or reduces the effectiveness of conservation measures described in a riparian management plan and agreement, the landowner must notify the Department within 90 days of the occurrence.

(2) Department personnel will tour the affected property with the landowner within 60 days of notification and determine if remedial or new conservation measures are required to meet program objectives.

(3) If the Department determines that remedial or new conservation measures are necessary, the Department will notify the landowner, in writing, within 10 working days after touring the affected property. The notification will include a general description of the necessary remedial actions.

(4) After receiving notification from the Department that remedial action is necessary, the landowner has two options:

(a) The landowner may continue enrollment in the program and notify the Department of his/her intention to revise or amend the riparian management plan and agreement; or

(b) The landowner may withdraw from the program by submitting a request for withdrawal to the county assessor in compliance with ORS 308A.365. The county assessor may assess back taxes in such cases.

(5) If the landowner elects to continue enrollment in the program, the landowner must submit a revised or amended riparian management plan and agreement to the Department within three months from the date the Department notified the landowner that new or remedial measures were necessary. The Department will process the plan and agreement in accordance with these rules.

Stat. Auth.: ORS 308A.383, 496.138 & 506.119

Stats. Implemented: ORS 308A.350 - 308A.383

Hist.: FWC 40-1982, f. & ef. 6-29-82; DFW 41-2000, f. 7-28-00, cert. ef. 8-1-00,
Renumbered from 635-009-0350

635-430-0410

Sale or Transfer of Exempted Riparian Lands

The purchaser of any lands enrolled in the Riparian Lands Tax Incentive Program has 120 days after recording of the land sale to retain the property tax exemption or withdraw from the program without penalty.

(1) To retain the riparian tax exemption, the new owner must:

(a) Agree to management provisions in the previous owner's riparian management plan by signing an identical plan, and sign a riparian management agreement consistent with the program; or

(b) Submit an amended riparian management plan to the Department for review and approval pursuant to these rules and sign a riparian management agreement consistent with the program.

(2) To withdraw from the riparian tax exemption program, the new owner must provide the county assessor with a notice of request for withdrawal in compliance with ORS 308A.365.

Stat. Auth.: ORS 308A.383, 496.138 & 506.119

Stats. Implemented: ORS 308A.350 - 308A.383

Hist.: FWC 40-1982, f. & ef. 6-29-82; DFW 41-2000, f. 7-28-00, cert. ef. 8-1-00,
Renumbered from 635-009-0355

635-430-0420

Monitoring and Compliance

(1) Department staff will periodically inspect the riparian land enrolled in the program to determine conformance with the riparian management plan and agreement. Department staff will provide a landowner with written notification at least 10 days before an inspection. The Department will ask the landowner to participate in the inspections, if possible.

(a) Department staff will conduct the first inspection within one year after the property was enrolled in the program.

(b) Department staff will conduct all subsequent inspections at approximately five-year intervals.

(2) If Department staff determine the riparian land is not in conformance with the riparian management plan or agreement, the Department will send written notification to the landowner. The notification will describe the reasons the property is not in conformance with the riparian management plan and agreement. The notification will also describe in detail the proposed changes necessary to achieve conformance with the plan and agreement, and an appropriate deadline for implementation of these remedial measures. This deadline will be 90 days from the date of the notification, unless the Department determines a longer timeframe is necessary to achieve the required remedial measures.

(3) After receiving a Department notification describing needed remedial measures, the landowner may request a meeting with Department staff to discuss these measures. During the meeting the landowner may propose other remediation to bring the riparian lands into conformance with the riparian management plan and agreement. Whenever possible, the Department and the landowner should jointly develop remedial measures and an implementation deadline.

(4) After the deadline described in sections (2) or (3) of this rule, and following written notification at least 15 days before the inspection, Department staff will reinspect the property for conformance with the necessary remedial measures.

(a) If the landowner has not implemented the necessary remedial measures, the Department will notify the assessor that the property is not in conformance with the riparian management plan and agreement.

(b) If the landowner has implemented the necessary remedial measures, the Department may continue such inspections of the property to ensure the property is progressing toward full compliance with the riparian management plan and agreement until the property reaches that goal.

(5) If a property owner does not allow Department staff to inspect riparian land designated under the Riparian Lands Tax Incentive Program as specified in a riparian management plan and agreement, the Department will notify the assessor that the landowner is not in compliance with their riparian management plan and agreement.

(6) A landowner may withdraw from the program by submitting a request for withdrawal to the county assessor in compliance with ORS 308A.365. The county assessor may assess back taxes in such cases.

(7) Only the county assessor may withdraw the land from designation as riparian and apply payments and penalties as provided in ORS 308A.368.

Stat. Auth.: ORS 308A.383, 496.138 & 506.119

Stats. Implemented: ORS 308A.350 - 308A.383

Hist.: DFW 41-2000, f. 7-28-00, cert. ef. 8-1-00

635-430-0430

Program Compatibility with Existing Laws or Ordinances

The Department's approval of land use activities compatible with the Riparian Lands Tax Incentive Program does not exempt any proposed activity from state or federal law, or local ordinance.

Stat. Auth.: ORS 308A.383, 496.138 & 506.119
 Stats. Implemented: ORS 308A.350 - 308A.383
 Hist.: FWC 40-1982, f. & ef. 6-29-82; DFW 41-2000, f. 7-28-00, cert. ef. 8-1-00,
 Renumbered from 635-009-0360

DIVISION 435

WILDLIFE CONTROL OPERATORS

635-435-0000

Purpose

Landowners and those who legally occupy land often hire wildlife control operators to rid their homes, businesses or land of 'nuisance wildlife' such as raccoons, skunks and other species. The wildlife damage statute (ORS 498.012) authorizes landowners and occupiers to take wildlife that is causing damage, is a public nuisance, or poses a public health risk on their land. That statute does impose certain requirements. The purpose of these rules is to streamline compliance with these requirements while also promoting sound wildlife management by providing means for an agent to act on the behalf of a landowner or occupier and for an annual permit rather than requiring a permit for each wildlife conflict situation.

Stat. Auth.: ORS 496.012, 496.138, 496.146, & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146, & 496.162
 Hist.: DFW 117-2006, f. & cert. ef. 10-16-06

635-435-0005

Definitions

For the purposes of these rules the following definitions apply:

(1) "Nongame wildlife nonprotected" means any species that does not meet any of the following definitions: "game mammals" as defined in OAR 635-045-0002, "game birds" as defined in 635-045-0002, "furbearers" as defined in 635-045-0002, "threatened and endangered species" as defined in 635-100-0125, or "nongame wildlife protected" as defined in 635-044-0130 or is not otherwise protected by statute or law.

(2) "Possession" means to have physical possession or to otherwise exercise dominion over any wildlife or wildlife parts, and possession begins once the trap has been checked by the permittee or subpermittee.

(3) "Predatory animals" means coyotes, rabbits, rodents, and feral swine which are or may be destructive to agricultural crops, products and activities. This definition is applicable where wildlife is taken under the authority of one who owns leases, occupies, possesses or has charge or dominion over the land. On public land this typically includes one who has a grazing lease.

(4) "Prohibited Species" means wildlife that the commission has placed on the Prohibited list in its Wildlife Integrity Rules (OAR Chapter 635 Division 56).

(5) "Protected wildlife" means any species that meets any of the following definitions: "game mammals" as defined in OAR 635-045-0002, "game birds" as defined in 635-045-0002, "furbearers" as defined in 635-045-0002, "threatened and endangered species" as defined in 635-100-0125, or "nongame wildlife protected" as defined in 635-044-0130 or is otherwise protected by statute or law.

(6) "Wildlife Control Operator" means an individual or business charging a fee and acting as an agent for a property owner, legal occupant, local jurisdiction or agency to take wildlife for the purpose of controlling damage, alleviating nuisance problems, or resolving public health risk concerns.

Stat. Auth.: ORS 496.012, 496.138, 496.146, & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146, & 496.162
 Hist.: DFW 117-2006, f. & cert. ef. 10-16-06

635-435-0010

Permit Required to Capture, Hold, Transport, or Relocate Wildlife

(1) Any Wildlife Control Operator charging a fee to control damage, alleviate nuisance problems, or resolve public health risk concerns caused by certain wildlife must first obtain a Wildlife Control Operator Permit from the Department prior to capturing, holding, transporting or relocating such wildlife. A permit is not required to capture, euthanize or release on-site nongame wildlife nonprotected or species taken under authority of the predatory animal statute (ORS 610.105).

(2) A permit allows the permittee to capture, hold, transport, or relocate furbearers (except raccoons). A permit allows the permittee

to hold, transport, or relocate predatory animals, western gray squirrels, and nongame wildlife nonprotected. These activities must be in compliance with conditions specified by these rules, the permit, and direction by the Department.

(3) A permit allows the permittee to capture, euthanize or release on-site raccoons. A permit does not allow the permittee to relocate raccoons to other sites unless directed by the Department.

(4) A permit does not authorize the permittee to intentionally capture, hold, transport or relocate game mammals, game birds or nongame wildlife protected. Game mammals excluding western gray squirrels, game birds or nongame wildlife protected caught incidentally must be released on-site.

(5) A permit does not authorize the permittee to intentionally capture, hold, transport or relocate species protected by other state or federal law. Species protected by other state or federal law caught incidentally must be released on site.

Stat. Auth.: ORS 496.012, 496.138, 496.146, & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146, & 496.162
 Hist.: DFW 117-2006, f. & cert. ef. 10-16-06

635-435-0015

Passing a Test Required to Obtain Wildlife Control Operator Permit

Note: from October 2006 until January 2008, those seeking to obtain a Wildlife Control Operator permit will be required to submit an application and satisfy all requirements of these rules. Beginning in 2008, all those seeking a permit (both new applicants and renewing permit holders) must in addition pass a test.

(1) To obtain a Wildlife Control Operator permit, an individual or business owner must complete and submit an application form provided by the Department. Beginning January 1, 2008, an applicant must also pass a test administered by the Department with a score of 80% or greater. The test shall be based on a wildlife control training manual provided by the Department. Once an individual or business owner passes the test, re-taking the test will not be required for renewing the permit.

(2) A business owner may designate subpermittees on his or her permit. Subpermittees must be employed by the permitted business owner and must sign a form provided by the Department that indicates that the subpermittee has read and understands the training manual. Subpermittees are not required to pass a test. The permittee is responsible for any violations by a subpermittee of these rules. Subpermittees are subject to all requirements of these rules applicable to permittees. Permittee may add or remove a subpermittee at any time and at his or her discretion but must inform the Department of such changes in writing within 21 days.

(3) Permits are free of charge and are issued for the calendar year.
 Stat. Auth.: ORS 496.012, 496.138, 496.146, & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146, & 496.162
 Hist.: DFW 117-2006, f. & cert. ef. 10-16-06

635-435-0020

Wildlife Control Operator Permit Required to be in Possession

(1) Individuals or employees of businesses holding a Wildlife Control Operator Permit must have the permit in possession while conducting wildlife control activities and make the permit available for inspection upon request by any Department employee or any person authorized to enforce wildlife laws.

(2) Individuals or businesses holding a permit must obtain and have in possession any other federal, state, or local permits that may be required.

Stat. Auth.: ORS 496.012, 496.138, 496.146, & 496.162
 Stats. Implemented: ORS 496.012, 496.138, 496.146, & 496.162
 Hist.: DFW 117-2006, f. & cert. ef. 10-16-06

635-435-0025

Ownership and Holding of Wildlife Held Under Wildlife Control Operator Permits

(1) All wildlife captured, held, transported or relocated under a Wildlife Control Operator Permit remains the property of the State of Oregon and cannot be sold, traded, bartered, or exchanged except as allowed by OAR chapter 635 division 200. Wildlife captured, held, transported or relocated under a permit cannot be intentionally displayed for public exhibit.

(2) Traps must be checked within the time periods specified in OAR chapter 635 division 50.

(3) Within 24 hours after coming into possession of wildlife as part of wildlife control activity, the permittee must release, relocate,

or euthanize the wildlife, or transport it to a person holding a Wildlife Rehabilitation Holding Permit who is willing to accept such wildlife. Lactating female wildlife or dependent infant(s) may be kept in possession up to 72 hours if necessary to keep the captured dependent infants or take other action to keep the family unit intact. Lactating female wildlife or dependent infant(s) may only be held longer than 72 hours if directed by the Department.

(4) If the permittee captures lactating female wildlife, the permittee must make reasonable efforts to verify the presence or absence of infants and to capture dependent infants.

(5) Once wildlife has been in possession 4 hours, the permittee must provide clean drinking water and replenish it at reasonable intervals.

Stat. Auth.: ORS 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, & 496.162

Hist.: DFW 117-2006, f. & cert. ef. 10-16-06

635-435-0030

Humane Euthanasia and Discarding of Wildlife Carcasses

(1) If any wildlife shows obvious symptoms of disease, the permittee must humanely euthanize or dispose of the wildlife as directed by the Department.

(2) A permittee may euthanize wildlife without the assistance of a veterinarian. A permittee's methods of euthanizing live-captured or free-ranging wildlife must be consistent with the "2000 Report of the AVMA Panel on Euthanasia" published in the Journal of the American Veterinary Medical Association, volume 218, number 5.

(3) No permit is needed to euthanize wildlife in accordance with ORS 498.016.

(4) When discarding wildlife carcasses, a permittee must follow Department directions. Disposal of wildlife parts must be done in a manner consistent with OAR chapter 635 division 200.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, & 496.162

Hist.: DFW 117-2006, f. & cert. ef. 10-16-06

635-435-0035

Relocation of Nuisance Wildlife

(1) A permittee must release prohibited species on site or humanely euthanize them. Prohibited species cannot be relocated off site except to humanely euthanize them. Prohibited species cannot be relocated to other sites.

(2) A permittee may either release raccoons on site or humanely euthanize them. Raccoons must not be relocated off site except to humanely euthanize them. Raccoons cannot be relocated to other sites except as authorized by the Department.

(3) Predatory animals, furbearers except raccoons and nongame wildlife nonprotected may be released on site, humanely euthanized or (as directed by the Department) relocated into suitable habitat.

Stat. Auth.: ORS 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, & 496.162

Hist.: DFW 117-2006, f. & cert. ef. 10-16-06

635-435-0040

Transportation of Wildlife

(1) Permittees are authorized to transport permitted live wildlife for:

(a) Relocation into suitable habitat as specified by these rules and the permit; or

(b) Transport to a person holding a Rehabilitation Holding permit; or

(c) Euthanization of the animal.

(2) Permittees are authorized to transport permitted wildlife carcasses for disposal of the carcass as directed by the Department or for use of wildlife parts in compliance with OAR chapter 635 division 200.

(3) Permittees must provide all live wildlife with humane care during transport. When transporting live wildlife in a vehicle:

(a) The vehicles must be equipped to provide fresh air without injurious exhaust fumes, and with adequate protection from extreme weather that could cause morbidity or mortality.

(b) Wildlife must be protected from extremes in temperature that could cause morbidity or mortality.

(c) The cage or enclosure must be of sufficient strength to hold wildlife securely during transportation and to prevent escape.

(d) The interior of the cage must be free of defects including sharp points, objects or edges resulting from alterations, breakage or age of the trap and that could injure wildlife placed inside.

(e) With the exception of skunks, the cage must be of a size that assures the safety of the wildlife control operator and be large enough to ensure that each specimen has sufficient space to turn, stand, and lie naturally.

(f) More than one specimen must not be transported in the same cage or enclosure unless they are of the same species and were captured together in the same trap or capture device.

(g) A visual barrier must be placed between aggressive individuals.

(h) Wildlife must be of sufficient distance apart or shall have a divider placed between them to prevent any physical contact between specimens.

(i) Wildlife must not be placed in a cage or enclosure over other wildlife unless each cage is fitted with a floor or barrier which prevents excretions or body parts from entering lower cages or enclosures.

Stat. Auth.: ORS 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, & 496.162

Hist.: DFW 117-2006, f. & cert. ef. 10-16-06

635-435-0045

Equipment Subject to Inspection

In response to a complaint or reasonable suspicion that these rules have been violated, any State Police officer or Department of Fish and Wildlife representative may inspect a permittee's traps, cages, enclosures, or other equipment in use for capturing, holding, transporting or relocating wildlife; or any wildlife held in such equipment or otherwise in possession; or wildlife control records. Nothing in these rules is intended to authorize or allow the warrantless search or inspection of a permit holder's residence.

Stat. Auth.: ORS 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, & 496.162

Hist.: DFW 117-2006, f. & cert. ef. 10-16-06

635-435-0050

Trap Molestation Prohibited

(1) Any trap or capture device used by a permittee must be legibly marked or branded with either the owner's business name and phone number, or the owner's furtaker license (brand) number that has been assigned by the Department.

(2) It is *unlawful* to molest any trap or capture device set by a permittee for the purposes of controlling damage, alleviating nuisance problems, or resolving public health risk concerns caused by wildlife or to remove wildlife from such a trap or capture device without written authorization of the owner.

Stat. Auth.: ORS 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, & 496.162

Hist.: DFW 117-2006, f. & cert. ef. 10-16-06

635-435-0055

Record Keeping and Reporting Requirements

(1) A permittee and his or her subpermittees must have a landowner or occupier sign an affidavit of damage designating the permittee as his or her agent to address damage caused by any furbearer. An affidavit of damage is not required for species taken under authority of the predatory animal statute (ORS 610.105).

(2) A permittee and his or her subpermittees must keep records on a calendar-month report form provided by the Department for all furbearers captured on permit and for all live wildlife that is transported off-site. Reporting is required for non-target wildlife captured if such wildlife is relocated, euthanized or injured. Reporting is not required for predatory animals or nongame wildlife nonprotected that are captured then either released on-site or euthanized on-site.

(3) A permittee must submit the monthly report form to the Department by the 15th day of the following month. A permittee must submit a report even if no wildlife control activity occurred during the month.

Stat. Auth.: ORS 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, & 496.162

Hist.: DFW 117-2006, f. & cert. ef. 10-16-06

635-435-0060

Cancellation or Non-Renewal of Permit

(1) Failure to comply with the record keeping, reporting, or other requirements of the Wildlife Control Operator Permit are grounds for cancellation or denial of renewal of the permit.

(2) A permittee may appeal cancellation or non-renewal of a permit through a contested case hearing. The request for a contested case hearing on a proposed cancellation must be received by the Department within 21 days after service of notice (90 days for emergency cancellations). The request for hearing on a proposed non-renewal must be received by the Department within 60 days of notice. Final Orders in contested case hearings shall be issued by the Director.

Stat. Auth.: ORS 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146, & 496.162

Hist.: DFW 117-2006, f. & cert. ef. 10-16-06

DIVISION 500

FISH MANAGEMENT PLANS

Purpose

635-500-0002

Purpose

The administrative rules contained in this division are the legally enforceable elements of fish management plans. Fish management plans are comprehensive documents which the Department regards both as a means to implement policy and as an explanation of the intent and rationale of management direction. Plans contain factual background material, statements of the rationale for selection of objectives, strategies to be applied to attain objectives, and statements of general priorities for various actions. Copies of all plans are available from the Department.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Steelhead Management

635-500-0010

Steelhead Management Policy

These rules are established to guide management and conservation of steelhead (*Oncorhynchus mykiss*) in Oregon. It is the policy of the State of Oregon that steelhead be managed as a game fish. This management plan fulfills OAR 635-007-0515 which states resources of the state shall be managed according to management plans. Additional guidance is provided by Fish Management Goals (OAR 635-007-0510), Natural Production Policy (OAR 635-007-0521 through 635-007-0524), Wild Fish Management Policy (OAR 635-007-0525 through 635-007-0535), Wild Fish Gene Resource Conservation Policy (OAR 635-007-0536 through 635-007-0538) and Hatchery Fish Gene Resource Management Policy (OAR 635-007-0540 through 635-007-0541).

Stat. Auth.: ORS 496.012, 496.435, 506.036 & 506.109

Stats. Implemented: ORS 496.012, 496.435, 506.036 & 506.109

Hist.: FWC 34-1986, f. & ef. 8-7-86; FWC 55-1986, f. & ef. 9-9-86; FWC 37-1995, f. 5-3-95, cert. ef. 5-5-95

635-500-0015

Steelhead Habitat Protection Policy

The Department recognizes that attrition and degradation of habitat is a serious threat to maintenance of healthy and diversified populations of steelhead. Implementation of state and federal laws for conservation of fish habitat, including those contained in the Wildlife and Commercial Fishing Codes, is essential to sustaining a strong habitat base. Therefore, consistent with OAR 635-007-0515(6), the Department will maintain or enhance the total total capacity of habitats supporting steelhead trout in Oregon by cooperating fully with other agencies to implement laws and develop coordinated resource management programs. The Department will also work with private organizations and individuals to achieve, where possible, mutually satisfactory solutions to conflicts between the objectives of other parties and this policy.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

Hist.: FWC 34-1986, f. & ef. 8-7-86; FWC 55-1986, f. & ef. 9-9-86

635-500-0020

Steelhead Management Goals and Objectives

The Department shall proceed with programs and other efforts to achieve the following statewide goals and objectives, consistent

with applicable law, agency policy and rule, and recognizing funding priorities for the agency. Goals of steelhead management are to:

(1) Sustain healthy and abundant wild populations of steelhead. The Steelhead Management Plan defines "healthy population" as a population that maintains a high level of productivity and adaptive capacity. Objectives under this goal are to:

- (a) Protect and restore spawning and rearing habitat;
- (b) Provide safe migration corridors;
- (c) Protect wild populations from overharvest;
- (d) Protect wild steelhead populations from detrimental interactions with hatchery fish; and
- (e) Monitor the status of wild steelhead populations so that long-term trends in populations can be determined;

(2) Provide recreational, economic, cultural and aesthetic benefits from fishing and non-fishing uses of steelhead. Specific objectives are to:

(a) Provide a harvest for treaty tribes without overharvesting wild fish;

(b) Provide recreational angling opportunities reflecting the desires of the public while minimizing impacts on wild fish; and

(c) Increase non-angling uses that provide recreation and broaden public understanding of steelhead and habitat programs.

(3) Involve the public in steelhead management and coordinate Oregon Department of Fish and Wildlife actions with the tribes and with other agencies. Objectives include:

(a) Increase public awareness of steelhead and related fishery management issues;

(b) Provide a forum for public involvement in steelhead management; and

(c) Coordinate Oregon Department of Fish and Wildlife steelhead management activities with other habitat and fishery managers.

Stat. Auth.: ORS 496.012, 496.435, 506.036 & 506.109

Stats. Implemented: ORS 496.012, 496.435, 506.036 & 506.109

Hist.: FWC 34-1986, f. & ef. 8-7-86; FWC 55-1986, f. & ef. 9-9-86; FWC 37-1995, f. 5-3-95, cert. ef. 5-5-95

Warmwater Game Fish Management

635-500-0045

Wild Fish Management Policy

Management options for protection and enhancement of wild stocks are contained in OAR 635-007-0525. In addition, the following guidelines by management option apply only to management of nonendemic warmwater game fishes:

(1) Option (1)(a) of OAR 635-007-0525 — Manage for wild fish:

(a) The intent of management under this option is to insure that the adaptability of wild stocks is not diminished by hatchery stocks;

(b) Wild stocks will be used to establish populations. Donor stocks that show life history or behavioral characteristics believed to improve survival and growth of populations in the basin must be used;

(c) Any nonlocal stock purposed as a donor will be reviewed for:

- (A) Life history characteristics in comparison to local stocks;
- (B) Goals of the introduction;
- (C) Estimated costs; and
- (D) Possible consequences on the fish management objectives for all species in the basin.

(d) If production of wild fish in the basin is believed to be limited by some existing habitat condition, attempts to increase abundance of fish will consist of improvements to habitat;

(e) If production of wild fish in the basin is believed to be lower than the present habitat can support, short-term stocking of fry, fingerling, or adults may be used in an attempt to achieve maximum sustained production. Under these circumstances, the stocking program will not exceed five years. During the stocking period, an evaluation procedure will be established to determine the effectiveness of the stocking program. Donor stocks must meet the criteria listed in subsections (1)(b) and (c) of this rule.

(2) Option (1)(b) of OAR 635-007-0525 — Manage for wild and hatchery fish:

(a) The intent of management under this option is to insure that the range of biological characteristics, adaptability, and production of the wild stock are not reduced by interactions with hatchery fish;

(b) Habitat protection and enhancement are essential to maintaining production for wild fish in the system;

(c) Hatchery fish may be used on a routine, ongoing basis in order to increase the abundance of adults over the number that would be present under reliance on natural production alone;

(d) Hatchery programs will use fish believed adapted to survival, growth, and adaptability in the basin. The best adapted of acceptable donor stocks will be used. Nonlocal stocks will meet the criteria of guideline in subsection (1)(c) of this rule;

(e) If beneficial alteration of genetic adaptability of the wild population is desired, hatchery fish will be released in sufficient numbers and over a sufficient time period to substantially alter life history characteristics;

(f) Special restrictions may be imposed to protect hatchery stocks released for the purpose of breeding with stocks currently present.

(3) Option (1)(c) of OAR 635-007-0525 — Manage for hatchery fish:

(a) The intent of management under this option is to:

(A) Achieve the maximum possible benefits from production of hatchery fish; and

(B) Maintain natural production at the highest level possible without restricting the hatchery program.

(b) Habitat protection and enhancement are essential to maintaining the productive capacity of wild fish in the system;

(c) The hatchery program must use a well adapted local or other stock believed able to survive and grow in the basin as a basis for developing a hatchery population that will achieve goals of the hatchery program. Nonlocal stocks will meet the criteria of subsection (1)(c) of this rule;

(d) The magnitude of the hatchery program will not be limited to regulating the effects on wild stocks of the same species within the basin. The magnitude of the hatchery program may be limited to regulating the effects on other fish species in the basin, depending on management objectives for those species.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 77-1987, f. & ef. 9-15-87

635-500-0055

Objectives of Warmwater Game Fish Management

The Department shall proceed with programs and other efforts to achieve the following statewide objectives, consistent with applicable law, agency policy and rule, and recognized funding priorities for the agency. The Warmwater Game Fish Management Plan will provide specific guidance for the production, harvest and management of warmwater game fish statewide, consistent with these objectives:

(1) Provide diversity of angling opportunities, including opportunities for:

(a) Trophy angling. Management for trophy angling will emphasize low harvest and maintenance of large fish in the populations;

(b) Quality angling. Management for quality angling will promote above average sizes and moderate regulation;

(c) High yield angling. Management for high yield angling will promote harvest for consumption;

(d) Basic yield angling. Management for basic yield angling will be low key, with minimal regulation and little intervention in natural processes.

(2) Expand distribution by stocking warmwater species where habitat is suitable and expansion is consistent with fish management programs, including:

(a) Developing additional warmwater fisheries where suitable habitat is identified;

(b) Evaluating predators and forage fishes to fulfill existing biological needs;

(c) Developing additional two-story (e.g., warmwater-trout) fisheries, consistent with fish introduction guidelines;

(d) Developing sources of artificially propagated fishes to meet needs for stocking of warmwater game fish;

(e) Developing other source than artificial propagation to supply fishes for stocking, including transfer of wild fish from public waters or established of populations in private ponds for stocking;

(f) Introduction of species not now found in Oregon which can be used more effectively than indigenous species to manage some waters, consistent with fish introduction guidelines.

(3) Increasing angling opportunities and use of warmwater species where desirable, including:

(a) Directing angling effort toward increased use of yellow perch, bluegill, bullheads, and crappies;

(b) Increasing angling opportunities statewide, particularly bank angling in the Portland to Cottage Grove corridor.

(4) Maintain, restore, and enhance populations of warmwater game fishes in individual waters, including:

(a) Preventing declines in existing fisheries;

(b) Improving fisheries not meeting management plan objectives;

(c) Improving performance of warmwater game fishes under Oregon conditions.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 77-1987, f. & ef 9-15-87

635-500-0060

Guidelines for Introductions of Warmwater Game Fishes

The following guidelines will be used in determining whether or not to introduce exotic warmwater game fish into Oregon:

(1) Endemic anadromous salmonids and wild endemic resident trout must be protected.

(2) Warmwater game fishes may be introduced into waters managed with fingerling hatchery trout only when there is a reasonable expectation of a greater net benefit to the fishery than when trout alone are used.

(3) Introduction of warmwater game fish will not be constrained by use of catchable rainbow trout.

(4) Existing fisheries substantially reaching management plan objectives (and meeting guidelines for return of hatchery fish, etc.) are favored over changes in fish species or management. Changes should be made to improve management, not simply to make it different. Caution must be exercised to avoid impacts to successful programs.

(5) Stocking new waters and changing current management must be based on a demonstrable probability of success (i.e., desirable growth and survival rates, favorable size distribution in fishery, and diversification of fishery) based on experiences elsewhere. Introductions should be approached on the basis of success in similar situations, or experiences that suggest the proposed action would be successful. Only those introductions for which a strong case can be built on observed and expected benefits should be approved. An exception may be made for purely experimental releases, where that status is made clear and unrealistic public or agency expectations are not created.

(6) Illegal introductions do not have a status in management decisions until accepted in an adopted management plan. A new species occurring in a water is not officially integrated into management for the new species until management plans are adopted or revised. Illegal introductions should not drive management decisions without opportunity for agency and public review. Otherwise, unauthorized fish stocking will supersede agency fish management objectives.

(7) Proposed introductions should meet the following conditions:

(a) Introduction to public waters must fill a recognized biological need;

(b) In addition, introductions in public waters must support a substantive fishery with appeal to anglers and contribute to the diversity of management or they must contribute to sport fisheries as forage for game fishes. The introduction must be demonstrably beneficial, based on experiences under similar or comparable conditions elsewhere;

(c) No fish will be introduced into any waters until a determination has been made that the introduction will not cause indigenous wildlife to become threatened or endangered;

(d) If the introduction is of a species already found in Oregon, the stock selected must not reduce genetic adaptability to Oregon conditions;

(e) For fish introduced into public waters, a source of fish or eggs must be identified with expectation of dependable production for five years or long enough to establish a viable population, whichever is shorter. Annual production and acquisition costs and costs of any new production facilities must be estimated and a source of funding identified;

(f) The introduction must be consistent with existing management plans, or be incorporated into a new management plan with public review;

(g) The introduction will be authorized only after submission to the established ODFW fish introduction proposal review process (according to "Guidelines for Fish Introductions or Transfers") and consequent approval by the Chief of Fisheries;

(h) The fish stock, shipping station, watershed, and receiving waters must meet criteria established in OAR 635-007-0585 ("Import or transfer of fish restricted") and related rules dealing with transportation permits and fish health safeguards;

(i) For introduction into public waters, an evaluation of the ecological role, fishery contribution, and costs (biological and economic) of the introduced species growth must be made within six years.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 77-1987, f. & ef. 9-15-87

Trout Management

635-500-0100

Selection Criteria

Management options for protection and enhancement of wild stocks are contained in OAR 635-007-0525. Criteria for the management option selection process follow:

(1) Select for Option (1)(a) of 635-007-0525 (manage exclusively for wild fish) if:

(a) The wild population is self-sustaining and multiple age classes are present;

(b) Natural production meets fishery objectives;

(c) Habitat is available or potentially available to support a wild population.

(2) Select for Option (1)(b) of OAR 635-007-0525 (manage for wild and hatchery fish) if:

(a) The wild population is self-sustaining and multiple age classes are present;

(b) Natural production does not meet fishery objectives;

(c) Habitat is available or potentially available to support a wild population;

(d) Introduction of trout species or stocks will not seriously affect native species or stocks.

(3) Select for Option (1)(c) of OAR 635-007-0525 (management for hatchery fish) if:

(a) A healthy self-sustaining population of wild fish is not present;

(b) There is little habitat potential for natural production.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 93-1987, f. & ef. 10-30-87

635-500-0105

Management Guidelines

The following guidelines by management option apply to management of trout:

(1) Option (1)(a) of OAR 635-007-0525 — Manage exclusively for wild fish:

(a) No hatchery trout will be stocked;

(b) Habitat protection, rehabilitation, and enhancement are the primary management activities;

(c) Harvest and angling effort will be regulated in accordance with the management alternative selected.

(2) Option (1)(b) of OAR 635-007-0525 — Manage for wild and hatchery fish:

(a) Habitat protection, rehabilitation, and enhancement are essential to maintaining wild trout production;

(b) Hatchery stocks shall be used for target fisheries. When hatchery stocks are released to supplement, rehabilitate, or enhance the existing wild stock, they should be as genetically similar to the existing wild stocks as possible;

(c) Introduction of non-native stocks and species must be approved through the Stocking Policy Review Process. This review is a very detailed procedure, used by anyone who proposes to introduce a stock or species into Oregon waters where they do not or have not existed in the past;

(d) Harvest and angling impact will be regulated in accordance with the management alternative selected.

(3) Option (1)(c) of OAR 635-007-0525 — Manage for hatchery fish:

(a) Introduction of non-native stocks must be approved through the Stocking Policy Review Process;

(b) Special harvest regulations may be applied to maximize the catch of hatchery trout.

(4) There are three general guidelines for use of hatchery trout common to options (1)(b) and (c) of OAR 635-007-0525:

(a) Yearling rainbow trout will not be stocked in streams that are not presently stocked unless approved by the Commission in a sub-basin management plan;

(b) Stocking of yearling rainbow trout will be discontinued or modified where the return to the angler is consistently less than 40 percent of the number released;

(c) Brood stocks selected to contribute to natural production in streams managed for Option (1)(b) of OAR 635-007-0525 will contain a sufficient number of adults (i.e., effective population size) so that the genetic fitness of the wild stock can be maintained.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 93-1987, f. & ef. 10-30-87

635-500-0110

Option Movement Criteria

In order to move from one option to another the following criteria apply:

(1) Option (1)(c) to (1)(b) of OAR 635-007-0525:

(a) Habitat improves to allow development of a significant self-sustaining population from hatchery or wild parents;

(b) Harvest management will allow development of self-sustaining natural production.

(2) Option (1)(b) to (1)(a) of OAR 635-007-0525:

(a) Habitat improves to allow development of a self-sustaining population from wild parents;

(b) The naturally produced population is able to meet fishery objectives.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 93-1987, f. & ef. 10-30-87

635-500-0115

Management Alternatives

In addition to the three broad management options in OAR 635-007-0525 (Wild Fish Policy) the following six management alternatives, their criteria and guidelines, will be used in the management of trout:

(1) Wild Fish — Management under the wild fish alternative is exclusively for wild fish Option (1)(a) of OAR 635-007-0525 (Wild Fish Policy). These fish may have significant genetic value and some populations will be recognized specifically for their uniqueness. Guidelines which apply are:

(a) No hatchery-reared trout will be released in these waters;

(b) Although ODFW does not have regulatory authority over most activities that affect aquatic habitat, it will actively pursue and promote habitat protection and enhancement. Habitat must be protected or enhanced, using a subbasin-wide approach, to maximize the productivity of the stock, conserve stock fitness and life history characteristics, and to maintain healthy trout populations with multiple-age classes. Specific coordination activities will be coordinated with land management agencies;

(c) Consumptive and nonconsumptive fisheries are encouraged. However, special regulations may be necessary to protect stock fitness and life history characteristics and to maintain healthy trout populations with multiple age classes;

(d) No new introductions of hatchery or wild species will be made unless proposed in a management plan, evaluated to determine impact on wild trout stocks, and approved by the Commission;

(e) The productive capacity of waters in this alternative will be maintained or enhanced so no net loss of natural fish production occurs;

(f) Unique native populations may require additional recognition for protection.

(2) Featured Species and Waters — Management under this alternative emphasizes species or stocks that are uncommon or unique and waters that have historical benefit or potential for unique natural beauty, water quality, aesthetics or recreational capabilities. Species, stocks, or waters under this alternative can be managed as Options (1)(a), (b), or (c) of OAR 635-007-0525 (Wild Fish Policy). Guidelines which apply are:

(a) Habitat must be protected or enhanced to maintain and preserve the uniqueness of these stocks, species, or waters. Protection or

enhancement activities will include a subbasin-wide approach via land management agencies to preserve unique natural beauty, water quality and volume, and aesthetic or recreational capabilities;

(b) The productive capacity of waters in this alternative will be maintained or enhanced so that no net loss of natural fish production occurs;

(c) Featured species or stocks will be managed to maintain their genetic diversity, stock fitness, and resulting life history characteristics;

(d) Special regulations may be necessary to protect the uniqueness of the featured stock, species, or waters. Consumptive and non-consumptive fisheries are encouraged;

(e) No new introduction of hatchery or wild species will be made unless proposed in a management plan, evaluated to determine effects on wild trout stocks, and approved by the Commission.

(3) Trophy Fish — Certain waters are capable of producing large “bragging-size” trout. This alternative does not include publicizing all trophy trout waters in the state. Many anglers fish secret and favorite waters that produce some trophy trout. Waters that have limited access or capability to produce large fish without special habitat protection, regulation, or stocking procedures will be placed in other alternatives to preserve angler diversity. Management Options may be (1)(a), (b), or (c) of OAR 635-007-0525 (Wild Fish Policy). Guidelines which apply are:

(a) Habitat must be protected, restored, or enhanced to produce large trout;

(b) Species or stocks known to produce large trout will be managed to maintain genetic diversity, stock fitness, and resulting life history characteristics;

(c) Nonconsumptive fisheries are encouraged. Special regulations (catch limits, size restrictions, catch and release, and gear restrictions) may be necessary to protect these large fish and insure the population health and size diversity;

(d) Release of fingerling trout will be reduced below carrying capacity in some waters to produce large, naturally reared trout;

(e) The productive capacity of waters in this alternative will be maintained or enhanced so that no net loss of natural fish production occurs;

(f) No new introduction of hatchery or wild species will be made unless proposed in a management plan, evaluated to determine impact on wild trout stocks, and approved by the Commission.

(4) Basic Yield — These waters are managed under Options (1)(a), (b), or (c) of OAR 635-007-0525 (Wild Fish Policy) to use their natural productivity and grow trout to a harvestable size with or without the addition of fingerling or yearling hatchery trout. Although trophy trout and unique fish species may be available, the major fisheries are of a general, consumptive nature without special regulations. Most of the trout available to the angler are from either naturally produced or from releases of hatchery fingerlings. Other species may be present and have fishery values equal to or greater than trout. Guidelines which apply are:

(a) Habitat must be protected and enhanced to optimize natural production potential of wild stocks and natural rearing capability from fingerling stocking;

(b) The productive capacity of waters in this alternative will be maintained or enhanced so that no net loss of natural fish production occurs. Problem waters can be transferred into a higher priority alternative;

(c) General regulations will be used to produce consumptive fisheries unless special regulations are needed to enhance trophy-sized fish or unique species or stocks without seriously restricting the major fisheries;

(d) Natural reproduction and fingerling stocking will provide the major fish production in this alternative. Stocking of yearling hatchery rainbow trout may also be used in some waters;

(e) Other species may have equal or priority status for some waters listed in this alternative;

(f) No new introduction of hatchery or wild species will be made unless proposed in a management plan, evaluated to determine effects on wild trout stocks, and approved by the Commission.

(5) Intensive Use — These waters are managed under Options (1)(a), (b), or (c) of OAR 635-007-0525 (Wild Fish Policy). Waters managed for this alternative are apt to be near large population centers or attract intensive angler use because of easy accessibility or location of other water-oriented recreational facilities. Many of these waters can

be used heavily by anglers for short periods (April, May, and June) and afterwards be used for sailboating, water skiing, swimming, and camping. Other waters can support fisheries year-round. Some of these water are stocked with yearling rainbow trout on a regular basis. Guidelines which apply are:

(a) Even with a consumptive fishery to large numbers of anglers, natural production supplemented with fingerling hatchery trout is the least expensive management program;

(b) Habitat protection and enhancement projects are necessary because of the intensive use and large number of recreation days provided. Year round protection is necessary in waters with natural rearing or natural production. Waters with marginal water quality and quality are still critically important to maintain these fisheries even for 2- or 3-month periods;

(c) General regulations will be used to produce consumptive fisheries but special regulations may be needed to protect wild trout under Option (1)(a) or (b) of OAR 635-007-0525;

(d) ODFW will continue to coordinate with other state and federal agencies to prevent conflicts with other water-related recreational activities.

(6) Private Waters and Reservations — ODFW generally does not participate in the direct management of these waters except regarding the enforcement of applicable state statutes, policies, and administrative rules pertaining to stocking permits, fish diseases, prohibited species, and other factors that may affect the welfare of the state’s natural resources.

Stat. Auth.: ORS 496 & 506
Stats. Implemented: ORS 496 & 506
Hist.: FWC 93-1987, f. & ef. 10-30-87

635-500-0120

Objectives of Trout Management

The Department shall proceed with programs and other efforts to achieve the following statewide objectives, consistent with applicable law, agency policy and rule, and recognized funding priorities for the agency. The **Statewide Trout Plan** will provide specific guidance for the production, harvest and management of trout statewide, consistent with the following objectives:

(1) Maintain the genetic diversity and integrity of wild trout stocks throughout Oregon:

(a) Strategy 1 — Identify wild trout stocks in the state;

(b) Strategy 2 — Minimize the adverse effects of hatchery trout on biological characteristics, genetic fitness, and production of wild stocks;

(c) Strategy 3 — Establish priorities for the protection of stocks of wild trout in the state;

(d) Strategy 4 — Evaluate the effectiveness of trout management programs in providing the populations of wild trout necessary to meet the desires of the public;

(e) Strategy 5 — Update statewide physical and biological surveys of wild trout waters under a standard sampling program.

(2) Protect, restore, and enhance trout habitat:

(a) Strategy 1 — Continue to strongly advocate habitat protection with land and water management agencies and private landowners;

(b) Strategy 2 — Identify irreplaceable habitat that supports stocks of wild trout and seek stringent protection of that habitat;

(c) Strategy 3 — Develop an index with land management agencies for monitoring habitat changes;

(d) Strategy 4 — Restore and enhance trout habitat and evaluate the effectiveness of enhancement projects.

(3) Provide a diversity of trout angling opportunities:

(a) Strategy 1 — Determine the desires and needs of anglers;

(b) Strategy 2 — Use management alternatives for classifying wild trout waters to provide diverse fisheries;

(c) Strategy 3 — Conduct an inventory of public access presently available to trout waters in the state.

(4) Determine the statewide management needs for hatchery trout:

(a) Strategy 1 — Summarize information on the current hatchery program and determine necessary changes;

(b) Strategy 2 — Conduct studies to investigate methods to improve the hatchery trout program (e.g., migration behavior of yearling trout, resistance to disease, sterilization, competition, etc.);

(c) Strategy 3 — Decrease dependency on hatchery trout for trout management;

(d) Strategy 4 — Evaluate the effectiveness of hatchery trout management programs in meeting the desires of the public.

(5) Enhance the public awareness of Oregon's trout resources:

(a) Strategy 1 — Promote values of Oregon's wild trout resources;

(b) Strategy 2 — Increase the involvement of the STEP program in the enhancement of trout;

(c) Strategy 3 — Publicize Oregon's trout management program through the ODFW Office of Public Affairs.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 93-1987, f. & ef. 10-30-87

Coastal Chinook Salmon Management

635-500-0130

Coastal Chinook Management Objectives

The Department shall proceed with programs and other efforts to achieve the following objectives for coastal chinook salmon, consistent with applicable law, agency policy and rule, and budget limitations for the agency. The Coastal Chinook Management Plan will provide specific guidance for the production, harvest, and management of chinook salmon that originate in coastal river basins, consistent with these objectives:

(1) Maintain healthy populations of wild chinook salmon in coastal river basins.

(2) Produce hatchery chinook salmon for specific fishery contribution purposes.

(3) Develop comprehensive management programs to protect chinook habitat in coastal river basins.

(4) Describe and manage gene resources represented in coastal chinook hatchery populations.

(5) Develop a genetic resource inventory database for wild populations of coastal chinook.

(6) Protect wild coastal chinook populations from detrimental genetic interactions with hatchery populations.

(7) Minimize detrimental genetic impacts of harvest on coastal chinook salmon populations.

(8) Minimize detrimental genetic changes in coastal chinook populations that may be caused by habitat alteration projects.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 144-1991, f. 12-31-91, cert. ef. 1-1-92

635-500-0135

Harvest Management Policy

The Department shall annually recommend harvest regulations for ocean mixed-stock and terminal area fisheries consistent with:

(1) Providing access by fisheries to harvestable surpluses of chinook salmon that may exist.

(2) Maintaining traditional in-river fisheries in most coastal river basins.

(3) Meeting spawning escapement goals in wild coastal chinook populations.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 144-1991, f. 12-31-91, cert. ef. 1-1-92

635-500-0140

Enhancement Policy

(1) The Department shall design and conduct management programs for chinook salmon in coastal river basins consistent with minimizing reliance on artificial propagation for:

(a) Supporting fisheries;

(b) Mitigating habitat loss; and

(c) Rehabilitating depressed populations.

(2) Basin management plans, when prepared or revised, shall address management activities necessary for conservation of sensitive or depressed chinook populations before addressing management activities designed to increase fish abundance in healthy chinook populations.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 144-1991, f. 12-31-91, cert. ef. 1-1-92

635-500-0145

Stock Transfer

The following operating principles shall be used to determine whether or not to transfer chinook salmon from one coastal population to another:

(1) Populations to which these principles apply are identified by the provisional wild fish population list (OAR 635-007-0529).

(2) The general rule is that coastal chinook salmon shall not be transferred between populations in coastal river basins.

(3) Where a coastal river basin historically has not supported a wild chinook population, a biologically suitable donor stock may be transferred there after the Commission approves a Basin Management Plan that documents the fishery and biological objectives, evaluation criteria, monitoring, and the terms and conditions that shall be fulfilled in conducting the program.

(4) Where the Commission determines that an indigenous chinook population is extinct in a coastal river basin, a biologically suitable donor stock may be transferred there to reestablish a self-sustaining chinook population.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 144-1991, f. 12-31-91, cert. ef. 1-1-92

635-500-0150

Implementation of Coastal Chinook Management Plan

Progress toward implementing the Coastal Chinook Management Plan and achieving management objectives for coastal chinook shall be reported to the Commission during the first six months of each biennium, prior to preparation of the next Department biennial budget. The implementation report shall include the following information:

(1) A predicted timetable for initiating or competing each action item.

(2) Identification and description of problems preventing the Department from achieving specific action items.

(3) A description of the short- and long-term strategies and associated funding necessary to solve these problems.

(4) A compilation of review comments from the public on the implementation report.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 144-1991, f. 12-31-91, cert. ef. 1-1-92

635-500-0175

South Fork Umpqua River — Winter Steelhead

The goal of the Wild Fish Management Plan for South Umpqua River winter steelhead is a maximum of 30% hatchery fish on spawning grounds. This goal will be achieved by the following strategies:

(1) Use local broodstock.

(2) Construct smolt acclimation/imprinting and adult recapture facilities.

(3) Release 120,000 hatchery smolts/year.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 506.129

Hist.: DFW 107-2001, f. & cert. ef. 11-5-01

635-500-0200

Management Objectives for North Umpqua River Below Soda Springs Dam

The Department of Fish and Wildlife will emphasize summer and winter steelhead and spring chinook in the North Umpqua River below Soda Springs Dam. Coho populations will be managed more for hatchery fish to be used as a brood source for other subbasins where enhancement opportunities exist. Fall chinook populations will be emphasized in other areas where better habitat exists. The Department shall proceed with programs and other efforts to achieve the following objectives, consistent with state law, agency policy and rule, and recognizing funding priorities for the agency. The North Umpqua Salmonid Management Plan will provide a basis for management activities in the subbasin. The following objectives will govern management of salmonid populations in the North Umpqua River basin below Soda Springs Dam:

(1) Summer Steelhead:

(a) Manage summer steelhead in the North Umpqua for wild and hatchery fish (Wild Fish Policy Option #2 OAR 635-007-0525);

(b) Enhance wild summer steelhead runs to increase the current level of steelhead passing Winchester Dam (short-term goal);

(c) Based on the long-term objectives of the USFS and ODFW fish habitat improvement plans, enhance wild summer steelhead runs to increase the level of steelhead passing Winchester Dam to a range of 6,000 to 8,000 fish (long term \pm 20 years);

(d) Increase numbers of hatchery summer steelhead adults to a range of 5,000–10,000 crossing Winchester Dam;

(e) Maintain the genetic integrity of North Umpqua summer steelhead consistent with the Wild Fish Policy, OAR 635-007-0525.

(2) Winter Steelhead:

(a) Manage North Umpqua winter steelhead for wild fish only (Option #1 OAR 635-007-0525);

(b) Enhance wild winter steelhead runs to increase current levels passing Winchester Dam (short-term goal);

(c) Based on the long-term objectives of the USFS and ODFW habitat improvement plans, enhance wild winter steelhead runs to increase levels passing Winchester Dam to a range of 8,000–10,000 fish;

(d) Maintain genetic integrity of North Umpqua winter steelhead consistent with the Wild Fish Policy, OAR 635-007-0525.

(3) Spring Chinook:

(a) Manage spring chinook in the North Umpqua River for wild and hatchery fish (Option #2 OAR 635-007-0525);

(b) At least maintain wild spring chinook runs at current levels (average of 6,034);

(c) Increase numbers of hatchery spring chinook back up to a range of 4,000–7,000 fish crossing Winchester Dam;

(d) Maintain the genetic integrity of North Umpqua spring chinook as consistent with the Wild Fish Policy, OAR 635-007-0525.

(4) Fall Chinook:

(a) Manage fall chinook in the North Umpqua River for wild fish only (Option #1 OAR 635-007-0525);

(b) Maintain wild fall chinook runs at least at current levels (\pm 100 fish).

(5) Coho:

(a) Manage coho salmon in the North Umpqua River for wild and hatchery fish (Option #2 OAR 635-007-0525) with an emphasis on hatchery fish;

(b) Increase current wild coho population to approximately equal the level of the 1960s (1,300 fish);

(c) Maintain approximately 3,500 hatchery adults at Winchester Dam.

(6) Trout:

(a) Manage resident trout in the North Umpqua River for wild and hatchery fish (Option #2 OAR 635-007-0525);

(b) Maintain a trout fishery at about the present level; 25,000 to 35,000 angler days per year with a catch rate of 0.6 to 0.7 trout per hour;

(c) Attempt to determine the cause for the current depressed state of the migratory wild cutthroat population. If possible, increase the run to more normal levels.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 12-1986, f. & ef. 4-17-86, Renumbered from 635-500-0001

Operating Principles and Objectives Applicable to All Willamette Subbasins

635-500-0205

Organization

Oregon Administrative Rules 635-500-0205 through 635-500-0218 previously described fish management for the Willamette Basin. The Willamette Basin Fish Management Plan has been superseded by fish management plans for each of the subbasins comprising the Willamette Basin. Accordingly, OAR 635-500-0206 through 635-500-0218 have been replaced by 635-500-0790 through 635-500-1660. OAR 635-500-0790 and 635-500-0800 apply to all subbasins; 635-500-0266 through 635-500-0276 and 635-500-0810 through 635-500-1660 cover specific subbasins. The spring chinook sections of specific subbasins have been superseded by the Willamette Basin Fish Management Plan for Spring Chinook found in OAR 635-500-1661 through 635-500-1666.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 106-1987, f. & ef. 12-18-87; FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 16-1998, f. & cert. ef. 3-9-98

McKenzie Subbasin Fish Management Policies and Objectives

635-500-0266

Applicability

OAR 635-500-0266 through 635-500-0276 apply to the McKenzie River subbasin which includes the mainstem McKenzie River, its tributaries, and Leaburg Pool. These rules are in addition to, and not in lieu of, rules which apply to the Willamette River Basin.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 4-1988, f. & cert. ef. 1-29-88

635-500-0267

Habitat

(1) The following policies apply to the McKenzie River Subbasin:
(a) Potential losses of fish production from habitat degradation will be prevented or reduced to the extent possible;

(b) Proposed habitat improvement projects should be jointly reviewed and prioritized annually by the Department and the participating land management agencies.

(2) In accordance with these policies, it is the objective of the Department to:

(a) Maintain or improve upstream and downstream passage for fish;

(b) Provide optimum flow, water quality, and physical habitat characteristics in the McKenzie River and tributaries for fish production.

(3) Restore and enhance riparian and in-stream habitat to meet the production objectives for the fish species in the subbasin.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 4-1988, f. & cert. ef. 1-29-88

635-500-0268

Resident Trout and Whitefish

The following policies apply to resident trout and whitefish in the McKenzie River subbasin:

(1) Cutthroat and Rainbow Trout:

(a) The following policies apply to cutthroat and rainbow trout in the McKenzie River subbasin:

(A) The population of cutthroat trout in the McKenzie River below Leaburg Dam shall be managed under the alternatives of the Trout Plan as:

(i) Featured Species and Waters in the mainstem below Hayden Bridge; and

(ii) Wild in all other areas.

(B) All other cutthroat trout populations shall be managed under the Wild Fish alternative of the Trout Plan;

(C) The population of rainbow trout in the McKenzie River below Trail Bridge and Cougar Dams shall be managed under the alternatives of the Trout Plan as:

(i) Featured Species and Waters in the mainstem McKenzie from the mouth to Forest Glen boat ramp near Blue River; and

(ii) Basic Yield in Blue River below Blue River Dam; and

(iii) Wild in all other areas.

(D) The population of rainbow trout in Blue River above Blue River Reservoir shall be managed under the alternatives of the Trout Plan as:

(i) Basic Yield from Blue River Reservoir up to Quentin Creek; and

(ii) Wild in all other areas.

(E) All other rainbow trout populations shall be managed under the Wild Fish alternative of the Trout Plan;

(F) Hatchery produced cutthroat trout shall not be stocked in streams in the McKenzie River Basin;

(G) Only legal-size, hatchery produced rainbow trout may be stocked in the Mainstem McKenzie River from the Hayden Bridge to McKenzie Bridge and in Blue River up to Quentin Creek. Hatchery produced rainbow trout shall not be stocked in any other streams in the McKenzie River Basin.

(b) The following objectives apply to cutthroat and rainbow trout in the McKenzie River subbasin:

(A) Maintain the genetic diversity and distribution, and maintain or increase the abundance of wild cutthroat trout and wild rainbow trout;

(B) Provide diverse opportunities to angle for cutthroat and rainbow trout.

(2) Bull Trout:

(a) The following policy applies to bull trout in the McKenzie River subbasin: All populations of bull trout in the McKenzie Basin shall be managed under the Wild Fish alternative of Oregon's Trout Plan.

(b) The following objectives apply to bull trout in the McKenzie River subbasin:

(A) Increase the abundance and distribution of bull trout;

(B) Maintain genetic diversity of bull trout in the McKenzie Basin.

(3) Brook Trout:

(a) The following policies apply to brook trout in the McKenzie River subbasin:

(A) All populations of brook trout in the McKenzie Basin shall be managed under the Basic Yield alternative of Oregon's Trout Plan;

(B) Hatchery produced brook trout shall not be stocked in the McKenzie River or its tributaries.

(b) The following objectives apply to brook trout in the McKenzie River subbasin:

(A) Confine brook trout in the McKenzie Basin to their current distribution;

(B) Provide opportunities to angle for brook trout.

(4) Whitefish:

(a) The following policy applies to whitefish in the McKenzie River subbasin: All populations of whitefish in the McKenzie Basin shall be managed under the Wild Fish alternative of Oregon's Trout Plan.

(b) The following objectives apply to whitefish in the McKenzie River subbasin:

(A) Maintain the genetic diversity, distribution and abundance of whitefish in the McKenzie Basin;

(B) Provide opportunities to angle for whitefish.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 4-1988, f. & cert. ef. 1-29-88; FWC 29-1997, f. 5-2-97, cert. ef. 5-9-97

635-500-0269

Summer Steelhead

(1) The following policy applies to summer steelhead in the McKenzie River Subbasin: Summer steelhead will be managed for production and harvest of hatchery fish — Option (1)(c) OAR 635-007-0525 of the Wild Fish Management Policy.

(2) In accordance with this policy, it is the objective of the Department to:

(a) Provide an average annual sport catch of 1,200 adult summer steelhead produced from a maximum release of 120,000 smolts;

(b) Reduce the potential impact of summer steelhead on the production of native trout and spring chinook;

(c) Develop a brood stock from adults returning to the McKenzie River to produce smolts for the McKenzie and Middle Fork Willamette Subbasins.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 4-1988, f. & cert. ef. 1-29-88

635-500-0270

Winter Steelhead

It is the policy of the Department that winter steelhead will not be released in the McKenzie River Subbasin.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 4-1988, f. & cert. ef. 1-29-88

635-500-0271

Spring Chinook Salmon

Operating policy and objectives for spring chinook in the McKenzie River Basin are found in OAR 635-500-1661.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 4-1988, f. & cert. ef. 1-29-88; DFW 16-1998, f. & cert. ef. 3-9-98

635-500-0272

Fall Chinook

It is the policy of the Department that fall chinook will not be stocked in the McKenzie Subbasin. In accordance with this policy it is the objective of the Department to minimize production of fall chinook in the McKenzie River Subbasin.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 4-1988, f. & cert. ef. 1-29-88

635-500-0273

Coho

It is the policy of the Department that coho will not be stocked in the McKenzie Subbasin.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 4-1988, f. & cert. ef. 1-29-88

635-500-0274

Mountain Whitefish

It is the objective of the Department to increase public awareness of the angling opportunities for whitefish.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 4-1988, f. & cert. ef. 1-29-88

635-500-0275

Miscellaneous Species

It is the objective of the Department to maintain viable populations of native fish species not addressed separately in OAR 635-500-0268 through 635-500-0274.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 4-1988, f. & cert. ef. 1-29-88

635-500-0276

Angling Access

(1) The following policies apply to angling access in the McKenzie River Subbasin:

(a) The Department will seek to provide access for boat and bank angling that will satisfy public need for a variety of angling opportunities and a dispersion of angling effort throughout the subbasin;

(b) Acquisition and development of angler access sites will be consistent with guidelines and objectives for management of fish species and habitat.

(2) In accordance with these policies, it is the objective of the Department to:

(a) Maintain permanent access for boat anglers at an average of one access site per two to three miles of the mainstem upstream to Ollalie Campground;

(b) Increase bank angling access, especially from the mouth upstream to Blue River.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 4-1988, f. & cert. ef. 1-29-88

Malheur Basin Fish Management Policies and Objectives

635-500-0285

Organization of Rules

Administrative rules for the Malheur Basin are organized as follows:

(1) OAR 635-500-0290 through 635-500-0300 apply to all waters of the Malheur Basin.

(2) OAR 635-500-0305 through 635-500-0325 apply to specific areas of the Malheur Basin and appear in order beginning in headwater areas and proceeding downstream, with reservoirs listed last.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 81-1990, f. 8-7-90, cert. ef. 8-9-90

635-500-0290

Habitat

(1) The following policies apply to the Malheur Basin:

(a) Potential losses of fish production from habitat degradation shall be prevented or reduced to the extent possible;

(b) The Department shall coordinate with appropriate land and water management agencies on habitat protection and rehabilitation

activities and shall continue to act in an advisory role to such agencies to promote habitat protection.

(2) In accordance with these operating principles, it is the objective of the Department to:

- (a) Develop better communication and coordination with land managers regarding land management activities affecting fish habitat;
- (b) Reduce nonpoint source pollution in the Malheur River system;

- (c) Prevent fish losses at unscreened diversions;
- (d) Improve reservoir habitat for game fish in the Malheur Basin.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 81-1990, f. 8-7-90, cert. ef. 8-9-90

635-500-0295

Access

(1) The following operating principles apply to access in the Malheur River Basin:

(a) The Department shall seek to provide access for boat and bank angling to satisfy public need for a variety of angling opportunities and a dispersion of angling effort throughout the basin;

(b) Acquisition and development of angler access sites shall be consistent with statewide policies, operating principles and objectives for management of fish species and habitat contained in Department rules.

(2) In accordance with the above operating principles, it is the objective of the Department to:

- (a) Improve public access at Malheur Reservoir;
- (b) Improve boat access at Beulah and Warm Springs Reservoirs;
- (c) Increase public access to additional private waters;
- (d) Secure public access to South Fork Reservoir;
- (e) Improve road access to Warm Springs Reservoir.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 81-1990, f. 8-7-90, cert. ef. 8-9-90

635-500-0300

Crayfish

(1) The following policy applies to crayfish management in the Malheur River Basin: Crayfish in the Malheur River Basin shall be managed for the recreational fishery.

(2) In accordance with the above policy, it is the objective of the department to: Maintain production of crayfish in the Malheur River Basin for recreational harvest.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 81-1990, f. 8-7-90, cert. ef. 8-9-90

635-500-0305

Malheur River Headwaters and Tributaries

(1) The following operating principles apply to the Malheur River headwaters and tributaries:

(a) The North Fork Malheur River above Beulah Reservoir, Middle Fork Malheur River above RM 168, and headwater streams and tributaries of the Middle Fork, North Fork, South Fork, and mainstem Malheur River shall be managed for natural production of indigenous populations of wild trout, mountain whitefish, and nongame species with the exception of those areas identified in subsection (b) of this section;

(b) The following areas shall be managed for natural production of indigenous populations and harvest of introduced hatchery rainbow trout:

(A) Dollar Basin Campground at RM 184 on the Middle Fork Malheur River;

(B) North Fork Campground at RM 47.5 on the North Fork Malheur River;

(C) Little Malheur River at RM 18 near Forest Service Road 16.

(c) Stocking of hatchery fish shall not exceed a maximum of 3,000 fish per year for all three areas described in subsection (b) of this section;

(d) Trout management in streams identified in subsections (a) and (b) of this section shall be guided by the statewide Trout Plan under the basic yield alternative except for bull trout which shall be managed as a featured species;

(e) The stocking program shall be curtailed if there is evidence it adversely affects redband or bull trout.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Maintain population health (i.e., high abundance, multiple age classes, and genetic fitness) of bull trout and redband trout;

(b) Provide a consumptive fishery on hatchery trout at high use areas identified in subsection (1)(b) of this rule.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 81-1990, f. 8-7-90, cert. ef. 8-9-90

635-500-0310

Middle Fork Malheur River Above Warm Springs Reservoir and Main Stem South Fork Malheur River

(1) The following policies apply to the mainstem Middle Fork Malheur River above Warm Springs Reservoir and the mainstem South Fork Malheur River:

(a) The Middle Fork Malheur River above Warm Springs Reservoir and the mainstem South Fork Malheur River shall be managed for trout and smallmouth bass;

(b) Trout in the Middle Fork Malheur River shall be managed for natural production of wild fish consistent with the Wild Fish Management Policy;

(c) Trout in the mainstem South Fork Malheur River shall be managed for natural production of wild and hatchery produced fish consistent with the Wild Fish Management Policy. Stocking of hatchery fish shall not exceed 5,000 fish per year;

(d) Smallmouth bass shall be managed for natural production consistent with the Natural Production Policy;

(e) Trout and smallmouth bass management on the stream sections identified in subsections (a) through (d) of this section shall be guided by the statewide Trout Plan and Warmwater Fish Plan, respectively, under the basic yield alternative.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Improve production of trout and smallmouth bass in the mainstem Middle Fork Malheur River above Warm Springs Reservoir to RM 168 and in the mainstem South Fork Malheur River;

(b) Provide a consumptive trout fishery on the mainstem South Fork Malheur River.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 81-1990, f. 8-7-90, cert. ef. 8-9-90

635-500-0315

Malheur River and North Fork Main Stem Reservoirs to Namorf Dam

(1) The following operating principles apply to the Malheur River and North Fork Main Stem Reservoirs to Namorf Dam:

(a) The mainstem Malheur River between Warm Springs Reservoir and Namorf Dam shall be managed for natural production of smallmouth bass consistent with the Natural Production Policy and a maximum of 120,000 hatchery trout stocked per year;

(b) The North Fork Malheur River downstream from Beulah Reservoir and Willow Creek between Malheur Reservoir and RM 30 shall be managed for hatchery trout;

(c) Management of trout and smallmouth bass on the mainstem Malheur River between Warm Springs Reservoir and Namorf Dam and hatchery trout on the North Fork Malheur River downstream from Beulah Reservoir and Willow Creek between Malheur River and RM 30 shall be guided by the statewide Trout Plan and the Warmwater Fish Plan, respectively, under the basic yield alternative.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Provide a consumptive trout fishery in the mainstem Malheur River between Warm Springs Reservoir and Namorf Dam, in the North Fork Malheur River below Beulah Reservoir, and in Willow Creek between Malheur Reservoir and RM 30;

(b) Establish a smallmouth bass fishery in the mainstem Malheur River below Gold Creek.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 81-1990, f. 8-7-90, cert. ef. 8-9-90

635-500-0320

Lower Malheur River

(1) The following operating principles apply to the Lower Malheur River:

(a) The mainstem Malheur River from Namorf Dam (RM 69) to the mouth; Bully Creek from Bully Creek Dam to its mouth (RM 21), and Willow Creek from Brogan to its mouth (RM 20) shall be managed for natural production of warmwater species consistent with the Natural Production Policy;

(b) The management of warmwater fish in the portions of the lower Malheur Basin identified in subsection (a) of this section shall be guided by the statewide Warmwater Fish Plan under the basic yield alternative.

(2) In accordance with these operating principles, it is the objective of the Department to: Improve the warmwater fishery in the lower Malheur River.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 81-1990, f. 8-7-90, cert. ef. 8-9-90

635-500-0325

Reservoirs

(1) The following operating principles apply to reservoirs in the Malheur Basin:

(a) Bully Creek and Warm Springs Reservoirs shall be managed for natural production of the current combination of warmwater species consistent with the Natural Production Policy. Channel catfish stocking shall be maintained to the extent this species does not adversely affect other warmwater game fish populations;

(b) Beulah and Malheur Reservoirs shall be managed for trout by annually stocking with domestic hatchery trout or other appropriate trout species;

(c) Reservoirs less than 150 surface acres shall be managed for trout or for warmwater species. Trout shall be managed by annually stocking with domestic hatchery trout or other appropriate trout species. Warmwater species shall be managed for natural production consistent with the Natural Production Policy;

(d) The species mix currently present in reservoirs less than 150 surface acres may be altered to better use the reservoir production potential or to meet changing public demand;

(e) Participation by the Department in fishery development in private waters is contingent on the availability of public benefits;

(f) Fish management in reservoirs in the Malheur River Basin shall be guided by the statewide Trout Plan and the Warmwater Fish Plan under the basic yield alternative and shall be consistent with the Wild Fish management Policy.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Improve warmwater game fish production in Bully Creek and Warm Springs Reservoirs; emphasize largemouth bass, white crappie and yellow perch in Bully Creek Reservoir; emphasize largemouth bass, yellow perch and brown bullhead in Warm Springs Reservoir; and give secondary consideration to channel catfish in both reservoirs;

(b) Improve trout production at Beulah and Malheur Reservoirs;

(c) Improve game fish production in small reservoirs in the Malheur River Basin that have public access;

(d) Use South Fork Reservoir as a source of largemouth bass brood stock.

Stat. Auth.: ORS 496 & 506

Stats. Implemented: ORS 496 & 506

Hist.: FWC 81-1990, f. 8-7-90, cert. ef. 8-9-90

Coos River Basin Fish Management Operating Principles and Objectives

635-500-0385

Organization of Rules

Administrative rules for the Coos River Basin contained in OAR 635-500-0390 through 635-500-0480 apply to all waters of the Coos River basin.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90

Habitat

635-500-0390

Habitat

(1) The following operating principles apply:

(a) Habitat protection and enhancement activities shall be carried out within the guidelines of the Department's Fish and Wildlife Habitat Protection Policy and the Habitat Management Goals of the Department's Anadromous Fish Management Plan;

(b) Habitat degradation potentially leading to losses of fish production shall be minimized or prevented throughout the Coos River system;

(c) The Department shall coordinate with appropriate land- and water-use management agencies on habitat protection and enhancement activities, and shall continue to act in an advisory role to such agencies to promote habitat protection;

(d) Coos County has an Estuary Management Plan, acknowledged by the Land Conservation and Development Commission. Department habitat management programs shall be consistent with this Estuary Plan. The Department recognizes that the acknowledged Coos Bay Estuary Management Plan regulates aquaculture activities as required by the Land Conservation and Development Commission. Where the Department has jurisdiction, the Department, therefore, shall consider only those commercial aquaculture facilities which are consistent with the local plan after the appropriate jurisdiction has made such a determination.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Protect estuarine and freshwater habitat;

(b) Enhance and restore estuarine and tidewater habitat to meet the fish production and shellfish objectives for the Coos River system;

(c) Restore and enhance freshwater habitat to meet the production objectives for fish species in the basin.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90

Finfish

635-500-0400

Fall Chinook Salmon

(1) The following operating principles apply to fall chinook salmon in the Coos River Basin:

(a) Fall chinook salmon in the Coos River basin shall be managed for wild fish. Hatchery releases shall be consistent with the Wild Fish Management Policy;

(b) The fall chinook salmon stock approved for the Coos River system is Coos River stock only;

(c) Wild stock shall be incorporated in Department broodstock and rearing programs every year;

(d) Programs that approach the limits of the Wild Fish Management Policy shall be modified or reduced proportionately to maintain compliance with the policy.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Maintain the existing estimated naturally produced spawning population of 4,500 to 9,000 locally adapted fall chinook salmon with a long term target return of 38,000 adults back to the system from a combined programs of wild and hatchery production;

(b) Provide for an ocean harvest with a high contribution to Oregon and an in-river recreational harvest of up to ten percent of the wild fall chinook salmon that return to the Coos River Basin and provide for an increased ocean harvest with a high contribution to Oregon and a 25 percent in-river recreational harvest for the hatchery stock in the basin;

(c) Assure that operation of the aquaculture facility on North Spit meets fishery management objectives and complies with the Wild Fish Management Policy.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90

635-500-0405

Spring Chinook Salmon

(1) The following operating principles apply to spring chinook salmon in the Coos River Basin:

(a) Spring chinook salmon shall be managed for hatchery fish consistent with the Wild Fish Management Policy;

(b) Releases from the private hatchery facility on North Spit shall be with a stock acceptable to the Department and consistent with a Department approved operating plan;

(c) Programs that approach the limits of the Wild Fish Management Policy shall be modified or reduced proportionately to maintain compliance with the policy.

(2) In accordance with these operating principles, it is the objective of the Department to assure that the spring chinook salmon program at the aquaculture facility on North Spit complies with the Wild Fish Management Policy.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90

635-500-0410

Coho Salmon

(1) The following operating principles apply to coho salmon in the Coos River Basin:

(a) The Coos River Basin shall be managed for wild fish with hatchery releases consistent with the Wild Fish Management Policy;

(b) The coho salmon stock approved for the Coos River system are Coos River stock only;

(c) Programs that approach the limits of the Wild Fish Management Policy shall be modified or reduced proportionately to maintain compliance with the policy;

(d) Wild stock shall be incorporated in broodstock and rearing programs every year.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Increase the existing estimated natural spawning population of 9,000 locally adapted coho salmon to a minimum return level of 11,256 adult coho salmon and increase the population above this level where the production capacity of present or enhanced habitat allows in the Coos River basin with a long-term goal of 20,000 adults back to the system from a continued program of wild and hatchery production;

(b) Provide for an ocean harvest with a high contribution to Oregon and an in-river recreational harvest of ten percent of the wild coho salmon that return to the Coos River basin and provide for an ocean harvest with a high contribution to Oregon and an in-river recreational harvest of 30 percent of the hatchery coho salmon that return to the Coos River Basin;

(c) Assure that operation of the aquaculture facility on North Spit meets fishery management objectives and complies with the Wild Fish Management Policy.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90

635-500-0415

Chum Salmon

(1) The following operating principle applies to chum salmon in the Coos River Basin: Chum salmon shall be managed for wild fish consistent with the Wild Fish management Policy. Hatchery fish shall not be released within the basin.

(2) In accordance with this operating principle, it is the objective of the Department to manage chum salmon through habitat restoration for a target return level of 500 wild adults.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90

635-500-0420

Winter Steelhead

(1) The following operating principles apply to winter steelhead in the Coos River Basin:

(a) Steelhead shall be managed for wild fish. Hatchery releases shall be consistent with the Wild Fish Management Policy;

(b) Only locally adapted stock shall be used for enhancement. Alea stock and the Coos-Coquille "regional" stock shall be phased out;

(c) Wild stock shall be incorporated in Department broodstock and rearing programs every year;

(d) Programs that approach the limits of the Wild Fish Management Policy shall be modified or reduced proportionately to maintain compliance with the policy.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Increase the existing estimated natural spawning population of locally adapted steelhead to a minimum return level of 6,000 adults and increase the population above this level where the production capacity of present or enhanced habitat allows in the Coos River Basin;

(b) Utilize supplementation with hatchery releases of locally adapted stock to increase the in river sport fishery;

(c) Maintain an average harvest of 2,000 adult winter steelhead in the Coos River Basin as measured by analysis of the salmon-steelhead catch card data.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90

635-500-0425

Cutthroat Trout

(1) The following operating principle applies to cutthroat trout in the Coos River Basin: Cutthroat trout shall be managed for wild fish consistent with the Wild Fish Management Policy. Hatchery fish shall not be released within the basin.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Maintain a return level that will allow a self-sustaining population of 4,000 to 5,000 cutthroat trout and continue to provide angling opportunity for sea-run and resident cutthroat trout while attempting to increase the wild population through habitat improvement;

(b) Increase our understanding of cutthroat trout populations.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90

635-500-0430

Brook Trout

(1) The following operating principle applies to brook trout in the Coos River Basin: Brook trout shall be managed consistent with the Natural Production Policy.

(2) In accordance with this operating principle, it is the objective of the Department to maintain the production potential, genetic integrity, and size diversity of the brook trout population in Matson Creek while maintaining a recreational fishery on the population.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90

635-500-0435

Striped Bass

(1) The following operating principles apply to striped bass in the Coos River Basin:

(a) Striped bass shall be managed for production and harvest of naturally produced and hatchery fish consistent with the Natural Production Policy;

(b) A conservative, carefully monitored striped bass enhancement program shall be pursued to increase the diversity of angling opportunities in the Coos River system.

(2) In accordance with these operating principles, it is the objective of the Department to achieve an adult population of 20,000 to 25,000 striped bass.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90

635-500-0440

White and Green Sturgeon

(1) The following operating principles apply to white and green sturgeon in the Coos River Basin:

(a) Sturgeon shall be managed for wild fish with a small hatchery supplementation program consistent with the Wild Fish Management Policy. Implementation of the hatchery program shall be delayed until adoption of the Statewide Surgeon Plan;

(b) Programs that approach the limits of the Wild Fish Management Policy shall be modified or reduced proportionately to maintain compliance with the policy.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Gather baseline data needed to make management decisions;

(b) Enhance the white sturgeon population in the Coos River Basin with juvenile white sturgeon from Columbia River stock until sport catch rates average 500 fish per year.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90

635-500-0445

American Shad

(1) The following operating principle applies to American shad in the Coos River Basin: American shad shall be managed for wild fish consistent with the Wild Fish Management Policy. Hatchery fish shall not be released in the Coos River system.

(2) In accordance with this operating principle, it is the objective of the Department to maintain a stable population of American shad while striving to increase harvest of the species.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90

635-500-0450

Miscellaneous Freshwater, Marine and Anadromous Fish

The following objectives apply to freshwater, marine and anadromous fish species in the Coos River Basin, as specified in this rule.

(1) For native freshwater and anadromous fish species not otherwise provided for in these rules:

(a) Maintain populations at an abundance consistent with their habitat requirements;

(b) Determine the population status of the Millicoma dace.

(2) For principal marine recreational fish species not otherwise provided for in these rules: Maintain abundance to continue providing recreational fisheries in the estuary at present levels.

(3) For other fish species with current or potential fishery importance: Determine the relative abundance of flatfishes, smelts, and other miscellaneous species and their availability to in-bay recreational fisheries.

(4) For occasional marine visitors and miscellaneous estuarine fish species: Maintain self-sustaining populations of miscellaneous estuarine and marine species.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90

Shellfish

635-500-0455

Dungeness Crab

It is the objective of the Department to promote an equitable harvest of Dungeness crab among resource users.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1190, f. & cert. ef. 10-1-90

635-500-0460

Clams

(1) The following operating principle applies to clams in the Coos River Basin: No further introduction of the Manila littleneck clam shall occur in the South Slough Subbasin.

(2) In accordance with this operating principle, it is the objective of Department to:

(a) Maintain the abundance, diversity, and required habitat of each clam species;

(b) Where acceptable, enhance populations of Manila littleneck clams and native clam species;

(c) Open more subtidal areas of the bay to commercial harvest.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90

635-500-0465

Ghost and Mud Shrimp

It is the objective of the Department to maintain self-sustaining populations of ghost and mud shrimp in sufficient abundance to support bait fisheries.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90

635-500-0470

Other Shellfish Species

It is the objective of the Department to maintain the abundance of crawfish, red rock crab, clams, mussels, and piddocks.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90

Miscellaneous Provisions

635-500-0475

Angler Access

It is the objective of the Department to:

(1) Develop additional access sites around Coos Bay and in the upper basin.

(2) Maintain and improve existing access sites in the Coos River Basin.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90

635-500-0480

Angling Law Enforcement

It is the objective of the Department to reduce the illegal harvest of fish and shellfish resources through coordinated efforts with the Oregon State Police.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 110-1990, f. & cert. ef. 10-1-90

Tenmile Lakes Basin Fish Management Operating Principles and Objectives

635-500-0500

Organization of Rules

Administrative rules for the Tenmile Lakes basin contained in OAR 635-500-0505 through 635-500-0565 apply to all waters of the Tenmile Lakes Basin.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 14-1991, f. 2-28-91, cert. ef. 3-1-91

Habitat

635-500-0505

Habitat

(1) The following operating principle applies: Habitat protection and enhancement activities shall be consistent with the Department's Fish and Wildlife Habitat Protection Policy and the Habitat Management Goals of the Department's Anadromous Fish Management Plan.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Protect existing habitat from further degradation by activities on agricultural, forest, and residential lands;

(b) Restore degraded lake, stream, and riparian habitats;

(c) Protect Tenmile Estuary from further degradation by human activities;

(d) Support management of aquatic vegetation in the Lakes to balance fish habitat needs and nuisance effects of vegetation on fishermen, boaters, property owners, and other activities.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 14-1991, f. 2-28-91, cert. ef. 3-1-91

Finfish

635-500-0510

Coho Salmon

(1) The following operating principles apply to coho salmon in the Tenmile Lakes Basin:

(a) Coho salmon in the Tenmile Lakes Basin shall be managed for wild production with hatchery releases consistent with the Wild Fish Management Policy, OAR 635-007-0501 through 635-007-0529;

(b) Coho salmon stock approved for Tenmile Lakes system are Tenmile stock only;

(c) Wild stock shall be incorporated in all hatchery programs in every generation;

(d) Programs that approach the limits of the Wild Fish Management Policy shall be modified or reduced proportionately to maintain compliance with the Policy.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Maintain the 15-year (1974–1989) average naturally spawning population of 3,867 adult wild coho salmon in the Tenmile Lakes basin and increase the population above this level where the productive capacity of present or restored habitat allows with a long-term goal of doubling the wild run;

(b) Supplement the naturally produced wild spawning population of coho salmon with long-term hatchery programs at Eel Lake, Saunders Creek, and Beaver Creek to increase the recreational and commercial fisheries in the ocean and the recreational fishery in Tenmile Creek;

(c) Conduct a small hatchery program in Tenmile and North Tenmile Lakes with wild fry that are genetically similar to the wild stock to contribute to creek and lake fisheries and bolster the natural spawning escapement;

(d) Provide for an ocean harvest with a high contribution to Oregon and a creek and lake recreational harvest of up to 15 percent of the wild coho salmon that return to the Tenmile Lakes Basin and provide for an increased ocean harvest with a high contribution to Oregon and a 25 percent recreational harvest of hatchery stocks in the basin.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 14-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0515

Steelhead

(1) The following operating principles apply to winter steelhead in the Tenmile Lakes Basin:

(a) Winter steelhead in the Tenmile Lakes Basin shall be managed for wild fish with hatchery releases consistent with the Wild Fish Management Policy;

(b) Programs that approach the limits of the Wild Fish Management Policy shall be modified or reduced proportionately to maintain compliance with the policy.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Increase the natural production of steelhead in tributaries of Tenmile and North Tenmile Lakes by creating additional rearing habitat to be colonized by wild juveniles, resulting in an average run of at least 400 wild spawners and supplement the population above this level with hatchery production to a minimum average annual catch of 600 fish from releases in Eel Lake and possibly Saunders Creek;

(b) Provide a recreational fishery in the Tenmile Lakes Basin to harvest up to ten percent of the wild steelhead and as many hatchery steelhead as possible.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 14-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0520

Cutthroat Trout

(1) The following operating principle applies to cutthroat trout in the Tenmile Lakes basin: Cutthroat trout shall be managed for wild fish consistent with the Wild Fish Management Policy. Hatchery fish shall not be released within the Tenmile Basin.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Increase the wild population through habitat restoration while allowing a consumptive fishery for sea-run and resident cutthroat trout;

(b) Increase the understanding of abundance, distribution, and life history of cutthroat trout populations.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 14-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0525

Rainbow Trout

(1) The following operating principle applies to rainbow trout in the Tenmile Lakes Basin: Rainbow trout shall be managed under the basic yield alternative of the Statewide Trout Plan (OAR 635-500-0100 through 635-500-0120) as a hatchery population consistent with

concerns for native salmonids under the Wild Fish Management Policy.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Provide a spring angling opportunity for rainbow trout and achieve approximately 5,000 total angler days for Tenmile and North Tenmile Lakes combined and 1,500 angler days each for Saunders and Eel lakes;

(b) Phase out releases of rainbow trout in the Tenmile Lakes Basin if a cutthroat trout enhancement program is developed.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 14-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0530

Bluegill

(1) The following operating principle applies to bluegill in the Tenmile Lakes Basin: Bluegill shall be managed under the basic yield alternative of the Warmwater Game Fish Plan (OAR 635-500-0045 through 635-500-0060).

(2) In accordance with this operating principle, it is the objective of the Department to maintain a stable size distribution of bluegill with at least 25 percent of the angler catch being six inches and over by increasing fishery use and predator utilization of the species.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 14-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0535

Brown Bullhead

(1) The following operating principle applies to brown bullhead in the Tenmile Lakes Basin: Brown Bullhead shall be managed under the basic yield alternative of the Warmwater Game Fish Plan.

(2) In accordance with this operating principle, it is the objective of the Department to maintain a stable size distribution of brown bullhead with 50 percent of the angler catch ten inches or greater by increasing fishery use of the species.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 14-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0540

Largemouth Bass

(1) The following operating principle applies to largemouth bass in the Tenmile Lakes Basin: Largemouth bass shall be managed under the high yield alternative of the Warmwater Game Fish Plan.

(2) In accordance with this operating principle, it is the objective of the Department to provide a high yield, consumptive fishery for small to midsize largemouth bass (8 to 12 inches) and maintain an hourly catch rate of 0.5 largemouth bass per hour with 15 percent of the fish caught exceeding 12 inches.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 14-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0545

Striped Bass x White Bass Hybrid

(1) The following operating principle applies to striped bass x white bass hybrid in the Tenmile Lakes Basin: Straying of hybrid bass from the Tenmile Lakes Basin to other rivers shall not be allowed in violation of the Fish Management Policy.

(2) In accordance with this operating principle, it is the objective of the Department to eliminate the striped bass x white bass hybrid population in the Tenmile Lakes Basin by discontinuing releases and removing bag limits and minimum size regulations.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 14-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0550

Miscellaneous Native Fish Species

(1) The following operating principle applies to miscellaneous native fish species in the Tenmile Lakes Basin: Miscellaneous native fish species shall be managed for natural production under the Natural Production Policy.

(2) In accordance with this operating principle, it is the objective of the Department to maintain populations of these native species at an abundance consistent with their habitat requirements.

Stat. Auth.: ORS 496, 506 & 508
 Stats. Implemented: ORS 496, 506 & 508
 Hist.: FWC 14-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0555**Unauthorized Fish Species**

It is the objective of the Department to prevent additional illegal introductions of game and nongame fish species into Tenmile Lakes Basin.

Stat. Auth.: ORS 496, 506 & 508
 Stats. Implemented: ORS 496, 506 & 508
 Hist.: FWC 14-1991, f. 2-28-91, cert. ef. 3-1-91

Miscellaneous Provisions**635-500-0560****Angler Access**

It is the objective of the Department to:

(1) Develop access sites within the Tenmile Lakes Basin and investigate potential boat access points for North Tenmile Lake.

(2) Maintain and improve existing access sites.

Stat. Auth.: ORS 496, 506 & 508
 Stats. Implemented: ORS 496, 506 & 508
 Hist.: FWC 14-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0565**Angling and Boating Law Enforcement**

It is the objective of the Department to:

(1) Minimize illegal harvest through coordinated efforts with Oregon State Police and Coos County Sheriff's Department.

(2) Coordinate efforts with the Coos County Sheriff's Department to minimize illegal and unsafe boating practices by recreationists.

Stat. Auth.: ORS 496, 506 & 508
 Stats. Implemented: ORS 496, 506 & 508
 Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

Yaquina River Basin Fish Management Operating Principles and Objectives

635-500-0600**Organization of Rules**

Administrative rules for the Yaquina River Basin contained in OAR 635-500-0605 through 635-500-0685 apply to all waters of the Yaquina River Basin.

Stat. Auth.: ORS 496, 506 & 508
 Stats. Implemented: ORS 496, 506 & 508
 Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

Habitat**635-500-0605****Habitat**

(1) The following operating principles apply:

(a) Habitat protection and enhancement activities shall be carried out with the guidelines of the Department's Fish and Wildlife Habitat Protection Policy and the Habitat Management Goals for the Department's Anadromous Fish Management Plan;

(b) Habitat degradation potentially leading to losses of fish production shall be minimized or prevented throughout the Yaquina River Basin;

(c) The Department shall coordinate with appropriate land-and water-use management agencies on habitat protection and enhancement activities, and shall continue to act in an advisory role to such agencies to promote habitat protection.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Protect estuarine habitat;

(b) Enhance and restore estuaries and tidewater habitat to meet the fish production and shellfish objectives for the Yaquina River system;

(c) Protect freshwater habitat;

(d) Restore and enhance riparian and in-stream habitats to help achieve natural production objectives for fish in the basin.

Stat. Auth.: ORS 496, 506 & 508
 Stats. Implemented: ORS 496, 506 & 508
 Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

Finfish**635-500-0610****Chinook Salmon**

(1) The following operating principles apply to chinook salmon in the Yaquina River Basin:

(a) Fall chinook salmon shall be managed for wild production consistent with the Wild Fish Management Policy (OAR 635-007-0501 through 635-007-0529). Hatchery chinook may be released into the basin, provided releases are also consistent with the Wild Fish Management Policy;

(b) The fall chinook salmon stock approved for use in the Yaquina River Basin is Yaquina. No spring chinook salmon stock is approved for release.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Maintain an estimated run size of 3,600 locally adapted fall chinook salmon;

(b) Provide the opportunity for the recreational fishery to harvest 1,000 hatchery fish.

Stat. Auth.: ORS 496, 506 & 508
 Stats. Implemented: ORS 496, 506 & 508
 Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0615**Coho Salmon**

(1) The following operating principles apply to coho salmon in the Yaquina River Basin:

(a) Coho salmon shall be managed for wild production consistent with the Wild Fish Management Policy (OAR 635-007-0525 through 635-007-0529). Hatchery coho may be released into the basin, provided releases are also consistent with the Wild Fish Management Policy;

(b) The coho salmon stocks approved for use in the Yaquina River Basin are Yaquina and Siletz.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Increase the spawning population to 10,300 adults where the production capacity of present or enhanced habitat allows;

(b) Provide for an ocean harvest with a high contribution to Oregon and an in-river recreational fishery with a maximum wild harvest rate of ten percent and a hatchery harvest rate that equals or is higher than the wild harvest rate;

(c) Ensure that any private hatchery operation shall comply with the Wild Fish Management Policy and meet fishery management objectives.

Stat. Auth.: ORS 496, 506 & 508
 Stats. Implemented: ORS 496, 506 & 508
 Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0620**Chum Salmon**

(1) The following operating principle applies to chum salmon in the Yaquina River Basin: Chum salmon shall be managed for wild production, consistent with the Wild Fish Management Policy (OAR 635-007-0525 through 635-007-0529). No hatchery fish shall be released in the basin, except that the Department may approve the use of hatchery chum salmon if needed for stock restoration as defined in OAR 635-007-0501.

(2) In accordance with this operating principle, it is the objective of the Department to maintain a chum salmon run of at least 100 adults to Mill Creek and its tributaries and increase the population size if present or enhanced habitat allows.

Stat. Auth.: ORS 496, 506 & 508
 Stats. Implemented: ORS 496, 506 & 508
 Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0625**Winter Steelhead**

(1) The following operating principles apply to winter steelhead in the Yaquina River basin:

(a) Winter steelhead shall be managed for wild production, consistent with the Wild Fish Management Policy (OAR 635-007-0525 through 635-007-0529). Hatchery winter steelhead may be released

into the basin provided releases are consistent with the Wild Fish Management Policy;

(b) Steelhead stocks approved for use in the Yaquina River Basin are Alsea winter and Yaquina winter;

(c) Programs that challenge the limits of the Wild Fish Management Policy shall be modified or reduced proportionately to maintain compliance with the Policy.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Maintain the production of wild steelhead in the Yaquina River Basin at an average annual minimum of 1,300 adults;

(b) Design and implement a hatchery program that will be compatible with requirements of the Wild Fish Management Policy;

(c) Maintain a harvest rate of no more than 20 percent on wild fish. The harvest rate on hatchery fish shall be equal or greater than the harvest rate on wild fish.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0630

Cutthroat Trout

(1) The following operating principle applies to cutthroat trout in the Yaquina River Basin: Cutthroat trout shall be managed for wild production in accordance with the Wild Fish Management Policy (OAR 635-007-0525 through 635-007-0529) and the statewide Trout Plan (ODFW 1987) (OAR 635-500-0100 through 635-500-0120) under the basic yield alternative.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Maintain the health of the wild populations of resident and sea-run cutthroat trout by protecting genetic diversity and adaptiveness of subpopulations, avoiding reduction in the distribution of the species, and maintaining multiple age distribution of stocks;

(b) Maintain harvest at a level of approximately 20 percent of the harvestable population.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0635

White and Green Sturgeon

(1) The following operating principle applies to white and green sturgeon in the Yaquina River Basin: White and green sturgeon shall be managed for wild production under the Wild Fish Management Policy (OAR 635-007-0525 through 635-007-0529). No hatchery fish shall be released into the basin.

(2) In accordance with this operating principle, it is the objective of the Department to maintain the abundance of sturgeon by carrying out the habitat objectives of this plan.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0640

American Shad

(1) The following operating principle applies to American shad in the Yaquina River basin: American shad shall be managed for wild production. No hatchery fish shall be released into the Yaquina River Basin.

(2) In accordance with this operating principle, it is the objective of the Department to maintain a stable population of American shad while striving to increase harvest use of the species.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0645

Miscellaneous Freshwater and Anadromous Fish Species

It is the objective of the Department to maintain populations of the native miscellaneous freshwater and anadromous fish species at an abundance consistent with their habitat requirements.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0650

Clams

(1) The following operating principle applies to clams in the Yaquina River Basin: The Department shall promote optimum use of the clam resource.

(2) In accordance with this operating principle, it is the objective of the Department to maintain the abundance, diversity, and habitat of each clam species in Yaquina Bay.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0655

Ghost and Mud Shrimp

(1) The following operating principle applies to ghost and mud shrimp in the Yaquina River Basin: Yaquina Bay ghost and mud shrimp resources and fisheries shall be managed by the Marine Resources Program according to Department and Commission policies.

(2) In accordance with this operating principle, it is the objective of the Department to promote optimum use of ghost and mud shrimp in bait fisheries.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0660

Other Shellfish and Invertebrate Species

It is the objective of the Department to maintain the abundance of crayfish, mussels, and red rock crabs as well as other miscellaneous shellfish and invertebrates.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0665

Pacific Herring

(1) The following operating principle applies to Pacific herring in the Yaquina River Basin: The Department shall manage the estuarine spawning population to maintain the Pacific herring resource.

(2) In accordance with this operating principle, it is the objective of the Department that the commercial harvest shall not exceed 20 percent of the available estimated spawning biomass.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0670

Marine Fish Species

(1) The following operating principle applies to marine fish species in the Yaquina River Basin: The Department shall manage the ocean populations of marine fish species within optimum yield guidelines established by the Department and Pacific Fishery Management Council.

(2) In accordance with this operating principle, it is the objective of the Department to maintain abundance of these species to continue providing recreational fisheries in the estuary at present levels, consistent with state policy and statutes.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0675

Miscellaneous Estuarine and Marine Fish Species

It is the objective of the Department to maintain self-sustaining populations of miscellaneous estuarine and marine species.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

635-500-0680

Dungeness Crab

(1) The following operating principle applies to Dungeness crab in the Yaquina River basin: The recreational and commercial crab fishery shall be managed by the Marine Resources Program according to Department and Commission policies.

(2) In accordance with this operating principle, it is the objective of the Department to maintain the current level of opportunity for recreational crabbers to harvest crab.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

Miscellaneous Provisions

635-500-0685

Angler Access

(1) The following operating principles apply to angler access in the Yaquina River basin:

(a) The Department shall seek to provide access for boat and bank angling that will satisfy public need for a variety of angling opportunities;

(b) Acquisition and development of access sites shall be consistent with guidelines and objectives for fish species and for habitat.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Maintain and improve existing access sites in Yaquina Bay, tidewater regions, and along Big Elk Creek;

(b) Develop additional access sites along the Yaquina River above Elk City.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 15-1991, f. 2-28-91, cert. ef. 3-1-91

Mini-Management Plans Policies and Objectives

635-500-0700

Clear Lake

Clear Lake (Lane County) shall be managed for hatchery and natural production consistent with the Wild Fish Policy under the basic yield alternative of Oregon's Trout Plan.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 117-1990, f. & cert ef. 10-15-90

635-500-0703

Diamond Lake

Diamond Lake shall be managed for hatchery production under the basic yield alternative of Oregon's Trout Plan.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 117-1990, f. & cert ef. 10-15-90

635-500-0706

Hosmer Lake

Hosmer Lake shall be managed for hatchery and natural production under the Featured Species alternative of Oregon's Trout Plan.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 117-1990, f. & cert ef. 10-15-90

635-500-0709

Hyatt Lake

Hyatt Lake shall be managed for hatchery and natural production under two alternatives from the Warmwater Fish Plan and Oregon's Trout Plan: Trout — Basic yield; Bass — Basic yield.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 117-1990, f. & cert ef. 10-15-90

635-500-0712

Lake Billy Chinook

Lake Billy Chinook shall be managed for hatchery and natural production consistent with the Wild Fish Policy under the following alternatives of the Warmwater Fish Plan and Oregon's Trout Plan: Kokanee — Intensive use; Rainbow and brown trout — Basic yield; Bull trout — Featured species; Bass — Basic yield.

Stat. Auth.: ORS 496, 506 & 508

Stats. Implemented: ORS 496, 506 & 508

Hist.: FWC 117-1990, f. & cert ef. 10-15-90

635-500-0790

General Fish Management Policies

(1) To the extent authorized by law, the Department shall seek compensation for losses of production due to development and other man-made causes.

(2) Hatchery production shall be evaluated to determine if benefits exceed costs.

(3) The number of hatchery fish stocked in the Willamette Basin, regardless of species and size, shall not be increased and stream systems not currently receiving hatchery fish shall not be stocked, with the following exceptions:

(a) Experimental programs where the number of fish released is relatively small and a planned and funded evaluation program exists;

(b) Rehabilitation programs for native species;

(c) As provided for in subbasin plans adopted by the Commission in public hearing; and

(d) Special situations approved by the Commission in public hearing.

(4) Stocking levels and areas shall be addressed in subbasin plans.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-0800

Habitat Objectives

(1) The following operating principles apply to the Willamette River Basin:

(a) The Department shall actively pursue and promote habitat protection and improvement necessary to achieve the objectives for management of the subbasins' fish resources;

(b) The Department shall coordinate with and advise agencies that manage the land and water resources of Willamette subbasins;

(c) Habitat protection shall be emphasized over habitat rehabilitation and enhancement;

(d) Potential losses of fish production from habitat alteration shall be prevented or reduced to the extent possible.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Maintain or improve upstream and downstream passage for fish at dams, water diversions, other manmade obstacles, and existing passage facilities;

(b) Provide necessary in-stream flows for fish production;

(c) Maintain high water quality;

(d) Protect fish habitat from degradation associated with timber harvest, road construction, and related activities on forested lands;

(e) Protect existing stream habitat in lowland areas from degradation associated with agricultural, residential and commercial development, and other human activities;

(f) Reduce the impacts of reservoir construction and water management on fish production;

(g) Expand public informational and educational programs dealing with habitat protection;

(h) Inventory stream and watershed characteristics that affect fish production.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Clackamas Subbasin Fish Management Operating Principles and Objectives

Habitat

635-500-0810

Habitat

It is the objective of the Department to:

(1) Maintain and improve upstream and downstream passage for anadromous fish at dams, diversions, power projects, and, where appropriate, at natural barriers;

(2) Provide necessary in-stream flows for fish production;

(3) Reduce the impacts of reservoir management on fish production;

(4) Protect existing stream habitat from degradation associated with timber harvest and other related activities on forested lands, with road construction, and with development on private and agricultural lands;

(5) Inventory streams and assess watershed characteristics that affect fish production.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Finfish

635-500-0820

Winter Steelhead

(1) The following operating principles apply to the Clackamas Subbasin:

(a) Winter steelhead in the Clackamas subbasin shall be managed for natural and hatchery production consistent with the Wild Fish Management Policy;

(b) The lower subbasin below River Mill Dam shall be managed primarily for the production and harvest of Big Creek and Eagle Creek stocks of hatchery fish. Fry releases shall be limited to Rock, Clear, Foster, Deep, and Eagle Creeks;

(c) The subbasin above North Fork Dam shall be managed for natural production of the indigenous stock.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Increase spawning escapement of the indigenous stock of winter steelhead above the North Fork Dam to 3,000 fish;

(b) Increase the potential average annual harvest of winter steelhead in the subbasin to 8,000 fish (2,000 in Eagle Creek and 6,000 in the mainstem of the Clackamas River, above and below River Mill Dam).

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-0830

Summer Steelhead

(1) The following operating principle applies to the Clackamas Subbasin:

(a) Summer steelhead shall be managed for hatchery production in the subbasin;

(b) Summer steelhead smolts shall be released into streams that have suitable adult holding habitat throughout the summer and where adults will provide optimum recreational opportunity;

(c) Only smolt-sized fish will be released to minimize competition with native salmonids.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Minimize competition and possible interbreeding between non-indigenous summer steelhead and indigenous stocks of anadromous salmonids and resident trout;

(b) Provide a potential average annual harvest of 7,000 summer steelhead in the Clackamas Subbasin.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-0840

Spring Chinook Salmon

Operating policy and objectives for spring chinook in the Clackamas River Basin are found in OAR 635-500-1662.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 16-1998, f. & cert. ef. 3-9-98

635-500-0850

Fall Chinook Salmon

(1) The following operating principle applies to the Clackamas Subbasin: No hatchery-produced fall chinook salmon shall be released in the waters of the subbasin.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Maintain an average annual run size of 1,000 fall chinook salmon to the Clackamas Subbasin;

(b) Determine the identity of the stock of fall chinook salmon in the subbasin;

(c) Maintain the average annual harvest in the subbasin of approximately 200 fall chinook salmon.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-0860

Coho Salmon

(1) The following operating principles apply to the Clackamas Subbasin:

(a) The lower subbasin below River Mill Dam shall be managed primarily for the production and harvest of early-run hatchery stock. Coho salmon fry releases shall be limited to Clear, Rock, Foster and Deep Creeks. All fry-release programs shall be evaluated;

(b) The upper subbasin above North Fork Dam shall be managed for natural production of wild coho salmon;

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Assess the status of the coho salmon run above North Fork Dam;

(b) Maintain the genetic characteristics of the wild run;

(c) Increase the average annual escapement of the wild run coho salmon above North Fork Dam to 3,000 fish;

(d) Maintain a potential average annual harvest level of 1,000 and 1,500 hatchery coho salmon in the mainstem of the Clackamas River below River Mill Dam and in Eagle Creek.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-0870

Warmwater and Miscellaneous Fish

(1) The following operating principles apply to the Clackamas Subbasin:

(a) Warmwater game fish and other introduced warmwater fish shall be managed to discourage increases in natural production above River Mill Dam;

(b) Warmwater species shall not be stocked above River Mill Dam, in mainstem, tributaries, or ponds. Stocking of private ponds with outflow below River Mill Dam shall be permitted.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Prevent the expansion of warmwater fisheries above River Mill Dam;

(b) Protect populations and habitats of sensitive, threatened, or endangered nongame fishes in the Clackamas Subbasin.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-0880

Trout

(1) The following operating principles apply to the Clackamas subbasin:

(a) Trout in the Clackamas subbasin shall be managed for natural production. No hatchery trout shall be stocked in flowing waters of the Clackamas subbasin;

(b) Natural barriers to anadromous fish passage shall not be removed. Culverts and man-made obstacles may be improved to allow anadromous fish passage, if fish historically passed the barrier.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Maintain the genetics and production of existing wild trout populations, by maintaining genetic diversity, preserving and restoring historical distribution, and by sustaining multiple-age classes;

(b) Determine the status of the bull trout in the Clackamas subbasin.

Stat. Auth.: ORS 496.146 & 496.162
Stats. Implemented: ORS 496.138
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 26-1998(Temp), f. & cert. ef. 3-25-98; DFW 26-1998(Temp), f. & cert. ef. 3-25-98 thru 4-24-98; DFW 71-1998, f. & cert. ef. 8-28-98

635-500-0890

Whitefish

It is the objective of the Department to increase public awareness of angling opportunities for whitefish in the Clackamas Subbasin.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Miscellaneous Provisions

635-500-0900

Angler Access

(1) The following operating principles apply to the Clackamas Subbasin:

(a) The Department shall seek to provide access to allow the public to enjoy the basin's fish populations, to provide a diversity of angling and viewing opportunities, and to encourage a dispersion of angling effort;

(b) Acquisition and development of access sites shall be consistent with policies and objectives for management of fish species and habitat.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Increase access to publicly and privately controlled sites in the lower subbasin, particularly for bank anglers;

(b) Provide access that allows orderly and equitable utilization of fishery resources in the basin while providing optimum recreational benefits.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Coast Fork Willamette Subbasin Fish Management Operating Principles and Objectives

Habitat

635-500-0910

Habitat

It is the objective of the Department to:

(1) Protect fish populations from impacts caused by land use activities.

(2) Restore and enhance riparian and in-stream fish habitats.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Finfish

635-500-0920

Trout

(1) The following operating principle applies to the Coast Fork Willamette Subbasin: Rainbow trout shall be managed for natural and hatchery production and cutthroat trout shall be managed for natural production of the wild populations.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Protect and enhance the productivity of wild cutthroat trout and rainbow trout populations;

(b) Provide self-sustaining fisheries for cutthroat trout and rainbow trout in streams not designated for release of hatchery trout;

(c) Diversify angling opportunity by releasing legal-sized hatchery rainbow trout in areas restricted to the Coast Fork Willamette (RM 22-24) and Sharps Creek (RM 0-10).

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-0930

Warmwater Game Fish

It is the objective of the Department to:

(1) Maintain existing warmwater game fish populations.

(2) Provide a diversity of warmwater angling opportunities.

(3) Minimize impacts of new species of warmwater game fish on indigenous species.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-0940

Oregon Chub

It is the objective of the Department to:

(1) Protect existing populations.

(2) Establish new populations.

(3) Increase public understanding of the status of Oregon chub and the factors that influence abundance.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-0950

Winter Steelhead

It is the objective of the Department that the Coast Fork Willamette subbasin shall not be managed for winter steelhead.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-0960

Spring Chinook Salmon

Operating policy and objectives for spring chinook in the Willamette River Basin above the mouth of the McKenzie River (includes the Coast Fork Willamette subbasin) are found in OAR 635-500-1663.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 16-1998, f. & cert. ef. 3-9-98

635-500-0970

Fall Chinook Salmon

(1) The following operating principle applies to the Coast Fork Willamette Subbasin: Only releases of late spawning stocks with an evaluation program are allowed.

(2) In accordance with this operating principle, it is the objective of the Department to investigate introducing a run of late spawning fall chinook salmon.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-0980

Coho Salmon

The following operating principle applies to the Coast Fork Willamette Subbasin: Coho salmon shall not be released into the Coast Fork Willamette Subbasin.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Miscellaneous Provisions

635-500-0990

Angler Access

(1) The following operating principle applies to the Coast Fork Willamette Subbasin: The Department shall seek to provide public angling access to allow use of fish populations, provide a diversity of angling opportunities, and disperse angling effort.

(2) In accordance with this operating principle, it is the objective of the Department to increase access to public waters for angling.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Coast Range Subbasin Fish Management Operating Principles and Objectives

Habitat

635-500-1000

Habitat

It is the objective of the Department to:

(1) Provide necessary in-stream flows for fish production.

(2) Protect existing stream habitat from degradation associated with timber harvest, road construction, and related activities on forested watersheds.

(3) Protect existing stream habitat in lowland areas from degradation associated with agricultural, residential and commercial development, and other human activities.

(4) Improve the water quality of the subbasin.

(5) Provide adequate upstream and downstream passage for fish at water diversions, dams, and other artificial obstructions.

(6) Develop subbasin specific knowledge that integrates fish distribution and abundance information, habitat characteristics and potential for improvement, and sensitive watershed areas into the Department's Habitat Database system.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Finfish

635-500-1010

Winter Steelhead

(1) The following operating principle applies to the Coast Range Subbasin: The naturally produced run of winter steelhead shall not be enhanced with releases of hatchery fish pending an analysis of the status of wild steelhead populations in the subbasin.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Maintain an average annual spawning escapement of 675 adult winter steelhead in the Coast Range Subbasin;

(b) Provide a potential average annual sport harvest of about 175 winter steelhead in the Coast Range Subbasin.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1020

Coho Salmon

(1) The following operating principle applies to the Coast Range Subbasin: Hatchery releases of coho salmon shall be permitted only for the purpose of rehabilitating self-sustaining populations.

(2) In accordance with this operating principle, it is the objective of the Department to maintain the natural production of coho salmon in the Coast Range subbasin provided the existing run is determined to be self-sustaining.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1030

Fall Chinook Salmon

The following operating principle applies to the Coast Range Subbasin: There shall be no further releases of fall chinook salmon in the Coast Range Subbasin.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1040

Trout and Whitefish

(1) The following operating principles apply to the Coast Range subbasin:

(a) Cutthroat trout shall be given first and highest consideration when evaluating and setting priorities for management activities;

(b) Wild trout and whitefish shall be managed for natural production consistent with the Wild Fish Management Alternative for Trout. No hatchery trout or whitefish shall be released.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Maintain the genetic diversity and adaptiveness of wild trout populations;

(b) Protect, restore, and enhance wild trout and whitefish habitat;

(c) Provide angling opportunities for trout in the Coast Range subbasin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 72-1998, f. & cert. ef. 8-28-98

635-500-1050

Warmwater Game Fish

(1) The following operating principle applies to the Coast Range Subbasin: Any management proposals for warmwater game fish shall be reviewed and evaluated for potential effects on indigenous fish species, especially cutthroat trout and Oregon chub.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Maintain populations of warmwater game fishes in running waters;

(b) Provide a diversity of warmwater angling opportunities through basic yield management;

(c) Implement an evaluation of introducing channel catfish into the lower Yamhill River and carry out the introduction if the evaluation is positive;

(d) Increase public awareness of warmwater angling opportunities in the subbasin.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1060

Oregon Chub

It is the objective of the Department to:

(1) Protect and enhance existing populations of Oregon chub in the Coast Range Subbasin.

(2) Establish new populations of Oregon chub in isolated waters in the Coast Range Subbasin where possible.

(3) Promote greater public understanding and appreciation of the status of Oregon chub.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1070

Sand Rollers

It is the objective of the Department to:

(1) Determine the distribution, relative abundance, and habitat use of sand rollers in the Coast Range Subbasin.

(2) Protect, restore, and enhance sand rollers habitat.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1080

Crayfish

It is the objective of the Department to:

(1) Assess the population status and commercial harvest of crayfish in the Coast Range Subbasin.

(2) Determine the size and importance of the recreational crayfish harvest in the Coast Range Subbasin.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Miscellaneous Provisions

635-500-1090

Angler Access

(1) The following operating principles apply to the Coast Range Subbasin:

(a) The Department shall seek to provide access for boat and bank angling that will satisfy public need for a variety of angling opportunities and a dispersion of angling effort throughout the subbasin;

(b) Acquisition and development of angler access sites shall be consistent with guidelines and objectives for management of fish species and habitat.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Provide and maintain one (1) permanent boat access site on the Yamhill River, two permanent sites on the North Yamhill River, five permanent sites on the South Yamhill River, two permanent sites on Rickreall Creek, and two permanent sites on the Luckiamute River;

(b) Increase bank angling access in the Coast Range Subbasin where possible.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Long Tom Subbasin Fish Management Operating Principles and Objectives

Habitat

635-500-1100

Habitat

It is the objective of the Department to:

(1) Protect fish populations from impacts caused by land use activities.

(2) Restore and enhance riparian and in-stream fish habitats.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Finfish

635-500-1110

Warmwater Game Fish

(1) The following operating principle applies to the Long Tom Subbasin: Any management proposals for warmwater game fish shall be reviewed and evaluated for potential effects on indigenous fish species.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Protect and enhance existing warmwater game fish populations;

(b) Provide a diversity of warmwater angling opportunities;

(c) Minimize impacts of new species of warmwater game fish on indigenous species.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1120

Trout

(1) The following operating principle applies to the Long Tom Subbasin: Cutthroat trout shall be managed for natural production of wild populations consistent with the Wild Fish Management Policy. No hatchery trout shall be released.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Protect and enhance the productivity of wild cutthroat trout populations;

(b) Provide self-sustaining fisheries for cutthroat trout.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1130

Coho Salmon

The following operating principle applies to the Long Tom subbasin: Coho salmon shall not be released into the Long Tom Subbasin.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Miscellaneous Provisions

635-500-1140

Angler Access

(1) The following operating principle applies to the Long Tom Subbasin: The Department shall seek to provide public angling access

to allow use of the fish populations, provide a diversity of angling opportunities, and disperse angling effort.

(2) In accordance with this operating principle, it is the objective of the Department to increase access to public waters for angling.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Mainstem Willamette Subbasin Fish Management Operating Principles and Objectives

Habitat

635-500-1150

Habitat

(1) The following operating principle applies to the Main Stem Willamette Subbasin: Habitat protection shall be emphasized over habitat rehabilitation and enhancement.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Maintain or improve upstream and downstream passage for fish at dams, water diversions, other obstacles, and existing passage facilities;

(b) Reduce delay, stranding, injury, and mortality of adult salmon and steelhead at Willamette Falls;

(c) Protect necessary in-stream flows for fish production;

(d) Maintain high water quality;

(e) Protect riparian and in-stream habitat from degradation associated with agricultural, residential and commercial development, and other human activities;

(f) Develop subbasin specific knowledge that integrates fish distribution and abundance information, habitat characteristics and potential for improvement, and sensitive watershed areas into the Department's Habitat Database system;

(g) Minimize any impacts of Portland Harbor Development on fish passage and fish rearing.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Finfish

635-500-1160

Winter Steelhead

(1) The following operating principle applies to the Main Stem Willamette Subbasin: Escapement of late-run winter steelhead to tributary subbasins has priority over harvest in the mainstem Willamette River.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Increase the average annual run size to about 33,000 winter steelhead into the Willamette River;

(b) Increase the average annual run of indigenous, late-run (February 15–May 15) winter steelhead above Willamette Falls to about 17,000 fish, which includes a spawning escapement of 14,400 fish for natural production;

(c) Provide a potential average annual sport catch of 1,000 winter steelhead in the lower Main Stem Willamette;

(d) Increase the average annual sport catch of winter steelhead above Willamette Falls to 500 fish.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1170

Summer Steelhead

It is the objective of the Department to increase the recreational catch of summer steelhead above Willamette Falls to an average annual minimum of 500 fish.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1180**Spring Chinook Salmon**

Objectives for spring chinook in the Mainstem Willamette River Basin are found in OAR 635-500-1664.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92 ; FWC 13-1997, f. 3-5-97, cert. ef. 3-11-97; DFW 16-1998, f. & cert. ef. 3-9-98

635-500-1190**Fall Chinook Salmon**

(1) The following operating principle applies to the Main Stem Willamette Subbasin: Fall chinook salmon in the mainstem Willamette River shall be managed for natural production of existing populations.

(2) In accordance with this operating principle, it is the objective of the Department to provide optimal conditions for natural production and migration of fall chinook salmon in the Main Stem Willamette.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1200**Shad**

(1) The following operating principle applies to the Main Stem Willamette Subbasin: Shad shall be managed for sport angling in the Willamette River.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Increase public awareness of the sport angling opportunities for shad;

(b) Monitor the catch and angling effort of the sport fishery.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1210**Sturgeon**

It is the objective of the Department to:

(1) Evaluate the population of white sturgeon in the upper Willamette River.

(2) Determine the impact of harvest on the abundance and long-term persistence of the sturgeon populations above Willamette Falls.

(3) Provide additional angling opportunities for sturgeon above Willamette Falls through the periodic release of hatchery sturgeon.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1220**Trout and Whitefish**

(1) The following operating principle applies to the Main Stem Willamette Subbasin: No hatchery-produced resident trout shall be released in the mainstem Willamette River.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Maintain the genetic diversity and adaptiveness of wild trout and whitefish populations;

(b) Protect and restore wild trout and whitefish habitat;

(c) Minimize the potentially negative effects of hatchery fish on the production and genetic integrity of wild trout and whitefish;

(d) Provide angling opportunities for trout and whitefish under the basic yield Management alternative for trout (Oregon Department of Fish and Wildlife 1987).

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1230**Warmwater Game Fish**

(1) The following operating principle applies to the Main Stem Willamette Subbasin: Management proposals that initiate or expand hatchery programs for warmwater game fish or that alter the distribution of warmwater game fish shall be reviewed and evaluated for potential effects on indigenous species.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Maintain populations of warmwater game fishes;

(b) Implement an evaluation of introducing channel catfish into the mainstem Willamette River and carry out the introduction if the evaluation is positive;

(c) Implement an evaluation of quality management of large-mouth bass to provide angling diversity in selected mainstem Willamette River sloughs;

(d) Provide a diversity of warmwater angling opportunities for other species and in remaining reaches of the Willamette through basic yield management;

(e) Increase public awareness of warmwater angling opportunities in the subbasins;

(f) Work with the Health Division and Department of Environmental Quality on the issue of possible contamination of warmwater fishes in the lower Willamette River adjacent to sites of discharge of hazardous wastes.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1240**Oregon Chub**

It is the objective of the Department to:

(1) Establish new populations of Oregon chub in isolated waters along the mainstem Willamette River where possible.

(2) Promote greater public understanding and appreciation of the status of Oregon chub.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1250**Sand Rollers**

It is the objective of the Department to:

(1) Determine the distribution, relative abundance, and habitat use of sand rollers in the mainstem Willamette.

(2) Protect, restore, and enhance sand rollers habitat.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1260**Crayfish**

It is the objective of the Department to:

(1) Assess the population status and commercial harvest of crayfish in the Willamette River.

(2) Determine the size and importance of the recreational crayfish harvest in the Willamette River.

(3) Raise concern with Department of Environmental Quality on the need for testing lower Willamette River crayfish for dioxin and other potential toxic substances and manage the fishery according to the findings.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Miscellaneous Provisions**635-500-1270****Angler Access**

(1) The following operating principles apply to the Main Stem Willamette Subbasin:

(a) The Department shall seek to provide access for boat and bank angling that will satisfy public need for a variety of angling opportunities and a dispersion of angling effort along the Main Stem Willamette River;

(b) Acquisition and development of angler access sites shall be consistent with guidelines and objectives for management of fish species and habitat.

(2) In accordance with these operating principles, it is the objective of the Department to:

- (a) Provide and maintain 49 permanent boat access sites on the Main Stem Willamette River;
- (b) Increase bank angling access along the Willamette River.
Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Middle Fork Willamette Subbasin Fish Management Operating Principles and Objectives

Habitat

635-500-1280

Habitat

It is the objective of the Department to:

- (1) Protect fish populations from impacts caused by land use activities.
- (2) Restore and enhance riparian and in-stream fish habitats.
- (3) Reduce impacts of Hills Creek, Lookout Point, Dexter and Fall Creek Dams on production of fish in downstream reaches.
- (4) Maintain or improve upstream and downstream passage and screening for fish at dams, water diversions and other man-made obstacles.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Finfish

635-500-1290

Spring Chinook Salmon

Operating policy and objectives for spring chinook in the Willamette River Basin above the mouth of the McKenzie River (includes the Middle Fork Willamette subbasin) are found in OAR 635-500-1663.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 16-1998, f. & cert. ef. 3-9-98

635-500-1300

Summer Steelhead

(1) The following operating principle applies to the Middle Fork Willamette Subbasin:

- (a) Summer steelhead shall not be passed above Fall Creek or Dexter Dams;
- (b) Summer steelhead smolts shall be released into streams that have suitable adult holding habitat throughout the summer and where adults will provide optimum recreational opportunity;
- (c) Only smolt-sized fish will be released to minimize competition with native salmonids.
- (2) In accordance with this operating principle, it is the objective of the Department to:

- (a) Provide diversity of angling opportunity with an annual sport catch of 2,250 summer steelhead in the subbasin;
- (b) Minimize impact of summer steelhead on the production of native trout.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1310

Winter Steelhead

(1) The following operating principle applies to the Middle Fork Willamette Subbasin: Winter steelhead shall be managed for natural and hatchery production.

(2) In accordance with this operating principle, it is the objective of the Department to:

- (a) Increase the number of winter steelhead returning to the Middle Fork Subbasin to an annual average of 800 adults;
- (b) Increase the catch of winter steelhead to 160 fish in the Middle Fork Subbasin.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1320

Trout and Whitefish

(1) The following operating principles apply to the Middle Fork Willamette Subbasin:

- (a) Mountain Whitefish shall be managed for natural production;
- (b) Trout shall be managed for natural and hatchery production.
- (2) In accordance with these operating principles, it is the objective of the Department to:

(a) Protect and enhance the production of wild cutthroat trout, rainbow trout and bull trout populations;

(b) Manage native trout and whitefish populations to provide a diversity of angling experiences including consumptive and nonconsumptive activities;

(c) Manage brook trout populations to provide self-sustaining fisheries in streams that they currently inhabit throughout the Middle Fork Subbasin where they do not pose a risk to native salmonids;

(d) Manage wild trout populations to provide self-sustaining fisheries in the Middle Fork Willamette River between Lookout Point Reservoir and Hills Creek Dam (RM 31–45.5) and the North Fork of the Middle Fork Willamette River consistent with the Wild Fish alternative of Oregon's Trout Plan;

(e) Enhance angling recreation and opportunity by stocking legal-sized hatchery rainbow trout in selected streams consistent with the basic yield alternative of Oregon's Trout Plan;

(f) Manage wild trout populations to provide self-sustaining fisheries in areas not designated for "Wild Fish" alternative (see subsection (d) of this section) or release of hatchery fish (see subsection (e) of this section) consistent with the basic yield alternative of Oregon's Trout Plan.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1330

Oregon Chub

It is the objective of the Department to:

- (1) Protect existing populations.
- (2) Establish new populations.
- (3) Increase public understanding of the status of Oregon chub and the factors that influence abundance.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1340

Warmwater Game Fish

(1) The following operating principle applies to the Middle Fork Willamette Subbasin: No introductions of warmwater game fish shall be permitted in streams of the subbasin.

(2) In accordance with this operating principle, it is the objective of the Department to:

- (a) Minimize impacts of warmwater game fish on endemic fish species;
- (b) Provide a diversity of warmwater angling opportunities.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented:
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1350

Fall Chinook Salmon

The following operating principle applies to the Middle Fork Willamette Subbasin: Fall chinook salmon shall not be released in the Middle Fork Willamette Subbasin.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Miscellaneous Provisions

635-500-1360

Angler Access

(1) The following operating principle applies to the Middle Fork Willamette Subbasin: The Department shall seek to provide public angling access to allow use of fish populations, provide a diversity of angling opportunities, and disperse angling effort.

(2) In accordance with this operating principle, it is the objective of the Department to increase access to public waters for angling.
Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Molalla and Pudding Subbasins Fish Management Operating Principles and Objectives

Habitat

635-500-1370

Habitat

It is the objective of the Department to:

- (1) Provide necessary in-stream flows for fish production.
- (2) Protect existing stream habitat from degradation associated with timber harvest, road construction, and related activities on forested watershed.
- (3) Protect existing stream habitat in lowland areas from degradation associated with agricultural, residential and commercial development, and other human activities.
- (4) Improve the water quality of the subbasin.
- (5) Provide adequate upstream and downstream passage for fish at water diversions, dams, and other artificial obstructions.
- (6) Develop subbasin specific knowledge that integrates fish distribution and abundance information, habitat characteristics and potential for improvement, and sensitive watershed areas into the Department's Habitat Database system.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Finfish

635-500-1380

Winter Steelhead

(1) The following operating principles apply to the Molalla and Pudding subbasins:

- (a) Native winter steelhead have priority over all other non-native stocks and species;
 - (b) Winter steelhead shall be managed for natural production;
 - (c) Winter steelhead shall be managed for natural production. No hatchery-produced winter steelhead, including STEP fry, shall be released;
 - (d) Spawning escapement has priority over harvest.
- (2) In accordance with these operating principles, it is the objective of the Department to:
- (a) Maintain the genetic integrity and productivity of the native late stock;
 - (b) Maintain an average annual escapement of at least 3,500 late-run winter steelhead in the Molalla system;
 - (c) Maintain an average annual escapement of at least 1,250 winter steelhead in the Pudding system;
 - (d) Maintain a potential average annual sport harvest of about 600 late-run winter steelhead from the Molalla subbasin;
 - (e) Maintain an annual sport harvest of about 100 winter steelhead from the Pudding subbasin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 26-1998(Temp), f. & cert. ef. 3-25-98 thru 4-24-98; DFW 72-1998, f. & cert. ef. 8-28-98

635-500-1390

Summer Steelhead

Summer steelhead shall no longer be stocked in the Molalla and Pudding subbasins.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 26-1998(Temp), f. & cert. ef. 3-25-98 thru 4-24-98; DFW 72-1998, f. & cert. ef. 8-28-98

635-500-1400

Coho Salmon

(1) The following operating principle applies to the Molalla and Pudding Subbasins: Hatchery releases of coho salmon shall be permitted only for the purpose of rehabilitation of self-sustaining populations.

(2) In accordance with this operating principle, it is the objective of the Department to maintain natural production of coho salmon in the Molalla and Pudding Subbasins provided self-sustaining runs are present.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1410

Spring Chinook Salmon

Operating policies and objectives for spring chinook in the Molalla and Pudding River basins are found in OAR 635-500-1665.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 16-1998, f. & cert. ef. 3-9-98

635-500-1420

Fall Chinook Salmon

(1) The following operating principles apply to the Molalla and Pudding subbasins:

- (a) Fall chinook salmon in the Molalla Subbasin shall be managed primarily for production of hatchery fish;
 - (b) Fall chinook salmon shall not be stocked above RM 20 on the Molalla River to avoid potential negative impacts on native species.
- (2) In accordance with these operating principles, it is the objective of the Department to:

- (a) Provide a harvest of fall chinook salmon in ocean and Columbia River fisheries;
- (b) Monitor the distribution and abundance of spawning populations.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1430

Trout and Whitefish

(1) The following operating principle applies to the Molalla and Pudding subbasins: Wild trout and whitefish shall be managed for natural production consistent with the Wild Fish Management Alternative for Trout. No hatchery trout or whitefish shall be released.

(2) In accordance with this operating principle, it is the objective of the Department to:

- (a) Maintain the genetic diversity and adaptiveness of native trout and whitefish populations;
- (b) Protect, restore, and enhance native trout and whitefish habitat;
- (c) Provide angling opportunities for trout and whitefish in the Molalla and Pudding subbasins.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 72-1998, f. & cert. ef. 8-28-98

635-500-1440

Warmwater Game Fish

(1) The following operating principle applies to the Molalla Pudding subbasins: Management proposals that initiate or expand release programs for warmwater game fish or that alter the distribution of warmwater game fish shall be reviewed and evaluated for potential effects on indigenous fish species.

(2) In accordance with this operating principle, it is the objective of the Department to:

- (a) Maintain populations of warmwater game fishes;
- (b) Provide a diversity of warmwater angling opportunities through basic yield management;
- (c) Increase public awareness of warmwater angling opportunities in the subbasins.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1450

Sand Rollers

It is the objective of the Department to:

- (1) Determine the distribution, relative abundance, and habitat use of sand rollers in the Molalla and Pudding Subbasins.

(2) Protect, restore, and enhance sand rollers habitat.
Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1460

Crayfish

It is the objective of the Department to assess the population status of crayfish in the Molalla and Pudding Subbasins.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Miscellaneous Provisions

635-500-1470

Angler Access

(1) The following operating principles apply to the Molalla and Pudding Subbasins:

(a) The Department shall seek to provide access for boat and bank angling that will satisfy public need for a variety of angling opportunities and a dispersion of angling effort throughout the sub-basin;

(b) Acquisition and development of angler access sites shall be consistent with guidelines and objectives for management of fish species and habitat.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Provide and maintain nine permanent boat access sites on the mainstem Molalla River and one permanent site on the lower Pudding;

(b) Increase bank angling access in the Molalla and Pudding Subbasins.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Santiam and Calapooia Subbasins Fish Management Operating Principles and Objectives

Habitat

635-500-1480

Habitat

It is the objective of the Department to:

(1) Restore, maintain or improve upstream and downstream passage for fish at water diversions, dams, culverts, and other artificial obstacles.

(2) Provide necessary in-stream flows for fish production.

(3) Protect existing stream habitat from degradation associated with timber harvest, road construction, and related activities on forested watersheds.

(4) Protect existing stream habitat in lowland areas from degradation associated with agricultural, residential and commercial development, and other human activities.

(5) Develop subbasin specific knowledge that integrates fish distribution and abundance information, habitat characteristics and potential for improvement, and sensitive watershed areas into the Department's Habitat Database system.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Finfish

635-500-1490

Winter Steelhead

(1) The following operating principles apply to the Santiam and Calapooia subbasins:

(a) Winter steelhead shall be managed for natural production. No hatchery-produced winter steelhead shall be released;

(b) Native winter steelhead have priority over all other non-native stocks and species.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Provide an annual minimum escapement of 8,600 naturally produced winter steelhead adults to the Santiam subbasin;

(b) Reestablish a winter steelhead run in the North Santiam above Detroit Reservoir;

(c) Increase escapement to 650 winter steelhead in the South Santiam above Foster Dam;

(d) Reestablish the winter steelhead run above Green Peter Dam;

(e) Provide an annual minimum escapement of 1,170 winter steelhead adults to the Calapooia subbasin;

(f) Provide an average annual sport catch of 200 natural fish in the main stem Santiam and 600 natural fish in the North Santiam, and provide a catch-and-release fishery in the South Santiam;

(g) Provide a potential average annual harvest of 140 winter steelhead in the Calapooia.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 72-1998, f. & cert. ef. 8-28-98

635-500-1500

Summer Steelhead

(1) The following operating principles apply to the Santiam and Calapooia subbasins:

(a) Summer steelhead shall be managed for production and harvest of hatchery fish. The Department shall monitor the run for possible natural production;

(b) Summer steelhead smolts shall be released into streams that have suitable adult holding habitat throughout the summer and where adults will provide optimum recreational opportunity;

(c) Summer steelhead in the North Santiam shall be released at or near Minto Hatchery to protect native winter steelhead production in the North Santiam subbasin. No summer steelhead shall be released into Little North Fork Santiam River;

(d) Summer steelhead in the South Santiam River shall be confined to releases at South Santiam Hatchery to protect native winter steelhead production in the upper and lower South Santiam;

(e) Only smolt-sized fish shall be released to minimize competition with native salmonids;

(f) Brood stock shall be collected May through October to maintain broad run-timing while reducing overlap with the run-timing of the native winter steelhead stock.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Increase the potential average annual sport catch to 700 summer steelhead in the main stem Santiam, 4,500 in the North Santiam, and 5,600 in the South Santiam;

(b) Continue to maximize harvest of adults in the subbasin;

(c) Maintain a return of 2,000 adults to Foster Dam to meet brood stock needs;

(d) Minimize the potential impact of summer steelhead on native winter steelhead and trout.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 72-1998, f. & cert. ef. 8-28-98

635-500-1510

Coho Salmon

The following operating principle applies to the Santiam and Calapooia Subbasins: No further releases of coho salmon shall be made in the Santiam and Calapooia Subbasins.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1520

Spring Chinook Salmon

Operating policies and objectives for spring chinook in the Santiam and Calapooia River basins are found in OAR 635-500-1666.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 16-1998, f. & cert. ef. 3-9-98

635-500-1530

Fall Chinook Salmon

(1) The following operating principle applies to the Santiam and Calapooia Subbasins: Fall chinook salmon shall not be stocked above Stayton on the North Santiam to avoid impacts on native salmonids.

(2) In accordance with this operating principle, it is the objective of the Department to:

- (a) Provide a harvest of fall chinook salmon in ocean and Columbia River fisheries;
 - (b) Provide an annual return of at least 4,000 adults to Mill Creek;
 - (c) Monitor the distribution and abundance of spawning populations;
 - (d) Minimize impacts of fall chinook salmon on native species.
- Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
 Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
 Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1540

Sockeye Salmon

The following operating principle applies to the Santiam and Calapooia Subbasins: No further releases of sockeye salmon shall be made in the Santiam Subbasin.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
 Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
 Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1550

Trout and Whitefish

(1) The following operating principles apply to the Santiam and Calapooia subbasins:

(a) Wild trout and whitefish in the Calapooia subbasin and unstocked portions of the Santiam subbasin shall be managed for natural production consistent with the Wild Fish Management Alternative for Trout;

(b) Releases of hatchery rainbow trout in the Santiam subbasin shall be confined to the following streams and reaches:

- (A) RM 0–14.5 of the Breitenbush River;
- (B) RM 58.5–77 of the North Santiam River;

(C) Quartzville Creek. Hatchery trout releases shall be discontinued in Quartzville Creek if winter steelhead are reintroduced above Green Peter Dam.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Maintain the genetic diversity and adaptiveness of trout and whitefish populations;

(b) Protect, restore, and enhance trout and whitefish habitat;

(c) Provide angling opportunities for trout and whitefish under the Wild Fish Management Alternative for Trout in the following streams and reaches:

- (A) North and South forks of the Breitenbush River;
- (B) Humbug and French creeks in the Breitenbush system;
- (C) Blowout Creek;
- (D) RM 0–46 of the North Santiam River;
- (E) Santiam River;
- (F) Calapooia River and tributaries.

(d) Provide additional angler opportunity and recreation by stocking legal-sized hatchery rainbow trout in the following streams and reaches:

- (A) Breitenbush River;
- (B) RM 58.5–77 of the North Santiam River;
- (C) Quartzville Creek.

(e) Provide angling opportunities for trout and whitefish in the Santiam and Calapooia subbasins;

(f) Maximize the harvest of hatchery rainbow trout;

(g) Minimize the potentially negative effects of hatchery rainbow trout on the production and genetic integrity of native trout, whitefish, and winter steelhead.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 26-1998(Temp), f. & cert. ef. 3-25-98 thru 4-24-98; DFW 72-1998, f. & cert. ef. 8-28-98

635-500-1560

Warmwater Game Fish

(1) The following operating principle applies to the Santiam and Calapooia Subbasins: Management proposals that initiate or expand release programs for warmwater game fish or that alter the distribution of warmwater game fish shall be reviewed and evaluated for potential effects on indigenous fish species.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Maintain populations of warmwater game fishes;

(b) Provide angling opportunities for smallmouth bass in Thomas Creek under quality fish management if feasible;

(c) Provide additional angling opportunities under quality fish management in the subbasins if feasible, such as for smallmouth bass in Thomas Creek;

(d) Provide a diversity of warmwater angling opportunities in remaining running waters of the subbasins through basic yield management;

(e) Increase public awareness of warmwater angling opportunities in the subbasins.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
 Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1570

Oregon Chub

It is the objective of the Department to:

(1) Protect and enhance existing populations of Oregon chub in the Santiam subbasin.

(2) Establish new populations of Oregon chub in isolated waters in the Santiam subbasin where possible.

(3) Promote greater public understanding and appreciation of the status of Oregon chub.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
 Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1580

Sand Rollers

It is the objective of the Department to:

(1) Determine the distribution, relative abundance, and habitat use of sand rollers in the Santiam and Calapooia Subbasins.

(2) Protect, restore, and enhance sand rollers habitat.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
 Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1590

Crayfish

It is the objective of the Department to:

(1) Assess the population status and commercial harvest of crayfish in the Santiam and Calapooia Subbasins.

(2) Determine the size and importance of the recreational crayfish harvest in the Santiam and Calapooia Subbasins.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
 Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Miscellaneous Provisions

635-500-1600

Angler Access

(1) The following operating principles apply to the Santiam and Calapooia Subbasins:

(a) The Department shall seek to provide access for boat and bank angling that will satisfy public need for a variety of angling opportunities and a dispersion of angling effort throughout the subbasin;

(b) Acquisition and development of angler access sites shall be consistent with guidelines and objectives for management of fish species and habitat.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Provide and maintain two permanent boat access sites on the mainstem Santiam River, nine permanent sites on the North Santiam River from the mouth up to RM 44, four permanent sites on the South Santiam River from the mouth up to RM 33, and at least one permanent site on the Calapooia River;

(b) Increase bank angling access in the subbasin.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
 Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Tualatin Subbasin Fish Management Operating Principles and Objectives

Habitat

635-500-1610

Habitat

It is the objective of the Department to:

(1) Maintain and improve upstream and downstream passage for anadromous fish at dams, water diversions, other manmade obstacles, existing fishways and, where appropriate, at natural barriers.

(2) Protect existing streamflows and water quality from degradation associated with operation of dams, water diversions, effluents, mining, recreation and other in-stream activities.

(3) Inventory stream and watershed characteristics that affect fish production.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Finfish

635-500-1620

Winter Steelhead

(1) The following operating principles apply to the Tualatin subbasin:

(a) Wild winter steelhead shall be managed for natural production. No hatchery-produced winter steelhead, including STEP fry, shall be released;

(b) The naturally produced run of winter steelhead shall not be enhanced with releases of hatchery fish pending an analysis of the status of wild steelhead populations in the subbasin.

(2) In accordance with these operating principles, it is the objective of the Department to:

(a) Maintain an average annual run of 2,000 winter steelhead to the Tualatin subbasin;

(b) Provide a potential average annual harvest of 400 winter steelhead in the Tualatin subbasin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92; DFW 72-1998, f. & cert. ef. 8-28-98

635-500-1630

Coho Salmon

(1) The following operating principle applies to the Tualatin Subbasin: Hatchery coho salmon production for the Tualatin Subbasin shall consist solely of compensation releases for the Scoggins Dam project.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Achieve and maintain an average annual escapement of 600 coho salmon to the Tualatin Subbasin;

(b) Provide a potential average annual harvest of 150 coho salmon in the Tualatin Subbasin and a potential average annual harvest of 1,200 and 900 fish in ocean and Columbia River fisheries, respectively.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1640

Warmwater and Miscellaneous Fish

It is the objective of the Department to:

(1) Increase utilization of the existing warmwater fisheries in the Tualatin River.

(2) If, sensitive, threatened, or endangered nongame fishes are recognized in the Tualatin Subbasin, protection authority granted to the Department shall be used to protect their populations and habitats.

(3) Enhance warmwater fisheries in the Tualatin consistent with other species programs and species plans.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

635-500-1650

Trout

(1) The following operating principle applies to the Tualatin Subbasin: No hatchery trout shall be stocked in streams designated for wild trout management.

(2) In accordance with this operating principle, it is the objective of the Department to:

(a) Maintain the genetic diversity and fitness of existing wild trout populations;

(b) Maintain the current trout angling opportunities, mainly a basic yield fishery on naturally produced trout;

(c) Inform the public through the media and Department publications of the values of wild trout and the protections needed to sustain wild production. Gain angler and citizen involvement in wild trout enhancement projects.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Miscellaneous Provisions

635-500-1660

Angler Access

(1) The following operating principle applies to the Tualatin Subbasin: The Department shall seek to provide access to allow the public to enjoy the subbasin's fish populations, to provide a diversity of angling and viewing opportunities and to encourage a dispersion of angling effort.

(2) In accordance with this operating principle, it is the objective of the Department to increase access for bank and boat anglers, to publicly and privately controlled sites.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720
Stats. Implemented: ORS 496.138, 496.146, 496.162, 506.109, 506.119, 506.129 & 506.720

Hist.: FWC 3-1992, f. 1-28-92, cert. ef. 2-1-92

Willamette Basin Fish Management Plan for Spring Chinook

McKenzie River Basin Fish Management Plan for Spring Chinook

635-500-1661

Operating Policy and Objectives

(1) The following policy applies to spring chinook in the McKenzie River Basin: The McKenzie River Basin shall be managed for wild and hatchery production of spring chinook.

(2) In accordance with this policy, it is the objective of the Department to:

(a) Achieve full mitigation for Willamette River spring chinook populations reduced or extirpated due to dam construction and operations;

(b) Maintain the gene resources of McKenzie spring chinook by managing within the standards of a "Type 2" program as developed to meet the requirements of OAR 635-007-0527 — Operating Principles for Wild Fish Management section (2)(c);

(c) Maintain hatchery fish genetic diversity, to assure that hatchery populations replicate ancestral population characteristics, meet the management objectives for which they are produced, and maintain their optimum biological and economic value;

(d) Continue research into population dynamics of wild McKenzie spring chinook, including population sustainability parameters and the development of a full seeding spawning escapement goal;

(e) Provide escapement of 3,000–5,000 spring chinook above Leaburg Dam to explore full seeding of the existing habitat;

(f) Increase the number of wild spring chinook returning to the McKenzie River to 10,000;

(g) Increase the number of hatchery produced spring chinook returning to the McKenzie River to 8,000;

(h) Provide opportunity to catch 1,000 spring chinook in the McKenzie River sport fishery.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 16-1998, f. & cert. ef. 3-9-98

Clackamas River Basin Fish Management Plan for Spring Chinook

635-500-1662

Operating Policy and Objectives

(1) The following policy applies to spring chinook in the Clackamas River Basin: The Clackamas Basin shall be managed for production of wild and hatchery spring chinook.

(2) In accordance with this policy, it is the objective of the Department to:

(a) Achieve full mitigation for Willamette River spring chinook populations reduced or extirpated due to dam construction and operations;

(b) Maintain the gene resources of Clackamas spring chinook by managing within the standards of a "Type 2" program as developed to meet the requirements of OAR 635-007-0527 — Operating Principles for Wild Fish Management section (2)(c);

(c) Maintain hatchery fish genetic diversity, to assure that hatchery populations replicate ancestral population characteristics, meet the management objectives for which they are produced, and maintain their optimum biological and economic value;

(d) Maintain an escapement of 400–800 adult wild spring chinook salmon over North Fork Dam;

(e) Increase the average annual passage of adult wild spring chinook salmon over North Fork Dam to 2,900 wild fish;

(f) Increase the average annual run size in the Clackamas River Basin to 12,400 spring chinook salmon;

(g) Increase the average annual harvest to 5,000 spring chinook salmon in the Clackamas River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 16-1998, f. & cert. ef. 3-9-98

Willamette River Basin Above the Mouth of the McKenzie River Fish Management Plan for Spring Chinook

635-500-1663

Operating Policy and Objectives

(1) The following policy applies to spring chinook in the Willamette River Basin above the mouth of the McKenzie River: The Willamette River Basin above the mouth of the McKenzie River shall be managed for hatchery production and natural production of spring chinook.

(2) In accordance with this policy, it is the objective of the Department to:

(a) Achieve full mitigation for Willamette River spring chinook populations reduced or extirpated due to dam construction and operations;

(b) Maintain hatchery fish genetic diversity, to assure that hatchery populations replicate ancestral population characteristics, meet the management objectives for which they are produced, and maintain their optimum biological and economic value;

(c) Return at least 11,250 hatchery produced spring chinook to the Willamette River basin above the mouth of the McKenzie River;

(d) Provide opportunity to catch 1,125 spring chinook in the Willamette River basin above the mouth of the McKenzie River;

(e) Increase natural production of spring chinook in the Willamette River basin above the mouth of the McKenzie River.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 16-1998, f. & cert. ef. 3-9-98

Mainstem Willamette River Basin Fish Management Plan for Spring Chinook

635-500-1664

Objectives

The following objectives of the Department apply to spring chinook in the Mainstem Willamette River:

(1) Increase the average annual run size to 100,000 Willamette spring chinook (adults and jacks) entering the Columbia River.

(2) The escapement goals for Willamette River hatchery origin spring chinook are as follows:

(a) If the preseason forecasted Willamette hatchery spring chinook run into the Columbia River is fewer than 40,000 hatchery fish, the escapement goal after fisheries is 23,000 hatchery fish with 20,000

fish passing Willamette Falls and 3,000 fish entering the Clackamas River.

(b) If the preseason forecasted Willamette hatchery spring chinook run into the Columbia River is 40,000 to fewer than 50,000 hatchery fish, the escapement goal after fisheries is 25,300 hatchery fish with 22,000 fish passing Willamette Falls and 3,300 fish entering the Clackamas River.

(c) If the preseason forecasted Willamette hatchery spring chinook run into the Columbia River is 50,000 to fewer than 60,000 hatchery fish, the escapement goal after fisheries is 27,600 hatchery fish with 24,000 fish passing Willamette Falls and 3,600 fish entering the Clackamas River.

(d) If the preseason forecasted Willamette hatchery spring chinook run into the Columbia River is 60,000 to fewer than 70,000 hatchery fish, the escapement goal after fisheries is 30,500 hatchery fish with 26,500 fish passing Willamette Falls and 4,000 fish entering the Clackamas River.

(e) If the preseason forecasted Willamette hatchery spring chinook run into the Columbia River is 70,000 to fewer than 80,000 hatchery fish, the escapement goal after fisheries is 33,400 hatchery fish with 29,000 fish passing Willamette Falls and 4,400 fish entering the Clackamas River.

(f) If the preseason forecasted Willamette hatchery spring chinook run into the Columbia River is 80,000 to fewer than 90,000 hatchery fish, the escapement goal after fisheries is 36,900 hatchery fish with 32,000 fish passing Willamette Falls and 4,900 fish entering the Clackamas River.

(g) If the preseason forecasted Willamette hatchery spring chinook run into the Columbia River is 90,000 to fewer than 100,000 hatchery fish, the escapement goal after fisheries is 40,400 hatchery fish with 35,000 fish passing Willamette Falls and 5,400 fish entering the Clackamas River.

(h) If the preseason forecasted Willamette hatchery spring chinook run into the Columbia River is greater than 100,000 hatchery fish, the escapement goal after fisheries is 45,000 hatchery fish with 39,000 fish passing Willamette Falls and 6,000 fish entering the Clackamas River.

(3) The difference between the preseason forecast of Willamette River hatchery origin spring chinook entering the Columbia River and the escapement goal is allowable catch to be allocated to the sport and commercial fisheries in the lower Columbia, lower Willamette, and Clackamas rivers as follows:

(a) If the preseason forecasted Willamette hatchery spring chinook run into the Columbia River is fewer than 23,000 hatchery fish there is no allowable catch except sport and commercial fisheries may each take up to 1% of the run as incidental catch in non-Willamette spring chinook target fisheries.

(b) If the preseason forecasted Willamette hatchery spring chinook run into the Columbia River is 23,000 to fewer than 40,000 hatchery fish, the entire allowable catch is allocated to the sport fishery except the commercial fishery may take up to 1% of the run as incidental catch in non-Willamette spring chinook target fisheries.

(c) If the preseason forecasted Willamette hatchery spring chinook run into the Columbia River is 40,000 to fewer than 45,000 hatchery fish, the allowable catch is allocated 85% to the sport fishery and 15% to the commercial fishery.

(d) If the preseason forecasted Willamette hatchery spring chinook run into the Columbia River is 45,000 to fewer than 50,000 hatchery fish, the allowable catch is allocated 80% to the sport fishery and 20% to the commercial fishery.

(e) If the preseason forecasted Willamette hatchery spring chinook run into the Columbia River is 50,000 to fewer than 60,000 hatchery fish, the allowable catch is allocated 76% to the sport fishery and 24% to the commercial fishery.

(f) If the preseason forecasted Willamette hatchery spring chinook run into the Columbia River is 60,000 to fewer than 75,000 hatchery fish, the allowable catch is allocated 73% to the sport fishery and 27% to the commercial fishery.

(g) If the preseason forecasted Willamette hatchery spring chinook run into the Columbia River is greater than 75,000 hatchery fish, the allowable catch is allocated 70% to the sport fishery and 30% to the commercial fishery.

(4) In the mainstem above Willamette Falls up to the mouth of the McKenzie River, maintain the opportunity for recreational catch of spring chinook salmon consistent with opportunity in the mainstem below Willamette Falls.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 16-1998, f. & cert. ef. 3-9-98; DFW 17-1999, f. & cert. ef. 3-11-99; DFW 120-2001, f. 12-24-01, cert. ef. 12-31-01

Molalla and Pudding River Basins Fish Management Plan for Spring Chinook

635-500-1665

Operating Policies and Objectives

(1) The following policies apply to spring chinook in the Molalla and Pudding basins:

(a) The Molalla River Basin shall be managed for natural and hatchery production of spring chinook;

(b) The Pudding River Basin shall be managed for natural production of spring chinook.

(2) In accordance with these policies, it is the objective of the Department to:

(a) Increase natural production of spring chinook in the Molalla River Basin;

(b) Increase natural production of spring chinook in the Pudding River Basin;

(c) Provide a potential average catch of 250 adult hatchery spring chinook salmon in the Molalla River, as measured by expansion of salmon/steelhead tag returns.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 16-1998, f. & cert. ef. 3-9-98

Santiam and Calapooia River Basins Fish Management Plan for Spring Chinook

635-500-1666

Operating Policies and Objectives

(1) The following policies apply to spring chinook in the Santiam and Calapooia basins:

(a) The North Santiam River Basin, except for the Little North Santiam River Basin, shall be managed for wild and hatchery production of spring chinook;

(b) The Little North Salmon River Basin shall be managed for wild production of spring chinook;

(c) The South Santiam River Basin shall be managed for natural and hatchery production of spring chinook;

(d) The Calapooia River Basin shall be managed for natural production of spring chinook.

(2) In accordance with these policies, it is the objective of the Department to:

(a) Achieve full mitigation for Willamette River spring chinook populations reduced or extirpated due to dam construction and operations;

(b) Protect the gene resources of North Santiam spring chinook;

(c) Maintain hatchery fish genetic diversity, to assure that hatchery populations replicate ancestral population characteristics, meet the management objectives for which they are produced, and maintain their optimum biological and economic value;

(d) Increase wild and natural production of spring chinook in the North Santiam River Basin, including re-establishing spring chinook runs above Detroit Reservoir;

(e) Increase natural production of spring chinook in the South Santiam River Basin, including re-establishing spring chinook runs above Green Peter and Foster reservoirs;

(f) Increase natural production of spring chinook in the Calapooia River Basin;

(g) Provide a potential average catch of 1,400 hatchery spring chinook adults in the mainstem and North Santiam River, and 1,600 hatchery spring chinook adults in the South Santiam River, as measured by expansion of salmon/steelhead tag returns.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 16-1998, f. & cert. ef. 3-9-98

Lahontan Subbasins Fish Management

Policies and Objectives

635-500-1670

Applicability

OAR 635-500-1670 through 635-500-1730 apply to the Lahontan subbasins. The area covered by the plan consists of a series of closed basins in southeastern Harney and southwestern Malheur Counties. It includes streams that drain the eastside of the Steens and Pueblo Mountains and the Trout Creek Mountains (which includes Oregon Canyon Mountain), as well as other streams in Oregon that drain into the Quinn River in Nevada, and lakes and reservoirs managed for fishery resources. Thirteen fish species or stocks are found in the basin, of which eight are indigenous and five have special status.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 496.172, 506.109, 506.119 & 506.129
 Stats. Implemented: ORS 496.138, 496.146, 496.162, 496.172, 506.109, 506.119 & 506.129
 Hist.: FWC 79-1993, f. & cert. ef. 12-20-93

635-500-1680

Organization of Rules

Administrative rules for the Lahontan subbasins are organized as follows:

(1) OAR 635-500-1700 covers policies and objectives for habitat management in the Lahontan subbasins.

(2) OAR 635-500-1710 covers policies and objectives for trout management in the Lahontan subbasins.

(3) OAR 635-500-1720 covers policies and objectives for nongame fish management in the Lahontan subbasins.

(4) OAR 635-500-1730 covers policies and objectives for angler access in the Lahontan subbasins.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 496.172, 506.109, 506.119 & 506.129
 Stats. Implemented: ORS 496.138, 496.146, 496.162, 496.172, 506.109, 506.119 & 506.129
 Hist.: FWC 79-1993, f. & cert. ef. 12-20-93

635-500-1690

General Priorities

(1) The following actions are considered the highest plan priorities in the Lahontan subbasins:

(a) Improve and maintain populations of indigenous fishes with special status so that listing is not necessary to insure their continued existence;

(b) Provide consumptive fisheries in the basin where appropriate;

(c) Improve data gathering and assessment of fisheries and fish habitat in the basin.

(2) The following actions are considered the highest priorities for habitat, fish and angler access in the Lahontan subbasins:

(a) Develop a priority list to gather baseline habitat information on streams in the plan areas, and coordinate fish population and habitat inventories with grazing allotment evaluations;

(b) Coordinate with land management entities (public and private) to identify specific areas of concern and develop cooperative projects to improve riparian habitats;

(c) Identify opportunities to improve instream flows;

(d) Implement the U.S. Fish and Wildlife Service's Lahontan cutthroat trout recovery plan;

(e) Develop a strategy to deal with illegal introductions of fish into the subbasins and draft a contingency plan for Lahontan cutthroat trout if exotic species are introduced;

(f) Develop guidelines for maintaining a healthy, genetically fit brood stock in Mann Lake;

(g) Collect information on the distribution, abundance, and population health of nongame species;

(h) Pursue coordination with the BLM on any recreational development in the plan area;

(i) Maintain and enhance public access opportunities to consumptive fisheries.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 496.172, 506.109, 506.119 & 506.129
 Stats. Implemented: ORS 496.138, 496.146, 496.162, 496.172, 506.109, 506.119 & 506.129
 Hist.: FWC 79-1993, f. & cert. ef. 12-20-93

635-500-1700**Habitat**

(1) Existing statewide policy, applicable to fish habitat in the Lahontan subbasins, directs the department to strongly advocate and support habitat protection and restoration on private and public land. See OAR 635-007-0523.

(2) Management objectives for habitat are:

(a) Influence land management decisions to benefit fish habitat;

(b) Improve fish habitat to provide food and cover for fish, maintain late season flows, prevent erosion, and ameliorate temperature extremes;

(c) Improve water quantity and water quality to meet the biological needs of fish by providing adequate instream flows, reducing fish losses at diversions, and reducing nonpoint source pollution.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 496.172, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 496.138, 496.146, 496.162, 496.172, 506.109, 506.119 & 506.129

Hist.: FWC 79-1993, f. & cert. ef. 12-20-93

635-500-1710**Trout**

(1) Policies for trout in the Lahontan subbasins:

(a) Streams in the Coyote Lake subbasin shall be managed for natural production of Lahontan cutthroat trout consistent with the Wild Fish Management Alternative for trout as described in Oregon's Trout Plan, OAR 635-500-0115(1). No fish except for progeny of Willow and Whitehorse cutthroat trout shall be stocked into the Coyote Lake subbasin except as consistent with the Lahontan cutthroat trout recovery plan under the Endangered Species Act or as identified in OAR 635-007-0527(3);

(b) Streams in the Quinn River subbasin shall be managed for natural production of indigenous Lahontan cutthroat trout consistent with the Wild Fish Management Alternative for trout as described in Oregon's Trout Plan, OAR 635-500-0115(1). Resident rainbow/cutthroat, brook, and brown trout in the Quinn River subbasin shall not be outplanted outside their current distribution, nor supplemented with hatchery or naturally produced fish. No hatchery trout shall be stocked into streams in the Quinn River subbasin except as consistent with the Lahontan cutthroat trout recovery plan under the Endangered Species Act or as identified in OAR 635-007-0527(3);

(c) Streams on the east side of Pueblo and Steens Mountains shall be managed for natural production of Lahontan cutthroat trout consistent with the Wild Fish Management Alternative for trout as described in Oregon's Trout Plan, OAR 635-500-0115(1). No attempt shall be made to establish populations in those streams that were not stocked with Lahontan cutthroat trout in the past. In the event trout populations are lost in streams identified in this policy, attempts will be made to establish populations of Lahontan cutthroat trout or other trout of the Lahontan complex (e.g., Trout Creek rainbow/cutthroat trout, Mann Lake cutthroat trout) in those streams where sufficient habitat exists;

(d) Streams in the Trout Creek drainage (Alvord Lake subbasin) shall be managed for natural production of resident rainbow/cutthroat trout consistent with the Wild Fish Management Alternative for trout as described in Oregon's Trout Plan, OAR 635-500-0115(1). No hatchery trout shall be stocked into the Trout Creek drainage;

(e) Mann, Juniper, Tudor, Tencent, and Wildhorse Lakes shall be managed for hatchery fish consistent with the Featured Species Management Alternative for trout as described in Oregon's Trout Plan, OAR 635-500-0115(2). Only the Mann Lake hatchery strain of cutthroat trout shall be stocked in these lakes. Mann Lake will continue to serve as the brood lake for this hatchery program;

(f) BLM stock reservoirs in the Lahontan subbasins shall be managed for hatchery production of rainbow trout consistent with the Basic Yield Management Alternative for trout as described in Oregon's Trout Plan, OAR 635-500-0115(4).

(2) Objectives:

(a) Maintain and enhance genetic diversity, adaptiveness, and abundance of indigenous Lahontan cutthroat trout and resident rainbow/cutthroat trout in the Lahontan subbasins;

(b) Provide diverse angling opportunities for wild trout in the Lahontan subbasins;

(c) Provide brood stock at Mann Lake for the department's cutthroat trout hatchery program;

(d) Provide a quality consumptive fishery on the Mann Lake strain of cutthroat trout in Mann, Juniper, Tudor, Tencent, and Wildhorse Lakes consistent with the department's brood stock program;

(e) Provide a consumptive fishery on hatchery rainbow trout in selected BLM stock reservoirs.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 496.172, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 496.138, 496.146, 496.162, 496.172, 506.109, 506.119 & 506.129

Hist.: FWC 79-1993, f. & cert. ef. 12-20-93

635-500-1720**Nongame Fish**

(1) The policy for nongame fish in the Lahontan subbasins is that the following indigenous species and their respective waters shall be managed to maintain self-sustaining populations: Borax Lake chub in Borax Lake; Alvord chub in the Alvord Lake subbasin, except for Borax Lake; and Lahontan redbreast, Tahoe sucker, mountain sucker, and speckled dace in the Quinn River subbasin.

(2) The objective for nongame fish in the Lahontan subbasins is to improve and maintain population health (e.g., abundance, multiple age classes, and genetic fitness) of all indigenous nongame species in the Alvord Lake and Quinn River subbasins.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 496.172, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 496.138, 496.146, 496.162, 496.172, 506.109, 506.119 & 506.129

Hist.: FWC 79-1993, f. & cert. ef. 12-20-93

635-500-1730**Angler Access**

(1) The policy for angler access development in the Lahontan subbasins is to give full consideration to sensitive and special status species and their habitat.

(2) The objectives for angler access are:

(a) Maintain limited access to areas where special status species or their habitat may be affected;

(b) Define a strategy for public access in the Wildhorse Creek drainage;

(c) Maintain road access to BLM reservoirs with fisheries in the Lahontan subbasins.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 496.172, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 496.138, 496.146, 496.162, 496.172, 506.109, 506.119 & 506.129

Hist.: FWC 79-1993, f. & cert. ef. 12-20-93

Crooked River and Metolius River Subbasins Fish Management

635-500-1800**Applicability**

OAR 635-500-1800 through 635-500-1940 apply to the Crooked and Metolius Subbasins of the Deschutes River. These two rivers and their associated tributaries are located on the east side of the Cascade Mountains in central Oregon, primarily in Jefferson, Deschutes, and Crook Counties, although outlying waters are also located in Klamath, Wheeler, Grant, and Harney Counties.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.109 & 506.129

Hist.: FWC 40-1996, f. 7-9-96, cert. ef. 7-10-96

635-500-1810**Organization of Rules**

Administrative rules for the Crooked and Metolius subbasins reflect policies and objectives and are organized as follows:

(1) OAR 635-500-1820 public access, habitat, and fish management in the Metolius River and its tributaries.

(2) OAR 635-500-1830 fish management in Blue and Suttle Lakes in the Metolius subbasin.

(3) OAR 635-500-1840 fish management in the twenty-one Cascade Mountain Lakes in the Metolius subbasin.

(4) OAR 635-500-1850 habitat management and the restoration of anadromous fish in the Crooked River subbasin.

(5) OAR 635-500-1860 public access and fish management in the Crooked River and its tributaries above Prineville Reservoir.

(6) OAR 635-500-1870 habitat improvement and fish management in the Crooked River and its tributaries below Prineville Reservoir.

(7) OAR 635-500-1880 public access and fish management in Willow Creek.

(8) OAR 635-500-1890 public access and fish management in Prineville Reservoir.

(9) OAR 635-500-1900 public access, habitat improvement, and fish management in Ochoco Reservoir.

(10) OAR 635-500-1910 public access and fish management in Haystack Reservoir.

(11) OAR 635-500-1920 public access and fish management in Lake Billy Chinook.

(12) OAR 635-500-1930 public access and fish management in Lake Simtustus.

(13) OAR 635-500-1940 public access and fish management in small impoundments in the Crooked River subbasin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.109 & 506.129

Hist.: FWC 40-1996, f. 7-9-96, cert. ef. 7-10-96

Metolius River Subbasin

635-500-1820

Metolius River and Tributaries

(1) The following policies apply for fish management in the Metolius River and its tributaries:

(a) Indigenous redband trout, kokanee salmon, mountain whitefish, and introduced brown and brook trout shall be managed for natural production consistent with Wild Fish Management Alternative for trout;

(b) No hatchery fish shall be stocked in the Metolius River and tributaries;

(c) Provide a fishery for hatchery rainbow trout in an off-channel pond.

(2) The following objectives apply for fish management, habitat, and public access in the Metolius River and its tributaries:

(a) Maximize protection of genetic diversity, adaptiveness, and abundance of redband trout, kokanee, and mountain whitefish in the Metolius River and tributaries;

(b) Provide angling opportunities for a diverse fishery on naturally produced redband trout, brook trout, brown trout, kokanee salmon, and mountain whitefish;

(c) Develop a site and provide an opportunity for juveniles to angle for trout on a standing water body in the vicinity of Camp Sherman;

(d) Provide angling opportunities;

(e) Develop subbasin specific knowledge that integrates fish distribution and abundance information, habitat characteristics, habitat restoration opportunities, and sensitive watershed areas into the Department's Habitat Database system;

(f) Protect, enhance, and restore wild fish habitat in the Metolius River Basin;

(g) Maintain bank angler access to the Metolius River;

(h) Develop an education project in the Metolius Basin to inform the public about the benefits of natural ecosystem restoration and enhancement, including fish and habitat management.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.109 & 506.129

Hist.: FWC 40-1996, f. 7-9-96, cert. ef. 7-10-96; DFW 129-2003, f. & cert. ef. 12-15-03

635-500-1830

Blue and Suttle Lakes

(1) The following policies apply for fish management in Blue and Suttle Lakes:

(a) Kokanee, mountain whitefish and introduced brown trout and brook trout in Suttle Lake and Link Creek shall be managed for natural production consistent with the Basic Yield Management Alternative for trout;

(b) Rainbow trout in Blue Lake shall be managed for hatchery production consistent with the Basis Yield Management Alternative for trout. No other hatchery fish shall be stocked;

(2) The following objectives apply for fish management in Blue and Suttle Lakes:

(a) Maintain genetic diversity, adaptiveness, and abundance of kokanee, brown trout, brook trout, and mountain whitefish in Suttle Lake and Link Creek;

(b) Provide consumptive angling opportunities for naturally-reproducing kokanee, brown trout, and mountain whitefish in Suttle Lake;

(c) Provide consumptive angling opportunities for hatchery rainbow trout in Blue Lake;

(d) Protect fish rearing and spawning habitat in Suttle Lake, Link Creek and Blue Lake.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.109 & 506.129

Hist.: FWC 40-1996, f. 7-9-96, cert. ef. 7-10-96; DFW 129-2003, f. & cert. ef. 12-15-03

635-500-1840

Cascade Mountain Lakes

(1) The following policies apply for fish management in the Cascade Mountain Lakes:

(a) Cascade Mountain lakes in the Metolius River subbasin shall be managed for natural and hatchery production consistent with the Basic Yield management alternative for trout;

(b) Hatchery rainbow, brook, and cutthroat trout shall be stocked into the following lakes: Booth, Cabot, Cache, Carl, Dollamine, Four O' Clock, George, Island, Koko, Link, Long, Martin, Meadow, Patsy, Peewee, Round, Shirley, Square, Table, Torso, and Wasco.

(2) The following objectives apply for fish management in the Cascade Mountain Lakes:

(a) Provide diverse angling opportunities for selected trout species in Cascade Mountain lakes of the Metolius River subbasin;

(b) Minimize the impacts of hatchery trout on the production and genetic integrity of wild trout in the Metolius River subbasin;

(c) Manage Cascade Mountain lakes fisheries consistent with wilderness management plans to be jointly developed with Deschutes National Forest personnel.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.109 & 506.129

Hist.: FWC 40-1996, f. 7-9-96, cert. ef. 7-10-96

Crooked River Subbasin

635-500-1850

Crooked River Subbasin

(1) The following policies apply for habitat management throughout the Crooked River Subbasin:

(a) Work cooperatively with public and private landowners to protect, restore and maintain habitats for natural production of native and introduced fishes in the Crooked River basin;

(b) Restore anadromous and migratory resident fish to their historic range in the Crooked River basin by improving upstream and downstream passage over artificial barriers;

(c) Reconnect isolated and fragmented populations of redband trout by restoring and improving passage over manmade barriers;

(d) Require passage over all proposed dams on fish bearing streams.

(2) The following objectives apply for habitat improvement in the Crooked River basin:

(a) Protect, restore, and enhance fish habitat in the Crooked River basin, Willow Creek, and reservoirs;

(b) Maintain or improve instream flow for fish production in the Crooked River and tributaries, and Willow Creek;

(c) Improve the water quality of the Crooked River basin, Willow Creek and reservoirs;

(d) Prevent fish losses at unscreened diversions and provide adequate upstream and downstream passage for fish at dams, culverts and other artificial obstructions in the Crooked River basin and Willow Creek;

(e) If passage is restored successfully over Pelton, Round Butte, and Opal Springs hydroelectric dams, evaluate passage over Ochoco and Bowman dams.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.109 & 506.129

Hist.: FWC 40-1996, f. 7-9-96, cert. ef. 7-10-96; DFW 129-2003, f. & cert. ef. 12-15-03

635-500-1860

Crooked River and its Tributaries Above Prineville Reservoir

(1) The following policies apply for fish management in the upper Crooked River:

(a) Redband trout in the Crooked River and tributaries above Prineville Reservoir shall be managed for natural production consistent with the Wild Fish Management Alternative for trout;

(b) Naturalized brook and brown trout in the Crooked River and tributaries above Prineville Reservoir shall be managed for natural production consistent with the Basic Yield Alternative for trout;

(c) The South Fork Crooked River above Prineville Reservoir shall be managed for natural and hatchery production consistent with the Featured Species Fish Management Alternative for trout;

(d) Releases of hatchery rainbow trout in the South Fork Crooked River shall be confined from RM 0 to RM 22;

(e) Smallmouth bass and brown bullhead shall be managed for natural production consistent with the Basic Yield Alternative for warmwater fish. Hatchery warmwater species shall not be stocked.

(2) The following objectives apply for public access and fish management in the upper Crooked River:

(a) Protect the genetic diversity, adaptiveness and abundance of redband trout in the Crooked River and tributaries above Prineville Reservoir;

(b) Provide angling opportunities for wild trout in the mainstem Crooked River, North Fork Crooked River, Beaver, Bear and Sanford creeks and tributaries;

(c) Provide angling opportunities for smallmouth bass and brown bullhead, in the mainstem Crooked River and tributaries where populations of these fish currently exist;

(d) Provide harvest and angling opportunities for quality size hatchery rainbow trout in a semi-remote setting along South Fork Crooked River;

(e) Provide additional angling access and angling opportunities along the Crooked River and tributaries above Prineville Reservoir.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FWC 40-1996, f. 7-9-96, cert. ef. 7-10-96

635-500-1870

Crooked River and its Tributaries Below Prineville Reservoir

(1) The following policies apply for fish management in the lower Crooked River:

(a) Redband trout and mountain whitefish in Crooked River and tributaries below Prineville Reservoir (except Ochoco Creek and a portion of the Crooked River downstream of Opal Springs) shall be managed for natural production consistent with the Wild Fish Management Alternative for trout;

(b) No hatchery fish shall be stocked in the mainstem Crooked River between Bowman Dam and Opal Springs, McKay Creek, and Ochoco Creek above Ochoco Reservoir;

(c) Rainbow trout in Ochoco Creek shall be managed for hatchery and natural production, consistent with the Basic Yield Management Alternative for trout. Rainbow trout in a stretch of the Crooked River below Opal Springs shall be managed for hatchery and natural production consistent with the Basic Yield Management Alternative for trout pending an evaluation of the impacts of the hatchery program on wild fish. After the completion of this evaluation, this section may be managed for natural production consistent with the Wild Fish Management Alternative for trout. Mountain whitefish shall be managed for natural production consistent with the Wild Fish Management Alternative for trout;

(d) Releases of hatchery rainbow trout in Ochoco Creek shall be confined from RM 3 to RM 5, and in the mainstem Crooked River shall be confined from RM 7 to RM 6;

(e) Smallmouth bass shall be managed for natural production consistent with the Basic Yield Alternative for warmwater fish. Hatchery warmwater fish species shall not be stocked in the mainstem Crooked River and tributaries below Prineville Reservoir.

(2) The following objectives apply for fish management and habitat improvement in the lower Crooked River:

(a) Protect or enhance genetic diversity, adaptiveness, and abundance of redband trout in the Crooked River and tributaries below Prineville Reservoir;

(b) Provide angling opportunities for redband trout, mountain whitefish and introduced rainbow trout in the mainstem Crooked River and tributaries below Prineville Reservoir;

(c) Provide harvest and angling opportunities for naturally produced and hatchery supplemented rainbow trout in Ochoco Creek through the City of Prineville;

(d) Provide angling opportunities for smallmouth bass, largemouth bass, and brown bullhead in the mainstem Crooked River below

Prineville Reservoir where populations of these fishes currently exist at a low abundance;

(e) Maintain or improve instream flows for fish production in the lower Crooked River below Bowman Dam from uncontracted storage in Prineville Reservoir;

(f) Improve water quality in lower Crooked River below Prineville Reservoir, specifically for nitrogen supersaturation during high water runoff and sewage releases from the City of Prineville treatment plant. Improve water quality in Ochoco Creek, specifically for elevated levels of mercury;

(g) Provide additional public boat and bank angling access.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FWC 40-1996, f. 7-9-96, cert. ef. 7-10-96

635-500-1880

Willow Creek

(1) The following policies apply for fish management in Willow Creek:

(a) Redband trout in Willow Creek and tributaries shall be managed for natural production consistent with the Wild Fish Management Alternative for trout;

(b) No hatchery trout shall be stocked in Willow Creek and tributaries.

(2) The following objectives apply for fish management and public access in Willow Creek:

(a) Protect or enhance the genetic diversity, adaptiveness and abundance of indigenous redband trout in Willow Creek and tributaries;

(b) Provide angling opportunities for redband trout in Willow Creek and tributaries;

(c) Provide additional public bank angling access along Willow Creek and tributaries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FWC 40-1996, f. 7-9-96, cert. ef. 7-10-96

635-500-1890

Prineville Reservoir

(1) The following policies apply for fish management in Prineville Reservoir:

(a) Rainbow trout shall be managed for hatchery production consistent with the Basic Yield Management Alternative for trout;

(b) Smallmouth bass and largemouth bass shall be managed for natural production consistent with the Quality Fish Management Alternative for warmwater fish;

(c) Brown bullhead and black crappie shall be managed for natural production consistent with the Basic Yield Management Alternative for warm-water fish.

(2) The following objectives apply for fish management and public access in Prineville Reservoir:

(a) Provide diverse angling opportunities for a consumptive fishery on hatchery rainbow trout;

(b) Provide angling opportunities for quality size smallmouth and largemouth bass in Prineville Reservoir;

(c) Provide angling opportunities for a consumptive fishery on brown bullhead and black crappie in Prineville Reservoir;

(d) Provide better boat and shoreline access at Prineville Reservoir during low water conditions.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FWC 40-1996, f. 7-9-96, cert. ef. 7-10-96

635-500-1900

Ochoco Reservoir

(1) The following policies apply for fish management in Ochoco Reservoir:

(a) Rainbow trout shall be managed for hatchery production consistent with the Basic Yield Management Alternative for trout;

(b) Warmwater species including brown bullhead shall be managed for natural production consistent with the Basic Yield Alternative;

(c) Warmwater fish species shall not be stocked in Ochoco Reservoir.

(2) The following objectives apply for fish management, habitat improvement, and public access in Ochoco Reservoir:

- (a) Provide angling opportunities for a consumptive fishery on hatchery rainbow trout;
- (b) Provide angling opportunities for brown bullhead in Ochoco Reservoir where populations currently exist in low abundance;
- (c) Maintain and improve water quality in Ochoco Reservoir, specifically for elevated levels of mercury;
- (d) Provide better boat access at Ochoco Reservoir during low water conditions.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 496.162, 506.109 & 506.129
 Hist.: FWC 40-1996, f. 7-9-96, cert. ef. 7-10-96

635-500-1910

Haystack Reservoir

(1) The following policies apply for fish management in Haystack Reservoir:

- (a) Rainbow and brown trout and kokanee shall be managed for hatchery production consistent with the Basic Yield Management Alternative for trout;
- (b) Warmwater fish including largemouth bass, bluegill, black crappie, and brown bullhead shall be managed for natural and hatchery production consistent with the Basic Yield Management Alternative;
- (c) The Department shall examine the feasibility of stocking a warmwater fish species that has the potential to diversify angling opportunities, such as channel catfish or hybrid bass.

(2) The following objectives apply for fish management and public access in Haystack Reservoir:

- (a) Provide diverse angling opportunities for a consumptive fishery on hatchery rainbow and brown trout, and kokanee;
- (b) Provide angling opportunities for warmwater species including largemouth bass, black crappie, bluegill and brown bullhead in Haystack Reservoir;
- (c) Examine the feasibility of stocking channel catfish or hybrid bass to diversify angling opportunities for warmwater fish not currently available in central Oregon;
- (d) Provide better boat access at Haystack Reservoir during low water conditions. Facilitate cooperation between angling boaters and other water sports users.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 496.162, 506.109 & 506.129
 Hist.: FWC 40-1996, f. 7-9-96, cert. ef. 7-10-96

635-500-1920

Lake Billy Chinook

(1) The following policies apply for fish management at Lake Billy Chinook:

- (a) Redband trout, brown trout, and mountain whitefish shall be managed for natural production consistent with the Basic Yield Management Alternative for trout;
- (b) Kokanee salmon shall be managed for natural production consistent with the Intensive Use Management Alternative for trout;
- (c) Smallmouth and largemouth bass, black crappie and bluegill shall be managed for natural production consistent with the Basic Yield Management Alternative for warmwater fish;
- (d) Crayfish shall be managed for natural production and Basic Yield.

(2) The following objectives apply for fish management and public access at Lake Billy Chinook:

- (a) Protect or enhance genetic diversity, adaptiveness and abundance of indigenous kokanee, redband trout, whitefish, and introduced brown trout in Lake Billy Chinook;
- (b) Provide angling opportunities for a consumptive fishery on naturally produced kokanee, redband, and brown trout;
- (c) Provide angling opportunities for smallmouth and largemouth bass, bluegill, and black crappie in Lake Billy Chinook;
- (d) Provide better boat access at Lake Billy Chinook during low water conditions and peak use periods;
- (e) Provide tribal, recreational, and commercial fisheries for crayfish in Lake Billy Chinook.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 496.162, 506.109 & 506.129
 Hist.: FWC 40-1996, f. 7-9-96, cert. ef. 7-10-96; DFW 129-2003, f. & cert. ef. 12-15-03

635-500-1930

Lake Simtustus

(1) The following policies apply for fish management at Lake Simtustus:

(a) Kokanee salmon shall be managed for natural and hatchery production consistent with the Basic Yield Management Alternative for trout;

(b) Rainbow trout and summer steelhead shall be managed for hatchery production consistent with the Basic Yield Management Alternative for trout;

(2) The following objectives apply for fish management and public access at Lake Simtustus:

(a) Provide angling opportunities for consumptive fisheries on naturally and hatchery produced kokanee, hatchery produced rainbow trout and hatchery produced summer steelhead juveniles;

(b) Prevent the movement of non-indigenous trout or of trout that pose a genetic risk to Deschutes River rainbow trout downstream from Lake Simtustus into the lower Deschutes River;

(c) Maintain and/or improve boat access at Lake Simtustus.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 496.162, 506.109 & 506.129
 Hist.: FWC 40-1996, f. 7-9-96, cert. ef. 7-10-96; DFW 129-2003, f. & cert. ef. 12-15-03

635-500-1940

Small Impoundments in the Crooked River Subbasin

(1) The following policies apply for fish management of small impoundments of Crooked River Subbasin:

(a) Walton Lake and Antelope Flat Reservoir shall be stocked with hatchery rainbow trout and managed for hatchery production consistent with the Basic Yield Management Alternative for trout;

(b) Redband and introduced brook trout in Allen Creek Reservoir shall be managed for natural production consistent with the Wild Fish Management Alternative. No hatchery trout shall be stocked in Allen Creek Reservoir;

(c) Largemouth bass, redear sunfish, and brown bullhead in Reynolds Pond shall be managed for natural production consistent with the Basic Yield Alternative for warmwater fish.

(2) The following objectives apply for fish management and public access at small impoundments in the Crooked River Subbasin:

(a) Protect and maintain the genetic diversity, adaptiveness and abundance of redband trout and introduced brook trout in Allen Creek Reservoir;

(b) Provide angling opportunities for redband and introduced brook trout in Allen Creek Reservoir;

(c) Provide angling opportunities for consumptive fisheries on hatchery rainbow trout in Walton Lake and Antelope Flat Reservoir;

(d) Provide angling opportunities for largemouth bass, redear sunfish, and brown bullhead in Reynolds Pond where populations of these fish currently exist;

(e) Improve vehicle access at Allen Creek Reservoir and improve boat access at Allen Creek and Antelope Flat reservoirs during low water conditions.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 496.162, 506.109 & 506.129
 Hist.: FWC 40-1996, f. 7-9-96, cert. ef. 7-10-96

Lower Deschutes River Fish Management Policies and Objectives

635-500-2000

Applicability

OAR 635-500-2000 through 635-500-3070 apply to the Lower Deschutes River Subbasin of the Deschutes River. The lower Deschutes River Subbasin is defined as the Deschutes River from the Pelton Reregulating Dam downstream to the Columbia River and all waters within that drainage area. The Confederated Tribes of the Warm Springs Reservation of Oregon is the modern-day successor to the seven bands of Wasco and Sahaptin speaking Indians of the mid-Columbia area whose representatives were signatories to treaties which established fishing rights within areas of the Lower Deschutes River Subbasin. It is the intention of the Department of Fish and Wildlife to work cooperatively with the CTWS to implement these rules and to co-manage the fisheries of the Lower Deschutes subbasin for the benefit of the CTWS and the public.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: FWC 47-1996, f. 8-28-96, cert. ef. 9-1-96

635-500-2010**Organization of rules**

Administrative rules for the lower Deschutes River Subbasin are organized as follows:

(1) OAR 635-500-2020 covers policies and objectives for habitat protection and restoration management in the lower Deschutes River and its tributaries.

(2) OAR 635-500-2030 covers policies and objectives for fish management in Cascade Mountain Lakes in the lower Deschutes River Subbasin.

(3) OAR 635-500-2040 covers policies and objectives for fish management in the small ponds with public access in the lower Deschutes River Subbasin.

(4) OAR 635-500-2050 covers policies and objectives for fish management in Badger Lake in the high lakes and reservoirs of the lower Deschutes River Subbasin.

(5) OAR 635-500-2060 covers policies and objectives for fish management in Clear Lake in the high lakes and reservoirs of the lower Deschutes River Subbasin.

(6) OAR 635-500-2070 covers policies and objectives for fish management in Frog Lake in the high lakes and reservoirs of the lower Deschutes River Subbasin.

(7) OAR 635-500-2080 covers policies and objectives for fish management in Olallie Lake in the high lakes and reservoirs of the lower Deschutes River Subbasin.

(8) OAR 635-500-2090 covers policies and objectives for fish management in Pine Hollow Reservoir in the high lakes and reservoirs of the lower Deschutes River Subbasin.

(9) OAR 635-500-3000 covers policies and objectives for fish management in Rock Creek Reservoir in the high lakes and reservoirs of the lower Deschutes River Subbasin.

(10) OAR 635-500-3010 covers policies and objectives for trout, whitefish, and miscellaneous species fish management in the lower Deschutes River Subbasin.

(11) OAR 635-500-3020 covers policies and objectives for indigenous species fish management in the lower Deschutes River Subbasin.

(12) OAR 635-500-3030 covers policies and objectives for summer steelhead management in the lower Deschutes River Subbasin.

(13) OAR 635-500-3040 covers policies and objectives for spring chinook salmon management in the lower Deschutes River Subbasin.

(14) OAR 635-500-3050 covers policies and objectives for fall chinook salmon management in the lower Deschutes River Subbasin.

(15) OAR 635-500-3060 covers policies and objectives for warmwater gamefish management in the lower Deschutes River Subbasin.

(16) OAR 635-500-3070 covers policies and objectives for public access to waters in the lower Deschutes River Subbasin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 47-1996, f. 8-28-96, cert. ef. 9-1-96

635-500-2020**Habitat Management**

Policies and objectives for habitat management in the lower Deschutes River Subbasin.

(1) Policies for habitat management throughout the lower Deschutes River Subbasin are: Habitat protection and restoration shall be given priority over supplementation to reach natural fish production goals.

(2) The objectives for habitat improvement in the lower Deschutes River Subbasin are:

(a) Improve the quality and quantity of aquatic and riparian habitat;

(b) Establish and maintain instream water rights on all streams in the lower Deschutes River Subbasin which exhibit fish and wildlife values;

(c) Maintain or improve upland watershed conditions to sustain the long-term production of high quality water;

(d) Maintain or improve water quality in the lower Deschutes River and tributaries;

(e) Improve fish passage at manmade barriers within the lower Deschutes River Subbasin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 47-1996, f. 8-28-96, cert. ef. 9-1-96

635-500-2030**Cascade Mountain Lakes**

Policies and objectives for fish management in the Cascade Mountain Lakes of the lower Deschutes River Subbasin.

(1) Policies for fish management in the Cascade Mountain Lakes:
(a) Cascade Mountain lakes addressed in the lower Deschutes River Subbasin shall be managed for natural and hatchery production consistent with the Basic Yield (OAR 635-500-0115(4)) or Featured Species (OAR 635-500-0115(2)) management alternative for trout;

(b) Hatchery rainbow, cutthroat and/or brook trout shall be periodically stocked into the lakes listed.

(2) Objectives for fish management in the Cascade Mountain Lakes:

(a) Provide diverse angling opportunities for trout in the Cascade Mountain lakes in the lower Deschutes River Subbasin;

(b) Minimize the impacts of hatchery trout on the production and genetic integrity of adjacent populations of wild trout;

(c) Manage Cascade Mountain lake fisheries consistent with management plans developed jointly with the United States Forestry Service and the Confederated Tribes of the Warm Springs Reservation.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 47-1996, f. 8-28-96, cert. ef. 9-1-96

635-500-2040**Small Ponds With Public Access**

Policies and objectives for fish management in small ponds with public access in the lower Deschutes River Subbasin.

(1) Policies for fish management in small ponds with public access:

(a) Small ponds with public access containing warmwater gamefish shall be managed for warmwater fish consistent with the basic yield management alternative for warmwater fish (OAR 635-500-0055(1)(d));

(b) Small ponds with public access containing trout shall be managed for hatchery production of trout consistent with the basic yield alternative for trout (OAR 635-500-0115(4));

(c) To protect native species and desired introduced species, other fish, including but not limited to, non-indigenous salmonids, small-mouth bass, spotted bass, yellow perch, channel catfish and all other members of the catfish family, muskellunge, walleye, northern pike, striped bass, hybrid bass, and koi shall not be approved for use in public or private waters covered by this plan;

(d) Only rainbow trout, largemouth bass, bluegill and black crappie from sources approved by the Oregon Department of Fish and Wildlife may be considered for introductions into private ponds in the lower Deschutes River Subbasin.

(2) Objectives for fish management in small ponds with public access: Provide angler opportunity for a consumptive fishery by stocking legal-sized or fingerling rainbow trout or warmwater gamefish in the ponds listed for the lower Deschutes River Subbasin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 47-1996, f. 8-28-96, cert. ef. 9-1-96

635-500-2050**Badger Lake**

Policies and objectives for fish management in Badger Lake in the lower Deschutes River Subbasin.

(1) Policies for fish management in Badger Lake:

(a) Brook trout shall be managed for natural production consistent with the Basic Yield Management Alternative for trout (OAR 635-500-0115(4)). No hatchery brook trout shall be stocked;

(b) Rainbow trout shall be managed for hatchery production consistent with the Basic Yield Management Alternative for trout (OAR 635-500-0115(4)).

(2) Objectives for fish management in Badger Lake:

(a) Provide a diverse, consumptive angling opportunity for hatchery rainbow trout and naturally produced brook trout;

(b) Minimize impacts of hatchery trout stocked in Badger Lake on the production and genetic integrity of downstream populations of wild redband trout in Badger Creek and the White River system;

(c) Minimize annual lake level fluctuations associated with irrigation drawdown at Badger Lake.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 47-1996, f. 8-28-96, cert. ef. 9-1-96

635-500-2060**Clear Lake**

Policies and objectives for fish management in Clear Lake in the lower Deschutes River Subbasin.

(1) Policies for fish management in Clear Lake:

(a) Legal-sized rainbow trout shall be managed for hatchery production consistent with the intensive use management alternative for trout (OAR 635-500-0115(5));

(b) Hatchery brood rainbow trout shall also be managed for hatchery production consistent with the trophy fish management alternative for trout (OAR 635-500-0115(3));

(c) Brook trout shall be managed for natural production consistent with the Basic Yield Management Alternative for trout (OAR 635-500-0115(4)). No hatchery brook trout shall be stocked.

(2) Objectives for fish management in Clear Lake:

(a) Provide a diverse, consumptive angling opportunity for hatchery rainbow trout and naturally produced brook trout;

(b) Minimize impacts of hatchery trout stocked in Clear Lake on the production and genetic integrity of downstream populations of wild redband trout in Clear Creek and the White River system;

(c) Enhance fish habitat for adult cover and juvenile rearing;

(d) Minimize annual lake level fluctuations associated with irrigation drawdown at Clear Lake;

(e) Provide additional or improved boat access at Clear Lake during low water conditions.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 47-1996, f. 8-28-96, cert. ef. 9-1-96

635-500-2070**Frog Lake**

Policies and objectives for fish management in Frog Lake in the lower Deschutes River Subbasin.

(1) Policies for fish management in Frog Lake:

(a) Legal-sized rainbow trout shall be managed for hatchery production consistent with the intensive use management alternative (OAR 635-500-0115(5));

(b) Hatchery brood rainbow trout shall also be managed for hatchery production consistent with the trophy fish management alternative (OAR 635-500-0115(3)).

(2) Objectives for fish management in Frog Lake:

(a) Provide a diverse, consumptive angling opportunity for hatchery produced fish;

(b) Minimize impacts of hatchery trout stocked in Frog Lake on the production and genetic integrity of downstream populations of wild redband trout in Frog Creek and the White River system.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 47-1996, f. 8-28-96, cert. ef. 9-1-96

635-500-2080**Olallie Lake**

Policies and objectives for fish management in Olallie Lake in the lower Deschutes River Subbasin.

(1) Policies for fish management in Olallie Lake:

(a) Legal-sized rainbow trout shall be managed for hatchery production consistent with the intensive use management alternative (OAR 635-500-0115(5));

(b) Brood rainbow trout shall also be managed for hatchery production consistent with the trophy fish management alternative (OAR 635-500-0115(3)).

(2) Objectives for fish management in Olallie Lake:

(a) Provide a diverse, consumptive angling opportunity for hatchery produced fish;

(b) Minimize impacts of hatchery trout stocked in Olallie Lake on the production and genetic integrity of downstream populations of wild redband trout in the Warm Springs and lower Deschutes Rivers.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 47-1996, f. 8-28-96, cert. ef. 9-1-96

635-500-2090**Pine Hollow Reservoir**

Policies and objectives for fish management in Pine Hollow Reservoir in the lower Deschutes River Subbasin.

(1) Policies for fish management in Pine Hollow Reservoir:

(a) Fingerling and legal-sized rainbow trout shall be managed for hatchery production consistent with the Basic Yield Management Alternative (OAR 635-500-0115(4));

(b) Illegally introduced largemouth bass, brown bullhead, and green sunfish shall be managed for natural production consistent with the Basic Yield Management Alternative for warmwater fish (OAR 635-500-0055(1)(d));

(c) Pine Hollow Reservoir shall be managed primarily for trout production.

(2) Objectives for fish management in Pine Hollow Reservoir:

(a) Provide diverse, consumptive angling opportunity for hatchery trout and warmwater game fish;

(b) Minimize impacts of hatchery trout stocked in Pine Hollow Reservoir on the production and genetic integrity of downstream populations of wild redband trout in the White River system and lower Deschutes River.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 47-1996, f. 8-28-96, cert. ef. 9-1-96

635-500-3000**Rock Creek Reservoir**

Policies and objectives for fish management in Rock Creek Reservoir in the lower Deschutes River Subbasin.

(1) Policies for fish management in Rock Creek Reservoir:

(a) Fingerling, legal-sized, and surplus brood rainbow trout shall be managed for hatchery production consistent with the Basic Yield Management Alternative (OAR 635-500-0115(4));

(b) Illegally introduced largemouth bass, brown bullhead and bluegill shall be managed for natural production consistent with the Basic Yield Management Alternative for warmwater game fish (OAR 635-500-0055(1)(d));

(c) Rock Creek Reservoir shall be managed primarily for trout production.

(2) Objectives for fish management in Rock Creek Reservoir:

(a) Provide a diverse, consumptive angling opportunity for hatchery trout and warmwater game fish;

(b) Minimize impacts of hatchery trout stocked in Rock Creek Reservoir on the production and genetic integrity of wild redband trout populations above and below the reservoir;

(c) Enhance fish habitat for adult production and juvenile rearing;

(d) Minimize annual lake level fluctuations associated with irrigation drawdown at Rock Creek Reservoir;

(e) Provide additional or improved boat access at Rock Creek Reservoir during low water conditions.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 47-1996, f. 8-28-96, cert. ef. 9-1-96

635-500-3010**Trout, Whitefish and Miscellaneous Species in Flowing Waters**

Policies and objectives for trout, whitefish and miscellaneous species in flowing waters fish management in the lower Deschutes River Subbasin.

(1) Policies for trout, whitefish and miscellaneous species in flowing waters fish management in the lower Deschutes River Subbasin: Wild rainbow and bull trout, whitefish and introduced brook trout shall be managed for natural production consistent with the Wild Fish alternative of Oregon's Trout Plan. No hatchery trout or whitefish shall be stocked in the lower Deschutes River and tributaries.

(2) Objectives for trout, whitefish and miscellaneous species in flowing waters fish management in the lower Deschutes River Subbasin:

(a) Maintain the genetic diversity, adaptiveness, and abundance of the wild indigenous rainbow trout, bull trout, and mountain whitefish in the lower Deschutes River and in the tributaries of the lower Deschutes River;

(b) Provide the opportunity for consumptive harvest of wild trout in the lower Deschutes River Subbasin;

(c) Maintain a population of rainbow trout of 1,500 to 2,500 fish per mile larger than 8 inches in length in the lower Deschutes River from Pelton Reregulating Dam to Sherars Falls. Maintain a population of rainbow trout of 750 to 1,000 fish per mile larger than 8 inches in length in the lower Deschutes River below Sherars Falls;

(d) Maintain a population size distribution in the lower Deschutes River such that 30% of the population (fish > 8 inches in length) is larger than 12 inches in length, as measured at the Jones study section, the Nena Creek study section and in a study section upstream from White Horse Rapids;

(e) Releases of hatchery reared salmonids into Lake Simtustus shall not impact indigenous species in the lower Deschutes River downstream from the Reregulating Dam.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 47-1996, f. 8-28-96, cert. ef. 9-1-96

635-500-3020

Indigenous Species

Policies and objectives for indigenous species fish management in the lower Deschutes River Subbasin.

(1) Policies for indigenous species fish management in the lower Deschutes River Subbasin: Manage all indigenous species of fish in the lower Deschutes River and its tributaries to sustain the tribal cultural and subsistence needs, while providing the structural, functional and biological requirements to insure ecosystem viability.

(2) Objectives for indigenous species fish management in the lower Deschutes River Subbasin: Protect populations of all indigenous species of fish in the lower Deschutes River Subbasin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 47-1996, f. 8-28-96, cert. ef. 9-1-96

635-500-3030

Summer Steelhead

Policies and objectives for summer steelhead fish management in the lower Deschutes River Subbasin.

(1) Policies for summer steelhead fish management in the lower Deschutes River Subbasin:

(a) Hatchery reared summer steelhead shall continue to be released in the lower Deschutes River Subbasin;

(b) Angler induced hooking mortality of wild lower Deschutes River summer steelhead shall be reduced or eliminated when estimated escapement levels of 1,000 wild summer steelhead or less over Sherars Falls occur for three consecutive years.

(2) Objectives for summer steelhead fish management in the lower Deschutes River Subbasin:

(a) Maintain an estimated escapement of 6,575 wild adults over Sherars Falls annually;

(b) Provide a recreational fishery based on wild summer steelhead, out-of-Subbasin stray hatchery summer steelhead and lower Deschutes River origin hatchery summer steelhead returns.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 47-1996, f. 8-28-96, cert. ef. 9-1-96

635-500-3040

Spring Chinook Salmon

Policies and objectives for spring chinook salmon fish management in the lower Deschutes River Subbasin.

(1) Policies for spring chinook salmon fish management in the lower Deschutes River Subbasin: The lower Deschutes River Subbasin shall be managed for wild and hatchery spring chinook salmon.

(2) Objectives for spring chinook salmon fish management in the lower Deschutes River Subbasin:

(a) Achieve a spawning escapement level between an optimum of 1,300 and a minimum of 1,000 adult wild spring chinook salmon above the barrier dam at Warm Springs National Fish Hatchery;

(b) Provide the opportunity to harvest wild spring chinook salmon when returns are greater than the optimum wild adult spawning escapement of 1,300 adults and Round Butte Hatchery and Warm Springs National Hatchery origin spring chinook salmon that are excess to brood stock needs;

(c) Increase harvest opportunity of hatchery spring chinook salmon within existing hatchery production levels.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 47-1996, f. 8-28-96, cert. ef. 9-1-96

635-500-3050

Fall Chinook Salmon

Policies and objectives for fall chinook salmon fish management in the lower Deschutes River Subbasin.

(1) Policies for fall chinook salmon fish management in the lower Deschutes River Subbasin: No hatchery fall chinook salmon shall be released into the lower Deschutes River and its tributaries.

(2) Objectives for fall chinook salmon fish management in the lower Deschutes River Subbasin:

(a) Achieve a minimum annual spawning escapement of 4,000 adult fall chinook in the lower Deschutes River of which 2,000 adult fall chinook return above Sherars Falls;

(b) Provide the opportunity to harvest wild fall chinook when the return is greater than the minimum spawning escapement objective of 3,000 adults.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 47-1996, f. 8-28-96, cert. ef. 9-1-96

635-500-3060

Warmwater Gamefish

Policies and objectives for warmwater gamefish management in the lower Deschutes River Subbasin.

(1) Policies for warmwater gamefish management in the lower Deschutes River Subbasin:

(a) Warmwater fish in the lower Deschutes River Subbasin shall be managed for natural production consistent with the Basin Yield Management Alternative for warmwater fish (OAR 635-500-0055(1)(d));

(b) Largemouth bass, bluegill and black crappie are the only species of warmwater fish that shall be considered for introductions in small ponds within the Subbasin;

(c) To protect native species and desired introductions, such as largemouth bass, bluegill and black crappie, other species of exotic fish, including but not limited to smallmouth bass, spotted bass, yellow perch, channel catfish and all other members of the catfish family, walleye, northern pike, striped bass, muskellunge, hybrid bass, koi and grass carp shall not be approved for new introductions in public or private ponds in the lower Deschutes River Subbasin.

(2) Objectives for warmwater gamefish management in the lower Deschutes River Subbasin:

(a) Promote warmwater fisheries as a recreational alternative in isolated waters in the lower Deschutes River Subbasin in locations that do not harm indigenous species;

(b) Minimize illegal introductions of undesirable warmwater species into the lower Deschutes River Subbasin;

(c) Regularly inventory public water bodies that support warmwater fish;

(d) Maintain or develop public access at water bodies managed for warmwater fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: FWC 47-1996, f. 8-28-96, cert. ef. 9-1-96

635-500-3070

Public Access

Policies and objectives for public access management in the lower Deschutes River Subbasin.

(1) Policies for public access management in the lower Deschutes River Subbasin:

(a) The Oregon Department of Fish and Wildlife (ODFW) shall recognize other resource and recreation plans in effect in the lower Deschutes River Subbasin. ODFW shall work cooperatively with other agencies to maintain or increase boat access and shoreline angler access that will satisfy public need for a variety of angling opportunities and a dispersion of angling effort throughout the Subbasin;

(b) Acquisition and development of angler access sites shall be consistent with the guidelines and objectives for management of fish and their habitat;

(c) ODFW shall attempt to maintain public access at all existing public access sites in the White River system;

(d) ODFW shall pursue possible easements or land purchases to create new public access at key sites throughout the planning area, on a willing seller-willing buyer basis.

(2) Objectives for public access management in the lower Deschutes River Subbasin:

(a) Improve the distribution of people angling on the lower Deschutes River by supporting other agencies in the development of new parking areas and the improvement of designated launch sites and foot trails;

(b) ODFW shall continue to work with other agencies and landowners to both maintain existing public access sites and to develop new ones;

(c) ODFW shall not pursue increased public angling access to Buck Hollow, Bakeoven, or Trout creeks;

(d) ODFW shall work with other agencies and private landowners to develop new reservoirs or ponds, or public access to existing reservoirs and ponds for additional public angling opportunity.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 47-1996, f. 8-28-96, cert. ef. 9-1-96

Upper Deschutes River Fish Management Policies and Objectives

635-500-3100

Applicability

OAR 635-500-3100 through 635-500-3300 apply to the Upper Deschutes River Subbasin of the Deschutes River. The Upper Deschutes River Subbasin is defined as the Deschutes River and its tributaries from Lake Billy Chinook (River Mile 120) to the headwaters of the river at Little Lava Lake (River Mile 252), natural lakes, and impoundments, located in Deschutes and Klamath Counties. The Crooked and Metolius Rivers, while they are a part of the Upper Deschutes Subbasin, have been treated separately for purposes of fish management, and are addressed by OARs 635-500-1800 through 635-500-1940.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3110

Organization of Rules

Administrative rules for the upper Deschutes River Subbasin are organized as follows:

(1) OAR 635-500-3120 covers policies and objectives for fish management in the Deschutes River from Bend (North Canal Dam) to Lake Billy Chinook including the tributaries Tumalo and Squaw Creeks of the upper Deschutes River Subbasin.

(2) OAR 635-500-3130 covers policies and objectives for fish management in the Deschutes River from Wickiup Dam to Bend (North Canal Dam) including the tributaries Fall and Spring Rivers of the upper Deschutes River Subbasin.

(3) OAR 635-500-3140 covers policies and objectives for fish management in Wickiup Reservoir and Tributaries including the Deschutes River up to Crane Prairie Dam of the upper Deschutes River Subbasin.

(4) OAR 635-500-3150 covers policies and objectives for fish management in Crane Prairie Reservoir and Tributaries including the Deschutes River up to Little Lava Lake of the upper Deschutes River Subbasin.

(5) OAR 635-500-3160 covers policies and objectives for fish management in Little Deschutes River and Tributaries of the upper Deschutes River Subbasin.

(6) OAR 635-500-3170 covers policies and objectives for fish management in Crescent Lake of the upper Deschutes River Subbasin.

(7) OAR 635-500-3180 covers policies and objectives for fish management in Summit Lake of the upper Deschutes River Subbasin.

(8) OAR 635-500-3190 covers policies and objectives for fish management in East Lake of the upper Deschutes River Subbasin.

(9) OAR 635-500-3200 covers policies and objectives for fish management in Paulina Lake of the upper Deschutes River Subbasin.

(10) OAR 635-500-3210 covers policies and objectives for fish management in Paulina Creek of the upper Deschutes River Subbasin.

(11) OAR 635-500-3220 covers policies and objectives for fish management in Davis Lake of the upper Deschutes River Subbasin.

(12) OAR 635-500-3230 covers policies and objectives for fish management in Odell Lake of the upper Deschutes River Subbasin.

(13) OAR 635-500-3240 covers policies and objectives for fish management in Odell, Ranger, and Maklaks Creeks of the upper Deschutes River Subbasin.

(14) OAR 635-500-3250 covers policies and objectives for fish management in Lava Lake and Little Lava Lake of the upper Deschutes River Subbasin.

(15) OAR 635-500-3260 covers policies and objectives for fish management in Cultus Lake of the upper Deschutes River Subbasin.

(16) OAR 635-500-3270 covers policies and objectives for fish management in Little Cultus Lake of the upper Deschutes River Subbasin.

(17) OAR 635-500-3280 covers policies and objectives for fish management in Century Drive Lakes Isolated from the Deschutes River (Sparks, Devils, Elk, Hosmer, North Twin, and South Twin Lakes) of the upper Deschutes River Subbasin.

(18) OAR 635-500-3290 covers policies and objectives for fish management in Cascade Mountain lakes of the upper Deschutes River Subbasin.

(19) OAR 635-500-3300 covers policies and objectives for fish management in Miscellaneous Waters (Three Creeks Lake, Little Three Creeks Lake, Shevlin Pond, Century Pond, Sprague Pit Pond, Firemens Pond) of the upper Deschutes River Subbasin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3120

Deschutes River from Bend (North Canal Dam) to Lake Billy Chinook Including the Tributaries Tumalo and Squaw Creeks

Policies and objectives for fish management in Deschutes River from Bend (North Canal Dam) to Lake Billy Chinook including the tributaries Tumalo and Squaw Creeks of the upper Deschutes River Subbasin.

(1) Policies for fish management in Deschutes River from Bend (North Canal Dam) to Lake Billy Chinook including the tributaries Tumalo and Squaw Creeks:

(a) Redband trout and introduced brown trout shall be managed for natural production consistent with the Featured Species Management Alternative for trout. No hatchery trout shall be stocked in the Deschutes River or its tributaries from Bend to Lake Billy Chinook;

(b) Mountain whitefish shall be managed for natural production consistent with the Wild Fish Management Alternative for trout;

(c) Brook trout shall be managed for natural production consistent with the Basic Yield Alternative for trout.

(2) Objectives for fish management in Deschutes River from Bend (North Canal Dam) to Lake Billy Chinook including the tributaries Tumalo and Squaw Creeks:

(a) Maintain genetic diversity, adaptiveness, and abundance of redband trout, mountain whitefish, brown trout, and brook trout;

(b) Provide diverse angling opportunities for a fishery on redband trout, mountain whitefish, brown trout, kokanee, and brook trout;

(c) Protect, enhance, and restore trout and whitefish habitat;

(d) Maintain and improve access.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96; DFW 129-2003, f. & cert. ef. 12-15-03

635-500-3130

Deschutes River from Wickiup Dam to Bend (North Canal Dam) including the Tributaries Fall and Spring Rivers

Policies and objectives for fish management in Deschutes River from Wickiup Dam to Bend (North Canal Dam) including the tributaries Fall and Spring Rivers of the upper Deschutes River Subbasin.

(1) Policies for fish management in Deschutes River from Wickiup Dam to Bend (North Canal Dam) including the tributaries Fall and Spring Rivers:

(a) Mountain whitefish shall be managed for natural production consistent with the Featured Species Management Alternative for trout;

(b) Rainbow and redband trout shall be managed for natural and hatchery production consistent with the Featured Species Management Alternative for trout;

(c) Brown trout shall be managed for natural production consistent with the Featured Species management alternative for trout;

(d) Kokanee and brook trout shall be managed for natural production consistent with the Basic Yield Management Alternative for trout.

(2) Objectives for fish management in Deschutes River from Wickiup Dam to Bend (North Canal Dam) including the tributaries Fall and Spring Rivers:

(a) Maintain genetic diversity, adaptiveness, and abundance of redband trout and mountain whitefish;

(b) Provide diverse angling opportunities for a non-consumptive fishery on redband trout and a consumptive fishery on hatchery rainbow trout, mountain whitefish and naturally-produced brown trout, kokanee, and brook trout above Benham Falls, including Fall River and Spring rivers; provide a consumptive fishery for redband and brown trout, kokanee, and mountain whitefish below Benham Falls;

(c) Protect, enhance, and restore trout and whitefish habitat;

(d) Maintain and improve access to the Deschutes between Wickiup Dam and Bend, Fall River, and Spring River by boat and bank anglers.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3140

Wickiup Reservoir and Tributaries including the Deschutes River up to Crane Prairie Dam

Policies and objectives for fish management in Wickiup Reservoir and Tributaries including the Deschutes River up to Crane Prairie Dam of the upper Deschutes River Subbasin.

(1) Policies for fish management in Wickiup Reservoir and Tributaries including the Deschutes River up to Crane Prairie Dam:

(a) Brown trout shall be managed for natural and hatchery production consistent with the Trophy Fish Management Alternative for trout;

(b) Kokanee, and mountain whitefish shall be managed for natural production consistent with the Basic Yield Management Alternative for trout. No hatchery kokanee or mountain whitefish shall be stocked;

(c) Coho shall be managed for hatchery production consistent with the Basic Yield Management Alternative for trout;

(d) Brook trout shall not be stocked in Wickiup Reservoir and its tributaries;

(e) Redband and rainbow trout shall be managed for natural production consistent with the Featured Species Alternative for trout. No hatchery rainbow trout shall be stocked.

(2) Objectives for fish management in Wickiup Reservoir and Tributaries including the Deschutes River up to Crane Prairie Dam:

(a) Maintain the genetic diversity, adaptiveness, and abundance of indigenous redband trout, mountain whitefish and naturally produced brown trout;

(b) Provide a trophy fishery for naturally produced brown trout as measured by the proportion of fish examined in the creel over 20 inches in Wickiup Reservoir and its tributaries;

(c) Provide diverse angling opportunities for a consumptive and/or non-consumptive fishery on naturally producing mountain whitefish, brown trout, rainbow trout, coho, and kokanee. Provide viewing opportunities for spawning fish;

(d) Protect, enhance, and restore trout and whitefish habitat in Wickiup Reservoir and its tributaries;

(e) Work with the land managers and irrigation districts to maintain and improve public access;

(f) Determine the feasibility and desirability of restoring bull trout in Wickiup Reservoir and its tributaries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3150

Crane Prairie Reservoir and Tributaries including the Deschutes River up to Little Lava Lake

Policies and objectives for fish management in Crane Prairie Reservoir and Tributaries including the Deschutes River up to Little Lava Lake of the upper Deschutes River Subbasin.

(1) Policies for fish management in Crane Prairie Reservoir and Tributaries including the Deschutes River up to Little Lava Lake:

(a) Rainbow and redband trout shall be managed for natural and hatchery production consistent with the Featured Species Fish Management Alternative for trout. Hatchery rainbow trout shall be stocked annually into Crane Prairie Reservoir;

(b) Mountain whitefish, brook trout, and kokanee shall be managed for natural and hatchery production consistent with the Basic Yield Management Alternative for trout. Hatchery brook trout and kokanee shall be stocked periodically into Crane Prairie Reservoir;

(c) Largemouth bass shall be managed for natural production consistent with the Basic Yield Management Alternative for warmwater fish;

(d) All other warmwater game fish introduced into Crane Prairie Reservoir shall be managed for natural production consistent with the High Yield Alternative for warmwater fish.

(2) Objectives for fish management in Crane Prairie Reservoir and Tributaries including the Deschutes River up to Little Lava Lake:

(a) Maintain genetic diversity, adaptiveness, and abundance of redband trout and whitefish in Crane Prairie Reservoir;

(b) Provide a consumptive and nonconsumptive, featured species fishery for larger than average sized naturally produced redband and hatchery produced rainbow trout;

(c) Provide diverse angling opportunities for a consumptive and nonconsumptive fishery on naturally and hatchery produced kokanee and brook trout, and naturally produced whitefish in Crane Prairie Reservoir and tributaries;

(d) Maintain the bass fishery in Crane Prairie Reservoir to provide diverse warmwater angling opportunities in Central Oregon;

(e) Protect, enhance, and restore trout and whitefish rearing and spawning habitat in Crane Prairie Reservoir and tributaries;

(f) Provide adequate upstream and downstream passage for fish at road culverts and other artificial obstructions in streams above Crane Prairie Reservoir;

(g) Provide better boat access at Crane Prairie Reservoir;

(h) Determine the feasibility and desirability of restoring bull trout in Crane Prairie Reservoir and its tributaries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3160

Little Deschutes River and Tributaries

Policies and objectives for fish management in Little Deschutes River and Tributaries of the upper Deschutes River Subbasin.

(1) Policies for fish management in Little Deschutes River and Tributaries:

(a) Mountain whitefish and redband trout shall be managed for natural production under the Wild Fish Management Alternative for trout;

(b) Brown and brook trout shall be managed for natural production under the Basic Yield Management Alternative for trout;

(c) Hatchery trout shall not be stocked in the Little Deschutes River and tributaries.

(2) Objectives for fish management in Little Deschutes River and Tributaries:

(a) Maintain the genetic diversity, adaptiveness, and abundance of redband trout, mountain whitefish and introduced brown and brook trout in the Little Deschutes River drainage;

(b) Provide diverse angling opportunities for wild trout and whitefish in the Little Deschutes River and tributaries;

(c) Protect, restore and enhance wild trout and whitefish habitat in the Little Deschutes River and tributaries;

(d) Maintain or improve flow for fish production in the Little Deschutes River and tributaries;

(e) Improve the water quality of the Little Deschutes River and tributaries;

(f) Prevent fish losses at unscreened diversions in the Little Deschutes River and tributaries;

(g) Provide adequate upstream and downstream passage for fish at dams, road culverts, and other artificial obstructions;

(h) Provide additional public boat and bank access from Highway 58 downstream to the mouth;

(i) Determine if it is feasible to restore bull trout in the Little Deschutes River and tributaries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3170

Crescent Lake

Policies and objectives for fish management in Crescent Lake of the upper Deschutes River Subbasin.

(1) Policies for fish management in Crescent Lake:

(a) Mountain whitefish shall be managed for natural production; redband trout, introduced kokanee salmon, rainbow and brown trout shall be managed for natural and hatchery production. All of these species shall be managed consistent with the Basic Yield Management Alternative for trout. No hatchery reared whitefish shall be stocked;

(b) Introduced lake trout shall be managed for natural production consistent with the Trophy Fish Management Alternative for trout. No hatchery reared lake trout shall be stocked.

(2) Objectives for fish management in Crescent Lake:

(a) Maintain genetic diversity, adaptiveness and abundance of wild mountain whitefish in Crescent Lake;

(b) Provide for a consumptive fishery on naturally and hatchery produced kokanee, redband, brown and rainbow trout, and mountain whitefish;

(c) Provide a trophy fishery for naturally produced lake trout;

(d) Prevent losses of fish at Crescent Lake outlet structure;

(e) Provide additional boat access at Crescent Lake for use during low water conditions;

(f) Protect, restore, and enhance trout and whitefish habitat at Crescent Lake.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3180

Summit Lake

Policies and objectives for fish management in Summit Lake of the upper Deschutes River Subbasin.

(1) Policies for fish management in Summit Lake:

(a) Summit Lake shall be managed for natural production of lake trout and mountain whitefish under the Basic Yield Management Alternative in the Trout Plan;

(b) Hatchery reared brook and rainbow trout shall be stocked in Summit Lake and managed under the Basic Yield Management Alternative in the Trout Plan;

(c) Introduce mountain whitefish from Crescent Lake into Summit Lake.

(2) Objectives for fish management in Summit Lake: Provide consumptive angling opportunities for naturally produced lake trout and mountain whitefish and stocked brook and rainbow trout.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3190

East Lake

Policies and objectives for fish management in East Lake of the upper Deschutes River Subbasin.

(1) Policies for fish management in East Lake:

(a) East Lake brown trout shall be managed for hatchery production consistent with the Trophy Fish Management Alternative for trout;

(b) Hatchery brook trout shall no longer be stocked in East Lake;

(c) Rainbow trout, kokanee and Atlantic salmon shall be managed for hatchery production consistent with the Basic Yield Management Alternative for trout;

(d) Investigate the feasibility of stocking tiger trout in East Lake.

(2) Objectives for fish management in East Lake:

(a) Maintain the genetic diversity, adaptiveness, and abundance of rainbow and brown trout, kokanee and Atlantic salmon in East Lake;

(b) Provide diverse angling opportunities for selected fish species in East Lake;

(c) Protect and enhance trout rearing and spawning habitat in East Lake;

(d) Investigate the feasibility of stocking tiger trout in East Lake.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3200

Paulina Lake

Policies and objectives for fish management in Paulina Lake of the upper Deschutes River Subbasin.

(1) Policies for fish management in Paulina Lake:

(a) Brown trout and kokanee shall be managed for hatchery production consistent with the Trophy Fish Management Alternative for trout;

(b) Rainbow trout shall be managed for hatchery production consistent with the Basic Yield Management Alternative for trout;

(c) Crayfish shall be managed as a recreational fishery for natural production. The commercial crayfish fishery shall be discontinued.

(2) Objectives for fish management in Paulina Lake:

(a) Maintain the genetic diversity, adaptiveness, and abundance of rainbow trout, brown trout and kokanee in Paulina Lake;

(b) Provide diverse angling opportunities for selected trout species in Paulina Lake;

(c) Protect and enhance trout habitat in Paulina Lake;

(d) Provide a recreational fishery for crayfish in Paulina Lake.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3210

Paulina Creek

Policies and objectives for fish management in Paulina Creek of the upper Deschutes River Subbasin.

(1) Policies for fish management in Paulina Creek: Paulina Creek shall be managed for hatchery rainbow and brown trout which emigrate from Paulina Lake and a naturally reproducing brook trout population consistent with the Basic Yield Management Alternative for trout.

(2) Objectives for fish management in Paulina Creek:

(a) Provide angling opportunities for a variety of trout species in Paulina Creek;

(b) Protect and enhance fish habitat in Paulina Creek.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3220

Davis Lake

Policies and objectives for fish management in Davis Lake of the upper Deschutes River Subbasin.

(1) Policies for fish management in Davis Lake:

(a) Davis Lake shall be managed for natural and hatchery production of redband and rainbow trout consistent with the Trophy Fish Management Alternative for trout;

(b) Atlantic salmon shall no longer be stocked in Davis Lake.

(2) Objectives for fish management in Davis Lake:

(a) Maintain genetic diversity, adaptiveness, and abundance of redband trout and mountain whitefish;

(b) Provide a trophy fishery for redband and rainbow trout at Davis Lake;

(c) Provide a fishery on mountain whitefish;

(d) Protect fish rearing and spawning habitat in Davis Lake;

(e) Improve access to Davis Lake;

(f) Restore a resident population of bull trout in Davis Lake.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3230

Odell Lake

Policies and objectives for fish management in Odell Lake of the upper Deschutes River Subbasin.

(1) Policies for fish management in Odell Lake:

(a) No hatchery fish shall be stocked in Odell Lake or its tributaries;

(b) Mountain whitefish, kokanee and redband trout shall be managed for natural production consistent with the Basic Yield Management Alternative for trout;

(c) Lake trout shall be managed for natural production consistent with the Trophy Fish Management Alternative for trout;

(d) Bull trout shall be managed for natural production consistent with the Wild Fish Management Alternative for trout.

- (2) Objectives for fish management in Odell Lake:
 - (a) Maintain the genetic diversity, adaptiveness and abundance of wild bull trout in Odell Lake;
 - (b) Maintain genetic diversity, adaptiveness and abundance of mountain whitefish, kokanee and redband trout in Odell Lake while providing consumptive fisheries on these species;
 - (c) Provide a trophy fishery for naturally produced lake trout;
 - (d) Protect and improve trout and whitefish habitat in Odell Lake and tributaries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3240

Odell, Ranger and Maklaks Creeks

Policies and objectives for fish management in Odell, Ranger, and Maklaks Creeks of the upper Deschutes River Subbasin.

- (1) Policies for fish management in Odell, Ranger, and Maklaks Creeks:

- (a) Redband trout, mountain whitefish, and brook trout shall be managed for natural production consistent with the Featured Species Alternative for trout;

- (b) Bull trout shall be managed for natural production consistent with the Wild Fish Management Alternative for trout.

- (2) Objectives for fish management in Odell, Ranger, and Maklaks Creeks:

- (a) Maintain genetic diversity, adaptiveness, and abundance of redband trout, mountain whitefish, brook trout, and bull trout;

- (b) Provide a basic fishery for redband trout, bull trout, brook trout, and mountain whitefish in Davis Lake tributaries;

- (c) Protect fish rearing and spawning habitat in Davis Lake tributaries;

- (d) Restore a resident population of bull trout in Odell Creek.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3250

Lava Lake and Little Lava Lake

Policies and objectives for fish management in Lava Lake and Little Lava Lake of the upper Deschutes River Subbasin.

- (1) Policies for fish management in Lava Lake and Little Lava Lake:

- (a) Rainbow trout in Lava Lake shall be managed for hatchery production consistent with the Basic Yield Fish Management Alternative for trout. Hatchery brook trout shall no longer be stocked in Lava Lake;

- (b) Redband and rainbow trout in Little Lava Lake shall be managed for natural and hatchery production consistent with the Basic Yield Management Alternative for trout. Hatchery brook trout shall no longer be stocked in Little Lava Lake;

- (c) Mountain whitefish in Little Lava Lake shall be managed for natural production consistent with the Wild Fish Management Alternative for trout.

- (2) Objectives for fish management in Lava Lake and Little Lava Lake:

- (a) Maintain the genetic diversity, adaptiveness, and abundance of redband trout and mountain whitefish in Little Lava Lake;

- (b) Provide recreational angling opportunities for rainbow trout in Lava Lake, and diverse angling opportunities for redband, rainbow and brook trout as well as whitefish in Little Lava Lake;

- (c) Tui chub shall be controlled to minimize competition with hatchery rainbow;

- (d) Determine the feasibility and desirability of restoring bull trout in Little Lava Lake;

- (e) Maintain and improve access to Lava and Little Lava lakes.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3260

Cultus Lake

Policies and objectives for fish management in Cultus Lake of the upper Deschutes River Subbasin.

- (1) Policies for fish management in Cultus Lake:

- (a) Lake trout shall be managed for natural production consistent with the Featured Species Management Alternative trout;

- (b) Redband and rainbow trout shall be managed for natural and hatchery production consistent with the Basic Yield Management Alternative for trout;

- (c) Mountain whitefish shall be managed for natural production consistent with the Featured Species Fish Management Alternative for trout;

- (d) Brook trout shall be managed for natural production consistent with the Basic Yield Alternative for trout;

- (e) Crayfish shall be managed as a recreational fishery.

- (2) Objectives for fish management in Cultus Lake:

- (a) Maintain the genetic diversity, adaptiveness, and abundance of indigenous redband trout and mountain whitefish in Cultus Lake;

- (b) Provide diverse angling opportunities for redband and rainbow trout and mountain whitefish in Cultus Lake;

- (c) Provide a featured species fishery for lake trout in Cultus lake;

- (d) Provide a recreational fishery for crayfish in Cultus Lake;

- (e) Maintain and improve access to Cultus Lake.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3270

Little Cultus Lake

Policies and objectives for fish management in Little Cultus Lake of the upper Deschutes River Subbasin.

- (1) Policies for fish management in Little Cultus Lake:

- (a) Redband trout shall be managed for natural production consistent with the Basic Yield Management Alternative for trout;

- (b) Brook trout shall be managed for natural production consistent with the Basic Yield Management Alternative for trout. Brook trout shall no longer be stocked in Little Cultus Lake.

- (2) Objectives for fish management in Little Cultus Lake:

- (a) Maintain the genetic diversity, adaptiveness and abundance of redband trout in Little Cultus Lake;

- (b) Provide angling opportunities for redband and brook trout in Little Cultus Lake;

- (c) Maintain and improve access to Little Cultus Lake.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3280

Century Drive Lakes Isolated from the Deschutes River (Sparks, Devils, Elk, Hosmer, North Twin, and South Twin Lakes)

Policies and objectives for fish management in Century Drive Lakes Isolated from the Deschutes River (Sparks, Devils, Elk, Hosmer, North Twin, and South Twin Lakes) of the upper Deschutes River Subbasin.

- (1) Policies for fish management in Century Drive Lakes Isolated from the Deschutes River (Sparks, Devils, Elk, Hosmer, North Twin, and South Twin Lakes):

- (a) Hosmer Lake shall be managed for hatchery produced Atlantic salmon consistent with the Featured Species Management Alternative for trout. Discontinue the stocking of brook trout. (Hosmer) Lake will switch to hatchery produced rainbow trout consistent with the Featured Species Management Alternative if the Atlantic salmon egg take ever fails;

- (b) Sparks Lake, Devils Lake, Elk Lake, and North and South Twin Lakes shall be managed as follows:

- (A) Sparks Lake shall be managed for naturally produced brook trout consistent with the Basic Yield Management Alternative for trout. Discontinue stocking brook trout. Introduced cutthroat trout shall be managed consistent with the Featured Species Alternative for trout;

- (B) Devils Lake shall be managed for naturally produced brook trout and hatchery produced legal size rainbow trout consistent with the Basic Yield Management Alternative for trout;

- (C) Elk Lake shall be managed for naturally produced kokanee and for hatchery produced brook trout consistent with the Basic Yield Management Alternative for trout;

- (D) North and South Twin Lakes shall be managed for hatchery produced rainbow consistent with the Basic Yield Management Alternative for trout.

(2) Objectives for fish management in Century Drive Lakes isolated from the Deschutes River (Sparks, Devils, Elk, Hosmer, North Twin, and South Twin Lakes):

- (a) Provide diverse angling opportunities for selected trout species in Century Drive Lakes of the Upper Deschutes River basin;
- (b) Protect and enhance trout habitat in the Century Drive Lakes;
- (c) Maintain or improve access to the Century Drive Lakes.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3290

Cascade Mountain Lakes

Policies and objectives for fish management in Cascade Mountain lakes of the upper Deschutes River Subbasin.

- (1) Policies for fish management in Cascade Mountain lakes:

(a) Whitefish in Winopee Lake shall be managed for natural production consistent with the Featured Species Management Alternative for trout;

(b) Cascade Mountain lakes of the upper Deschutes Subbasin shall be managed for natural and hatchery production consistent with the Basic Yield management alternative for trout;

(c) Hatchery rainbow, brook, and cutthroat trout shall be stocked into the lakes listed in subsections (A) and (B) of this section:

(A) Upper Deschutes Fish District: Barbie, Big Finger, Black Crater, Blow, Blowdown, Bobby, Brahma, Cathy, Charlton, Clark, Comma, Copper, Deer, Dennis, Doris, Found, Gleneden, Golden, Goldeneye, S. Green, E. Hanks, M. Hanks, W. Hanks, Harlequinn, Hidden, Hunter, Irish, Jay, Johnny, Josephine, Junco, Kershaw, Kinikinnic, Lady, Lemish, Lily, Lindick, Lodgepole, Long, Lucky, N. Mathieu, Merle, Phantom, Puppy, Pygmy, Raft, Red Slide, Rim, Rock Rim, Simon, L. Snowshoe, M. Snowshoe, U. Snowshoe, Strider, Swede, Taylor, N. Teddy, S. Teddy, Timmy, Todd, Tranquil, Winopee, Yapoah;

(B) Klamath Fish District: Bell, Bonnies, Darlene, Effie, Elf, Farrell, Fawn, Gray Jay, Hidden, Horsepasture, Lil's, Maiden, Meek, Oldenburg, Rosary, Lower, Rosary, Middle, Rosary, Upper, Snell, Sowbug, Stag, Suzanne, Windigo, W. Windy, E. Windy, N. Windy, S. Windy, W. Yoran.

(d) No fish shall be introduced into Cascade Mountain lakes not currently stocked;

(e) Hatchery trout shall not be stocked into high lakes which drain into waters with wild fish populations if there is a risk to the genetic integrity of these wild populations.

- (2) Objectives for fish management in Cascade Mountain lakes:

(a) Maintain abundance, distribution, and genetic integrity of whitefish in Winopee Lake;

(b) Provide diverse angling opportunities for selected trout species in Cascade Mountain lakes of the Upper Deschutes River basin;

(c) Maintain and enhance fish habitat in the Cascade Mountain lakes;

(d) Minimize the impacts of hatchery trout on the production and genetic integrity of wild trout in the Deschutes River basin;

(e) Manage Cascade Mountain lakes fisheries consistent with wilderness management plans to be jointly developed with Deschutes National Forest personnel.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3300

Miscellaneous Waters (Three Creeks Lake, Little Three Creeks Lake, Shevlin Pond, Century Pond, Sprague Pit Pond, Firemens Pond)

Policies and objectives for fish management in Miscellaneous Waters (Three Creeks Lake, Little Three Creeks Lake, Shevlin Pond, Century Pond, Sprague Pit Pond, Firemens Pond) of the upper Deschutes River Subbasin.

(1) Policies for fish management in Miscellaneous Waters (Three Creeks Lake, Little Three Creeks Lake, Shevlin Pond, Century Pond, Sprague Pit Pond, Firemens Pond):

(a) Three Creeks Lake shall be managed for hatchery, legal-sized rainbow trout and naturally produced brook and rainbow trout consistent with the Basic Yield Management Alternative for trout;

(b) Little Three Creeks Lake shall be managed for naturally produced brook and rainbow trout consistent with the Basic Yield Management Alternative for trout;

(c) Shevlin, Sprague Pit and Century Drive ponds shall be managed for hatchery produced, legal-sized rainbow trout consistent with the Intensive Use Management Alternative for trout;

(d) Fireman's Pond shall be managed for hatchery produced, legal-sized rainbow trout consistent with the Intensive Use Management Alternative for trout. Warmwater fish shall be managed for natural and hatchery production of bluegill and transfer of stock-sized bass and bluegill consistent with Basic Yield Management in the Warmwater Fish Plan.

(2) Objectives for fish management in Miscellaneous Waters (Three Creeks Lake, Little Three Creeks Lake, Shevlin Pond, Century Pond, Sprague Pit Pond, Firemens Pond):

(a) Provide diverse angling opportunities for selected trout species in miscellaneous waters of the Upper Deschutes River basin;

(b) Continue to adjust angling regulation to fit the fisheries at the Miscellaneous Waters;

(c) Protect and enhance trout habitat in the Miscellaneous Waters;

(d) Maintain or improve access to the Miscellaneous Waters;

(e) Develop additional Miscellaneous Waters as opportunities become available.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: FWC 59-1996, f. 9-27-96, cert. ef. 10-1-96

635-500-3400

Applicability

OAR 635-500-3400 through 635-500-3520 apply to the Sandy River basin. The Sandy River basin is defined as the Sandy River and its tributaries that originate high on the west and south slopes of Mount Hood, flow approximately 55 miles in a northwesterly direction and enter the Columbia River near Troutdale (Columbia RM 120.5). The Sandy River basin is situated in Multnomah and Clackamas counties, and drains approximately 508 square miles. The Sandy River basin is comprised of several subbasins, many of which are uniquely distinct hydrologically and geomorphologically. Principal tributaries include the Zigzag River, Still Creek, and Salmon River in the upper basin and Bull Run River, Gordon, Cedar, and Beaver creeks in the lower basin. Many other smaller tributaries located throughout the basin contribute significantly to streamflows and provide habitat for a wide array of fish and wildlife assemblages.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 4-1998, f. & cert. ef. 1-12-98

635-500-3410

Organization of rules

Administrative rules for the Sandy River basin are organized as follows:

(1) OAR 635-500-3420 covers objectives for habitat management in the Sandy River basin.

(2) OAR 635-500-3430 covers policies and objectives for winter steelhead management in the Sandy River basin.

(3) OAR 635-500-3440 covers policies and objectives for summer steelhead management in the Sandy River basin.

(4) OAR 635-500-3450 covers policies and objectives for coho management in the Sandy River basin.

(5) OAR 635-500-3460 covers policies and objectives for spring chinook management in the Sandy River basin.

(6) OAR 635-500-3470 covers policies and objectives for fall chinook management in the Sandy River basin.

(7) OAR 635-500-3480 covers policies and objectives for trout production in the Sandy River basin.

(8) OAR 635-500-3490 covers policies and objectives for trout management in Cascade mountain lakes of the Sandy River basin.

(9) OAR 635-500-3500 covers policies and objectives for trout management in high use reservoirs and small ponds of the Sandy River basin.

(10) OAR 635-500-3510 covers policies and objectives for warmwater and other miscellaneous fish management in the Sandy River basin.

(11) OAR 635-500-3520 covers policies and objectives for public access management in the Sandy River basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 4-1998, f. & cert. ef. 1-12-98

635-500-3420**Habitat**

Objectives for habitat management in the Sandy River basin.

(1) Maintain and improve upstream and downstream passage for fish in the Sandy River basin at dams, water diversions, existing fishways, culverts and, where needed, at in-channel debris jams.

(2) Protect, enhance, and restore fish habitat in the Sandy River basin.

(3) Inventory stream and watershed conditions using current methods to assess factors limiting fish production in the Sandy River basin.

(4) Reduce artificial introductions of sediment into the Sandy River and basin tributaries.

(5) Restore natural streamflows where possible, and protect existing streamflows and water quality from degradation associated with operation of dams, water diversions, effluents, mining, timber harvest, recreation, and other instream activities.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 4-1998, f. & cert. ef. 1-12-98

635-500-3430**Winter Steelhead**

Policies and objectives for wild and hatchery winter steelhead management in the Sandy River basin.

(1) Policies:

(a) The Sandy River basin shall be managed for both wild and hatchery produced winter steelhead; and

(b) The upper Sandy basin will be managed to limit hatchery winter steelhead stray rates to less than 10% above Marmot Dam, and no greater than 30% for the basin as an aggregate.

(2) Objectives:

(a) Rebuild native winter steelhead runs in the Sandy River basin by achieving an average annual spawning escapement of 1,730 wild winter steelhead. Establish an increasing trend in the population of Sandy River wild winter steelhead.

(b) Provide angling opportunities for winter steelhead in the Sandy River basin. This includes consumptive fisheries on hatchery winter steelhead, and a catch-and-release fishery on wild winter steelhead.

(c) So long as it is in place, utilize the counting facility at Marmot Dam to remove hatchery winter steelhead, count returning wild winter steelhead, and monitor stray rates to the upper basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 4-1998, f. & cert. ef. 1-12-98; DFW 21-2001, f. & cert. ef. 4-16-01; DFW 100-2003 f. & cert. ef. 9-25-03

635-500-3440**Summer Steelhead**

Policy and objectives for hatchery summer steelhead management in the Sandy River basin.

(1) Policy: The Sandy River basin shall be managed for hatchery summer steelhead: Hatchery summer steelhead smolts shall be released in the lower Sandy River basin, where suitable adult holding habitat is available throughout the summer and where adult returns will provide optimum recreational opportunity.

(2) Objectives:

(a) Release an annual 75,000 summer steelhead smolts into the lower Sandy River basin.

(b) Maximize native fish production in the Sandy basin by eliminating potential genetic and ecological impacts of introduced hatchery summer steelhead in the basin above Marmot Dam by sorting hatchery summer steelhead and preventing their passage into the upper basin.

(c) Determine if a native population of summer steelhead exists in the Sandy River basin.

(d) Provide a fishery on hatchery summer steelhead in the Sandy River below Marmot Dam until such time as the sorting facility is removed. When date certain has been determined for removal of Marmot Dam, the Department shall return the issue of continued releases of salmon steelhead into the Sandy Basin to the Commission for review and additional rulemaking, if appropriate.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 4-1998, f. & cert. ef. 1-12-98; DFW 100-2003 f. & cert. ef. 9-25-03

635-500-3450**Coho**

Policies and objectives for wild and hatchery coho management in the Sandy River basin.

(1) Policies:

(a) The Sandy River basin shall be managed for both wild and hatchery produced coho; and

(b) The Sandy River will be managed to limit hatchery coho stray rates to less than an aggregate of 10% in the entire basin.

(2) Objectives:

(a) Achieve a minimum five-year average spawning escapement of 1,100 wild coho salmon. Establish an increasing trend in the population of Sandy River wild coho salmon.

(b) Provide angling opportunities for coho salmon in the Sandy River basin. This includes consumptive fisheries on hatchery coho, and an incidental catch-and-release fishery on wild coho if consistent with a recovery plan adopted for Lower Columbia coho.

(c) Address issues concerning conservation, fisheries, and hatchery production through Commission adoption of a Lower Columbia River Coho Recovery Plan.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 4-1998, f. & cert. ef. 1-12-98; DFW 100-2003 f. & cert. ef. 9-25-03

635-500-3460**Spring Chinook**

Policies and objectives for wild and hatchery spring chinook management in the Sandy River basin.

(1) Policies:

(a) The Sandy River basin shall be managed for both wild and hatchery produced spring chinook; and

(b) The Sandy River Basin shall be managed to limit hatchery spring chinook stray rates to less than 10% above Marmot Dam.

(2) Objectives:

(a) Achieve an average annual spawning escapement of 2,000 wild spring chinook into the Sandy River basin. Establish an increasing trend in the population of Sandy River wild spring chinook.

(b) Provide angling opportunities for spring chinook in the Sandy River basin. This includes consumptive fisheries on hatchery spring chinook and a catch-and-release fishery on wild spring chinook.

(c) So long as it is in place, utilize the counting facility at Marmot Dam to remove hatchery chinook, count returning wild chinook, and monitor stray rates to the upper basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 4-1998, f. & cert. ef. 1-12-98; DFW 21-2001, f. & cert. ef. 4-16-01; DFW 100-2003 f. & cert. ef. 9-25-03

635-500-3470**Fall Chinook**

Policy and objectives for wild fall chinook only management in the Sandy River basin.

(1) Policy: No hatchery fall chinook shall be released in the Sandy River basin.

(2) Objectives:

(a) Maintain an annual average escapement of 1,500 wild late maturing fall chinook (Sandy Gene Conservation Group) to the standard survey spawning reach in the Sandy River basin from RM 6 upstream to RM 13;

(b) Provide sport angling opportunities for fall chinook in the Sandy River basin;

(c) Ensure that abundance of adult fall chinook in the Sandy Gene Conservation Group does not drop below 300 spawners in any run year.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 4-1998, f. & cert. ef. 1-12-98

635-500-3480**Wild Trout Production**

Policy and objectives for wild trout production enhancement in the Sandy River basin.

(1) Policy: Native rainbow trout, cutthroat trout, whitefish, and introduced brook trout in the Sandy River basin shall be managed for natural production consistent with the Wild Fish management alter-

native for trout (ODFW Trout Plan, 1987). Hatchery trout releases in the Sandy River basin shall be confined to standing water bodies only.

(2) Objectives:

(a) Maintain the genetic diversity, adaptiveness, and abundance of native rainbow trout, cutthroat trout, and whitefish populations by enhancing natural production, preserving and restoring historical distribution, and by sustaining multiple age-classes;

(b) Provide angling opportunities on naturally produced rainbow and cutthroat trout in the basin, and continue to provide consumptive angling opportunities for brook trout;

(c) Protect, enhance, and restore rainbow trout, cutthroat trout, and whitefish habitat;

(d) Ensure adequate fish passage is provided and maintained throughout the basin;

(e) Achieve mitigation for lost searun and fluvial trout spawning and rearing habitat associated with hydropower water diversions in the basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 4-1998, f. & cert. ef. 1-12-98

635-500-3490

Trout — Cascade Mountain Lakes

Policies and objectives for trout management in Cascade mountain lakes of the Sandy River basin.

(1) Policies:

(a) Cascade mountain lakes within the Sandy River basin shall be managed for natural and hatchery production consistent with the Basic Yield management alternative for trout;

(b) Hatchery rainbow, cutthroat, and brook trout shall be periodically stocked into the lakes listed in the Plan.

(2) Objectives:

(a) Provide diverse angling opportunities for trout in Cascade mountain lakes within the Sandy River basin;

(b) Minimize the impacts of hatchery trout on the production and genetic integrity of adjacent populations of wild trout in the Sandy River basin streams;

(c) Manage Cascade mountain lake fisheries consistent with wilderness management plans developed jointly with the Mt. Hood National Forest.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 4-1998, f. & cert. ef. 1-12-98

635-500-3500

Trout — High Use Reservoirs and Small Ponds

Policy and objectives for trout management in high use reservoirs and small ponds of the Sandy River basin.

(1) Policy: Collins, Roslyn, and Trillium lakes and Mt. Hood College Pond shall be managed for hatchery production consistent with the intensive use management alternative for trout.

(2) Objectives:

(a) Provide diverse angling opportunities for a consumptive fishery on hatchery produced fish;

(b) Minimize the impacts of hatchery trout on the production and genetic integrity of adjacent populations of wild trout.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 4-1998, f. & cert. ef. 1-12-98

635-500-3510

Warmwater and Other Miscellaneous Fish

Policies and objectives for warmwater and other miscellaneous fish management in the Sandy River basin.

(1) Policies:

(a) Warmwater game fish and other introduced warmwater fish shall be managed to discourage increases in natural production in the Sandy River basin;

(b) Warmwater fish species shall not be stocked in mainstem areas or tributaries of the Sandy River basin. Stocking of private ponds within the basin shall be considered on an individual basis.

(2) Objectives:

(a) Prevent the expansion of non-indigenous warmwater fish populations into upstream reaches of the basin;

(b) Protect populations and habitats of sensitive, threatened, or endangered non-game fishes in the Sandy River basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 4-1998, f. & cert. ef. 1-12-98

635-500-3520

Public Access

Policies and objective for public access management in the Sandy River basin.

(1) Policies:

(a) ODFW shall seek to provide access to allow the public to enjoy the Sandy River basin's fish populations, to provide a diversity of angling and viewing opportunities, and to encourage a dispersion of angling effort;

(b) Acquisition and development of access sites shall be consistent with policies and objectives for management of fish species and habitat.

(2) Objective: Maintain present boat access facilities in the lower Sandy River and increase access for bank anglers throughout the Sandy River basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 4-1998, f. & cert. ef. 1-12-98

**Klamath River Basin Fish Management
Policies and Objectives**

635-500-3600

Applicability

OAR 635-500-3600 through 635-500-3880 apply to the Klamath River Basin. The Klamath River Basin in Oregon is the headwaters of Klamath River which runs through northwestern California to the Pacific Ocean. These Oregon Administrative Rules apply to all waters of the Klamath River Basin within the State of Oregon, which are located in Jackson, Klamath, and Lake counties. Unless otherwise identified as a management option under the Warmwater Fish Management Plan, all management options like "Basic Yield" and "Featured Species" refer to management options under Oregon Department of Fish and Wildlife's Trout Management Plan (OAR 635-500-0100 through 635-500-0120).

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3610

Organization of Rules

Administrative rules for the Klamath River Basin are organized as follows:

(1) OAR 635-500-3620 covers policies and objectives for habitat management of the Klamath River Basin.

(2) OAR 635-500-3630 covers policies and objectives for fish management in all waters of the Klamath River Basin.

(3) OAR 635-500-3640 covers policies and objectives for fish management from state line to Upper Klamath Lake, including Spencer Creek, Lake Ewauna and Link River, of the Klamath River Basin.

(4) OAR 635-500-3650 covers policies and objectives for fish management in Upper Klamath and Agency lakes including all tributaries, or portions thereof, contributing redband trout production to the lakes' rearing population; Williamson River below the falls (RM 23) and tributaries (Spring, Larkin and Sunnysbrook creeks); Sprague River mainstem and tributaries (Trout Creek, Sycan River and tributaries below the outlet of Sycan Marsh, North Fork Sprague River up to RM 12 and tributaries, South Fork Sprague River up to RM 10 and tributaries); Wood River and tributaries; Sevenmile Creek and tributaries; Fourmile Creek (north), Crystal Creek, Recreation Creek, Thomason Creek, Harriman Creek, Odessa Creek, and Short Creek of the Klamath River Basin.

(5) OAR 635-500-3660 covers policies and objectives for fish management in Williamson River, above the falls (RM 23) and tributaries, of the Klamath River Basin.

(6) OAR 635-500-3670 covers policies and objectives for fish management in Sycan River above the outlet of Sycan Marsh and tributaries, including Long and Coyote creeks; North Fork Sprague River (above RM 12) and tributaries; South Fork Sprague River (above RM 10) and tributaries, including Deming Creek; Cascade Mountain streams: Sink, Cottonwood, Scott, Sand, Threemile, Cherry, Rock,

Fourmile, Moss, and Denny creeks; Jenny, Fall, Scotch, Cottonwood, Grouse, Long John, and Cow creeks of the Klamath River Basin.

(7) OAR 635-500-3680 covers policies and objectives for fish management in Lost River, and tributaries, of the Klamath River Basin.

(8) OAR 635-500-3690 covers policies and objectives for fish management in Fourmile Lake of the Klamath River Basin.

(9) OAR 635-500-3700 covers policies and objectives for fish management in Lake of the Woods of the Klamath River Basin.

(10) OAR 635-500-3710 covers policies and objectives for fish management in Miller Lake and Miller Creek of the Klamath River Basin.

(11) OAR 635-500-3720 covers policies and objectives for fish management in Cascade and Gearhart Mountain lakes of the Klamath River Basin.

(12) OAR 635-500-3730 covers policies and objectives for fish management in Howard Prairie Reservoir of the Klamath River Basin.

(13) OAR 635-500-3740 covers policies and objectives for fish management in Hyatt Lake of the Klamath River Basin.

(14) OAR 635-500-3750 covers policies and objectives for fish management in Little Hyatt Lake of the Klamath River Basin.

(15) OAR 635-500-3760 covers policies and objectives for fish management in Keene Creek Reservoir of the Klamath River Basin.

(16) OAR 635-500-3770 covers policies and objectives for fish management in Deadhorse Lake of the Klamath River Basin.

(17) OAR 635-500-3780 covers policies and objectives for fish management in Holbrook Reservoir of the Klamath River Basin.

(18) OAR 635-500-3790 covers policies and objectives for fish management in Heart Lake of the Klamath River Basin.

(19) OAR 635-500-3800 covers policies and objectives for fish management in Big Swamp Reservoir of the Klamath River Basin.

(20) OAR 635-500-3810 covers policies and objectives for fish management in Lofton Reservoir of the Klamath River Basin.

(21) OAR 635-500-3820 covers policies and objectives for fish management in J. C. Boyle Reservoir of the Klamath River Basin.

(22) OAR 635-500-3830 covers policies and objectives for fish management in Gerber Reservoir of the Klamath River Basin.

(23) OAR 635-500-3840 covers policies and objectives for fish management in Willow Valley Reservoir of the Klamath River Basin.

(24) OAR 635-500-3850 covers policies and objectives for fish management in Devil Lake of the Klamath River Basin.

(25) OAR 635-500-3860 covers policies and objectives for fish management in Campbell Reservoir of the Klamath River Basin.

(26) OAR 635-500-3870 covers policies and objectives for fish management in Bumpheads, Upper Midway, Dog Hollow, Round Valley, and Smith Reservoirs of the Klamath River Basin.

(27) OAR 635-500-3880 covers policies and objectives for angler access of the Klamath River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3620

Habitat Management

Policy and objectives for habitat management in Klamath River Basin.

(1) Policy: Habitat that is critical to the natural production of indigenous fish populations shall be protected; proactive conservation shall be preferred over habitat restoration.

(2) Objectives:

(a) Protect and restore riparian habitats throughout the Klamath Basin;

(b) All artificial barriers to fish passage shall have adequate facilities installed to provide unimpaired upstream passage;

(c) All water diversions and water storage facilities shall have appropriate screening to prevent entrainment of fish;

(d) Pursue perennial instream flows throughout the Klamath Basin to improve habitat and natural production of indigenous species;

(e) Protect and restore water quality throughout the Klamath Basin as it relates to the maintenance of fish resources;

(f) Protect trout and kokanee salmon spawning and rearing habitat in Fourmile Lake;

(g) Protect, maintain or improve spawning and rearing habitat for fish in Lake of the Woods and tributaries;

(h) Develop habitat in Hyatt Lake to enhance bass and trout populations.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3630

Klamath River Basin, All Waters

Policies and objectives for fish management in Klamath River Basin, all waters.

(1) Policies:

(a) Bull trout, within the Klamath Basin, shall be managed for natural production consistent with the Wild Fish Management Option; angling regulations shall prohibit the take of bull trout within the Klamath Basin;

(b) Lost River and shortnose suckers, classified as Endangered, shall be managed according to the adopted Recovery Plan for those species; angling regulations shall identify them as protected species;

(c) Non-game fish species, within their native habitats, shall be managed exclusively for natural production;

(d) Except where there are policies specific to individual sub-basins or waters, warmwater game fish shall be managed for natural production and stocked fish under the Basic Yield Management Option in the Warmwater Fish Management Plan (OAR 635-500-0055);

(e) Crayfish and introduced bull frogs shall be managed for natural production only.

(2) Objectives:

(a) Maximize protection of genetic diversity, adaptiveness and abundance of bull trout in the Klamath Basin;

(b) Maximize protection of genetic diversity, adaptiveness and abundance of Lost River and shortnose suckers in the Klamath Basin;

(c) Maintain protection of genetic diversity, adaptiveness, and abundance of native non-game fish species within their native habitats within the Klamath Basin;

(d) Provide consumptive angling opportunities for basic yield fisheries on naturally produced and stocked warmwater game fish;

(e) Maintain genetic diversity, adaptiveness and abundance of native crayfish while providing for consumptive harvest of this species;

(f) Reduce the density of introduced bull frogs within the Klamath Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3640

Klamath River: State line to Upper Klamath Lake, including Spencer Creek, Lake Ewauna and Link River, of the Klamath River Basin

Policies and objectives for fish management in Klamath River: State line to Upper Klamath Lake, including Spencer Creek, Lake Ewauna and Link River, of the Klamath River Basin.

(1) Policies:

(a) Redband trout in Klamath River, including Spencer Creek, Lake Ewauna and Link River, shall be managed for natural production only consistent with the Wild Fish Management Option;

(b) No hatchery trout shall be stocked in Klamath River, including Spencer Creek, Lake Ewauna and Link River.

(2) Objectives:

(a) Maintain protection of genetic diversity, adaptiveness and abundance of redband trout in these waters;

(b) Provide a consumptive fishery for redband trout.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3650

Various Lakes, Rivers, and Tributaries of the Klamath River Basin

Policies and objectives for fish management apply to the following lakes, rivers, and tributaries of the Klamath River Basin: Upper Klamath and Agency lakes including all tributaries, or portions thereof, contributing redband trout production to the lakes' rearing population; Williamson River below the falls (RM 23) and tributaries (Spring, Larkin and Sunnybrook creeks); Sprague River mainstem and tributaries (Trout Creek, Sycan River and tributaries below the outlet

of Sycan Marsh, North Fork Sprague River up to RM 12 and tributaries, South Fork Sprague River up to RM 10 and tributaries); Wood River and tributaries; Sevenmile Creek and tributaries; Fourmile Creek (north), Crystal Creek, Recreation Creek, Thomason Creek, Harriman Creek, Odessa Creek, and Short Creek of the Klamath River Basin.

(1) Policies:

(a) Redband and introduced brown trout in Upper Klamath and Agency lakes, Williamson River below the falls (RM 23) and tributaries, Wood River and tributaries, Sevenmile Creek and tributaries, and Fourmile (north), Crystal, Recreation, Thomason, Harriman, Odessa, and Short creeks, shall be managed for natural production only consistent with the Trophy Fish Management Option. Introduced brook trout shall be managed for natural production only consistent with the Basic Yield Management Option in these waters;

(b) Redband and introduced brown trout in Sprague River mainstem and tributaries (Trout Creek; Sycan River and tributaries up to the outlet of Sycan Marsh; North Fork Sprague River and tributaries up to RM 12; and South Fork Sprague River and tributaries up to RM 10) shall be managed for natural production only consistent with the Wild Trout Management Option. Introduced brook trout shall be managed for natural production only consistent with the Basic Yield Management Option in these waters;

(c) No hatchery trout shall be stocked in these waters.

(2) Objectives:

(a) Maintain protection of genetic diversity, adaptiveness and abundance of redband trout in these waters;

(b) Provide for diverse angling opportunities by providing for consumptive and nonconsumptive fisheries on redband trout and introduced brown and brook trout where they occur in these waters.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.109 & 506.129

Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3660

Williamson River, Above the Falls (RM 23) and Tributaries, of the Klamath River Basin

Policies and objectives for fish management in Williamson River, Above the Falls (RM 23) and Tributaries, of the Klamath River Basin.

(1) Policies:

(a) Redband trout shall be managed for natural production only consistent with the Wild Fish Management Option while introduced brook and brown trout shall be managed for natural production only consistent with the Basic Yield Management Option;

(b) No hatchery fish shall be stocked in these waters.

(2) Objectives:

(a) Maintain protection of genetic diversity, adaptiveness and abundance of redband trout in these waters;

(b) Provide a consumptive fishery for redband and introduced brook and brown trout.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.109 & 506.129

Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3670

Sycan River, Sprague River North and South Forks, Cascade Mountain Streams, and Various Creeks of the Klamath River Basin

Policies and objectives for fish management in Sycan River above the outlet of Sycan Marsh and tributaries, including Long and Coyote creeks; North Fork Sprague River (above RM 12) and tributaries; South Fork Sprague River (above RM 10) and tributaries, including Deming Creek; Cascade Mountain streams: Sink, Cottonwood, Scott, Sand, Threemile, Cherry, Rock, Fourmile, Moss, and Denny creeks; Jenny, Fall, Scotch, Cottonwood, Grouse, Long John, and Cow creeks of the Klamath River Basin.

(1) Policies:

(a) Redband and steelhead trout in these waters shall be managed for natural production only consistent with the Wild Trout Management Option;

(b) Introduced brook and brown trout in these waters shall be managed for natural production consistent with the Basic Yield Management Option;

(c) No hatchery trout shall be stocked in these waters.

(2) Objectives:

(a) Maintain protection of genetic diversity, adaptiveness and abundance of redband and steelhead trout in these waters;

(b) Provide diverse fisheries for redband and introduced brook and brown trout.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.109 & 506.129

Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3680

Lost River and Tributaries

Policies and objectives for fish management in Lost River, and tributaries, of the Klamath River Basin.

(1) Policies:

(a) Redband trout in Lost River and tributaries shall be managed for natural production only consistent with the Wild Trout Management Option;

(b) Hatchery trout shall not be stocked in Lost River and tributaries.

(2) Objectives:

(a) Maintain protection of genetic diversity, adaptiveness and abundance of redband trout in Lost River and tributaries;

(b) Provide consumptive fisheries for redband trout in these waters.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.109 & 506.129

Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3690

Fourmile Lake

Policies and objectives for fish management in Fourmile Lake of the Klamath River Basin.

(1) Policies:

(a) Fourmile Lake shall be managed for natural production of brook trout and kokanee salmon and for hatchery reared redband trout under the Basic Yield Management Option;

(b) Lake trout shall be introduced to Fourmile Lake and managed for natural production under the Trophy Fish Management Option.

(2) Objectives:

(a) Provide consumptive fisheries for introduced, naturally producing brook and lake trout and kokanee salmon and for stocked, hatchery redband trout;

(b) Prevent loss of fish at the Fourmile Lake irrigation diversion outlet structure;

(c) Protect native trout in Fourmile Creek and tributaries downstream of Fourmile Lake from hatchery fish that move down out of the lake.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.109 & 506.129

Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3700

Lake of the Woods

Policies and objectives for fish management in Lake of the Woods of the Klamath River Basin.

(1) Policies:

(a) Lake of the Woods shall be managed for natural and hatchery production of kokanee salmon, and redband and brown trout under the Basic Yield Management Option;

(b) Lake of the Woods shall be managed for natural production of brook trout, black crappie, yellow perch and brown bullheads under the Basic Yield Management Option;

(c) Lake of the Woods shall be managed for natural production of largemouth bass under the Quality Management Option.

(2) Objectives:

(a) Provide for consumptive fisheries on introduced and hatchery produced kokanee salmon, redband and brown trout; and on naturally produced brook trout;

(b) Provide a basic yield, consumptive fishery on naturally produced black crappie, yellow perch and brown bullheads;

(c) Provide a quality fishery for naturally produced largemouth bass as measured by the Proportional Stock Density (PSD) and the Relative Stock Density (RSD) and the electrofishing catch-per-unit-of-effort (CPUE);

(d) Protect native trout in Seldom and Fourmile creeks downstream of Lake of the Woods from hatchery fish that may move out of the lake.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 496.162, 506.109 & 506.129
 Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3710

Miller Lake and Miller Creek

Policies and objectives for fish management in Miller Lake and Miller Creek of the Klamath River Basin.

(1) Policies:

(a) Miller Lake shall be managed for natural production of kokanee salmon and for hatchery reared redband and brown trout under the Basic Yield Management Option;

(b) Miller Creek shall be managed for natural production of redband (rainbow) and brown trout under the Basic Yield Management Option.

(2) Objectives:

(a) Provide a consumptive fishery for introduced, naturally producing kokanee salmon and stocked, hatchery-reared redband and brown trout;

(b) Provide a consumptive fishery for introduced, naturally producing redband (rainbow) and brown trout in Miller Creek.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 496.162, 506.109 & 506.129
 Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3720

Cascade and Gearhart Mountain Lakes

Policy and objectives for fish management in Cascade and Gearhart Mountain Lakes of the Klamath River Basin.

(1) Policy: Cascade and Gearhart Mountain lakes within the Klamath River Basin shall be managed for selected species of hatchery reared trout and managed for the Basic Yield Management Option.

(2) Objectives:

(a) Provide consumptive fisheries for selected trout species in Cascade and Gearhart Mountain lakes of the Klamath River Basin;

(b) Minimize the impacts of hatchery trout stocked in Cascade and Gearhart Mountain lakes on the production and genetic integrity of wild trout and native wildlife in the Klamath River Basin;

(c) Manage Cascade and Gearhart Mountain lakes fisheries consistent with wilderness management plans to be jointly developed with Winema and Fremont National Forest personnel.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 496.162, 506.109 & 506.129
 Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3730

Howard Prairie Reservoir

Policy and objectives for fish management in Howard Prairie Reservoir of the Klamath River Basin.

(1) Policy: Howard Prairie Reservoir shall be managed primarily for hatchery production of rainbow trout consistent with the Basic Yield Management Option.

(2) Objectives:

(a) Provide a consumptive fishery for hatchery trout;

(b) Protect unique wild trout in the tributaries to Howard Prairie Reservoir and the wild trout and sucker populations downstream from Howard Prairie Reservoir in Jenny Creek from hatchery fish that may move out of the reservoir.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 496.162, 506.109 & 506.129
 Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3740

Hyatt Lake

Policies and objectives for fish management in Hyatt Lake of the Klamath River Basin.

(1) Policies:

(a) Rainbow trout shall be managed for hatchery production consistent with the Basic Yield Management Option;

(b) Largemouth bass shall be managed for natural production consistent with the Basic Yield Management Option unless it is determined that the Quality Fish Management Option is beneficial.

(2) Objectives:

(a) Provide a consumptive fishery on hatchery rainbow trout;

(b) Provide a consumptive fishery for naturally reproducing largemouth bass;

(c) Protect unique wild trout and sucker populations downstream from Hyatt Lake in Jenny Creek from hatchery fish escaping from the reservoir.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 496.162, 506.109 & 506.129
 Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3750

Little Hyatt Lake

Policy and objectives for fish management in Little Hyatt Lake of the Klamath River Basin.

(1) Policy: Little Hyatt Lake shall be managed for hatchery production of rainbow trout consistent with the Basic Yield Management Option.

(2) Objectives:

(a) Provide a consumptive fishery on hatchery rainbow trout;

(b) Protect unique wild trout and sucker populations downstream from Little Hyatt Lake in the Jenny Creek system from hatchery fish escaping from the reservoir.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 496.162, 506.109 & 506.129
 Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3760

Keene Creek Reservoir

Policy and objective for fish management in Keene Creek Reservoir of the Klamath River Basin.

(1) Policy: Keene Creek Reservoir shall be managed for natural production of redband trout under the Basic Yield Management Option.

(2) Objective: Protect unique redband trout and sucker populations downstream from Keene Creek Reservoir in the Jenny Creek system from hatchery fish escaping from the reservoir.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 496.162, 506.109 & 506.129
 Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3770

Deadhorse Lake

Policy and objective for fish management in Deadhorse Lake of the Klamath River Basin.

(1) Policy: Deadhorse Lake shall be managed for hatchery production of rainbow and brook trout under the Basic Yield Management Option.

(2) Objective: Provide a consumptive fishery for stocked rainbow and brook trout.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 496.162, 506.109 & 506.129
 Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3780

Holbrook Reservoir

Policy and objectives for fish management in Holbrook Reservoir of the Klamath River Basin.

(1) Policy: Holbrook Reservoir shall be managed for hatchery production of rainbow trout consistent with the Basic Yield Management Option.

(2) Objectives:

(a) Provide a consumptive fishery for stocked rainbow trout;

(b) Protect the genetic integrity of wild redband trout in Fishhole Creek.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 496.162, 506.109 & 506.129
 Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3790

Heart Lake

Policy and objectives for fish management in Heart Lake of the Klamath River Basin.

(1) Policy: Heart Lake shall be managed for hatchery production of rainbow trout and kokanee salmon under the Basic Yield Management Option.

(2) Objectives:

(a) Provide a consumptive fishery for stocked rainbow trout and kokanee salmon;

(b) Protect the genetic integrity of wild redband trout in Fishhole Creek.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3800

Big Swamp Reservoir

Policies and objectives for fish management in Big Swamp Reservoir of the Klamath River Basin shall be guided by OAR 635-500-3630 for warmwater game fish; that is for natural production of brown bullheads under the Basic Yield Management Option in the Warmwater Fish Management Plan (OAR 635-500-0055).

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3810

Lofton Reservoir

Policy and objective for fish management in Lofton Reservoir of the Klamath River Basin.

(1) Policy: Lofton Reservoir shall be managed for hatchery production of rainbow trout under the Basic Yield Management Option.

(2) Objective: Provide a consumptive fishery for stocked rainbow trout.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3820

J. C. Boyle Reservoir

Policies and objectives for fish management in J. D. Boyle Reservoir of the Klamath River Basin.

(1) Policies:

(a) Redband trout in J. C. Boyle Reservoir shall be managed for natural production under the Wild Fish Management Option;

(b) No hatchery reared fish shall be stocked in J. C. Boyle Reservoir.

(2) Objectives:

(a) Maintain protection of genetic diversity, adaptiveness and abundance of wild redband trout;

(b) Provide a consumptive fishery for warmwater game fish.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3830

Gerber Reservoir

Policies and objective for fish management in Gerber Reservoir of the Klamath River Basin.

(1) Policies:

(a) Redband trout in Gerber Reservoir shall be managed for natural production consistent with the Wild Trout Management Option;

(b) All game fish species other than redband trout in Gerber Reservoir shall be managed for natural production consistent with the Basic Yield Management Option;

(c) No stocking of fish shall be done in Gerber Reservoir.

(2) Objective: Maintain protection of genetic diversity, adaptiveness and abundance of all fish species in Gerber Reservoir.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3840

Willow Valley Reservoir

Policy and objective for fish management in Willow Valley Reservoir of the Klamath River Basin.

(1) Policy: Lahontan cutthroat trout in Willow Valley Reservoir shall be managed for natural and hatchery production under the Basic Yield Management Option.

(2) Objective: Improve angler catch rates for Lahontan cutthroat trout by periodically supplementing their natural production with surplus hatchery fish from Klamath Hatchery.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3850

Devil Lake

Policy and objectives for fish management in Devil Lake of the Klamath River Basin.

(1) Policy: Devil Lake shall be managed for hatchery production of rainbow trout under the Basic Yield Management Option.

(2) Objectives:

(a) Provide a consumptive fishery for stocked rainbow trout;

(b) Protect the wild redband trout population in Fishhole Creek from hatchery fish escaping from Devil Lake.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3860

Campbell Reservoir

Policy and objectives for fish management in Campbell Reservoir of the Klamath River Basin.

(1) Policy: Campbell Reservoir shall be managed for natural production of redband trout until the Deming Creek diversion is screened when management shall be changed to hatchery production of rainbow trout; under either management direction, it shall be managed under the Basic Yield Management Option.

(2) Objectives:

(a) Provide a consumptive fishery for naturally produced redband or hatchery produced rainbow trout;

(b) Protect the wild redband trout population in Deming Creek from hatchery fish escaping from Campbell Reservoir.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3870

Bumpheads, Upper Midway, Dog Hollow, Round Valley, and Smith Reservoirs

Policies and objectives for fish management in Bumpheads, Upper Midway, Dog Hollow, Round Valley, and Smith Reservoirs of the Klamath River Basin shall be guided by OAR 635-500-3630 for warmwater game fish. That prescription is for those species to be managed for natural production and with stocked fish consistent with the Basic Yield Management Option in the Warmwater Fish Management Plan (OAR 635-500-0055).

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 496.162, 506.109 & 506.129
Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

635-500-3880

Angler Access

Policy and objectives for angler access of the Klamath River Basin.

(1) Policy: Barrier free access to angling opportunities shall be provided for the angling public where it is appropriate and feasible.

(2) Objectives:

(a) As opportunities arise, acquire the angler access sites as follows:

(A) Klamath River, boat ramp and parking, at Keno adjacent to Hwy. 66;

(B) Upper Klamath Lake, boat ramp and parking, at Modoc Point, Algoma Pond, and Pelican Cut upgrade; and additional parking at Rocky Point;

(C) Lower Williamson River, boat ramps and parking, at Modoc Point Road, rapids and Hwy. 97 crossing area, Pine Ridge above Chiloquin Bridge reach, and Collier State Park-Williamson River Campground reach;

(D) Wood River, boat ramp and parking, at Weed Road, Oregon Department of Fish and Wildlife property;

(E) Sprague River, boat ramp and parking at Chiloquin Dam pool, RM 6 substation, RM 11 lower Williamson River Road, RM 15-20 area, RM 30 area S'Ocholis Canyon, Lone Pine, Sprague River Hwy. crossing, Klamath County sites off Drews Road upgrade, and Godowa Springs Road crossing at RM 72;

(F) Willow Valley Reservoir, boat ramp and parking, to accommodate lower water levels;

(G) Campbell Reservoir, boat ramp and parking, on public land to accommodate lower water levels.

(b) Develop and maintain facilities providing appropriate access to a diversity of angling opportunities;

(c) Encourage Division of State Lands to pursue navigability claims on rivers where documentation exists that they meet federal navigability standards.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 496.162, 506.109 & 506.129
 Hist.: FWC 56-1997, f. 9-4-97, cert. ef. 9-15-97

Miller Lake Lamprey Conservation Plan

635-500-3885

Miller Lake Lamprey Conservation Plan

These rules are established to provide policy direction for the conservation and management of the Miller Lake Lamprey Species Management Unit. The Miller Lake Lamprey Conservation Plan Implementation Strategy guides Department staff in the implementation of management strategies.

(1) Species Management Unit and Population Description The Miller Lake Lamprey species management unit is comprised of six documented populations and one uncertain population. They are:

- (a) Mainstem Upper Williamson River above Klamath Marsh;
- (b) Miller Creek;
- (c) Jack Creek;
- (d) Sycan River above Sycan Marsh;
- (e) Long Creek;
- (f) Coyote Creek;
- (g) Shake Creek (lamprey species uncertain).

(2) Desired Status The desired status of the Miller Lake lamprey is for the species to be distributed widely throughout its historic range, with populations robust enough to withstand stochastic environmental events, and with both the populations and their habitat secure from anthropogenic threats.

(3) Management Strategies The short- and long-term management strategies for the Miller Lake Lamprey species management unit are:

- (a) Short-term Strategy Re-establish connectivity to Miller Lake.
- (b) Long-term Strategies
 - (A) Ensure appropriate habitat conditions and availability within the natural range of Miller Lake lamprey.
 - (B) Reduce entrainment or the potential for entrainment of adult and larval lampreys into water diversions.
 - (C) Reduce stranding or the potential for stranding of larval lampreys in dewatered segments of streams below water diversions.
 - (D) Maintain unobstructed opportunities, within and among populations, to allow for genetic exchange, natural dispersal or migration activities, and re-colonization of unoccupied portions of historical habitat.

(E) No hatchery fish shall be stocked in streams that support Miller Lake lamprey.

(4) Research, Monitoring and Evaluation

(a) Research: Promote scientific studies of the Miller Lake Lamprey to aid in the conservation of the species.

(b) Monitoring: Where appropriate, incorporate lampreys into fish survey protocols in the Klamath Basin and seek to collaborate with other researchers carrying out lamprey surveys in the Basin.

(c) Evaluation: Periodically evaluate the status of Miller Lake lamprey and the success of the conservation plan management strategies.

(5) Adaptive Management:

(a) The Klamath Watershed District Manager shall assemble a group of scientists with experience or interest in lamprey biology to serve as the Miller Lake Lamprey Technical Management Team.

(b) The Miller Lake Lamprey Technical Management Team shall meet periodically to review the success of the management actions identified in the Miller Lake Lamprey Conservation Plan and identify modifications to management actions that are needed to achieve the desired status for Miller Lake lamprey.

(6) Trigger for Plan Modification Substantial negative changes in the distribution or abundance of the Miller Lake lamprey, or the recognition of new threats to the species, shall prompt a review of the species management unit's status and all Miller Lake Lamprey Conservation Plan management strategies by the Miller Lake Lamprey Technical Management Team. Appropriate modifications to the Miller Lake Lamprey Conservation Plan intended to better achieve the desired status identified in the Plan shall be proposed by the Miller Lake Lamprey Technical Management Team.

(7) Reporting:

(a) The Miller Lake Lamprey Technical Management Team shall periodically report on the status of Miller Lake lamprey and the effectiveness of the management strategies identified in the Miller Lake Lamprey Conservation Plan.

(b) Annual Miller Lake Lamprey data collected and any reports on the status of Miller Lake Lamprey or evaluations of the Miller Lake Lamprey Conservation Plan shall be made available to the public.

Stat. Auth.: ORS 496.138, ORS 496.146, 506.119
 Stats. Implemented: ORS 496.162, ORS 506.109, 506.129
 Hist.: DFW 57-2005, f. 6-21-05, cert. ef. 7-1-05

635-500-4000

Applicability

OAR 635-500-4000 through 635-500-4100 apply to the mid-coast small ocean tributary streams. The small ocean tributary basins along the mid-coast have a combined size of about 371 square miles. Important small ocean tributary streams include Beaver, Big (Lincoln County), Cummins, Bob, Tenmile, Rock, Big (Lane County) and Cape creeks. Together, they have about 574 miles of stream. About one-half of the land in the basins of tributary streams is in private ownership. The U.S. Forest Service is also a major landowner. The Bureau of Land Management has small holdings in the basin. The dominant land use in the Oregon mid-coast is forestry. Areas managed as forest contain, or are used to produce coniferous and deciduous trees. Rural wood lots, land regenerating from cuts and burns, as well as mixed and pure stands of merchantable or non-merchantable timber are included.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4010

Organization of Rules

Administrative rules for the mid-coast small ocean tributary streams are organized as follows:

(1) OAR 635-500-4020 covers mid-coast small ocean tributary streams, all waters.

(2) OAR 635-500-4030 covers habitat management.

(3) OAR 635-500-4040 covers fall chinook.

(4) OAR 635-500-4050 covers coho salmon.

(5) OAR 635-500-4060 covers winter steelhead.

(6) OAR 635-500-4070 covers cutthroat trout.

(7) OAR 635-500-4080 covers pacific lamprey.

(8) OAR 635-500-4090 covers crayfish.

(9) OAR 635-500-4100 covers public access.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4020

Mid-Coast Small Ocean Tributary Streams, All Waters

Policies and objective for fish management in mid-coast small ocean tributary streams, all waters.

(1) Policies:

(a) Fish management in mid-coast small ocean tributary streams shall be directed at protecting and restoring self-sustaining populations of all fish species native to the basin;

(b) Management of individual fish populations and their habitat shall only be emphasized when remedial actions are needed to address critical stocks or species, or when a population is the cause of constraints placed on mixed-stock fisheries or land use activities;

(c) Permanent natural barriers to fish migration shall not be altered to allow fish passage, and fish shall not be stocked above these barriers. However, existing fish ladders shall be maintained;

(d) Conservation objectives take priority over harvest objectives.

(2) Objective: Restore and maintain productive populations of all species of salmonids native to mid-coast small ocean tributary streams.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4030

Habitat Management

Policies and objectives for habitat management in mid-coast small ocean tributary streams.

(1) Policies:

(a) The Department shall actively pursue and promote habitat protection and improvement necessary to achieve the objectives for management of the basins' aquatic resources;

(b) The Department shall coordinate with and advise landowners and management agencies of mid-coast small ocean tributary basins;
(c) Habitat protection shall be emphasized over habitat restoration and enhancement;

(d) Potential losses of fish production from habitat alteration shall be prevented or reduced to the extent possible.

(2) Objectives:

(a) Maintain or increase in-stream flows during summer low flow periods in mid-coast small ocean tributary basins;

(b) Reduce summer water temperatures where artificial warming occurs that is detrimental to fish;

(c) Increase in-stream channel complexity in mid-coast small ocean tributary streams;

(d) Reduce artificially accelerated erosion rates and inputs of sediments into waterways in mid-coast small ocean tributary basins;

(e) Prevent chemical contaminants from degrading fish habitat in mid-coast small ocean tributary basins;

(f) Protect natural fish passage conditions in mid-coast small ocean tributary streams;

(g) Increase habitat area available to fish in mid-coast small ocean tributary basins;

(h) Coordinate with other agencies and landowners to implement habitat protection and restoration activities.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4040

Fall Chinook

Policy and objective for fall chinook management in mid-coast small ocean tributary streams.

(1) Policy: Fall chinook in mid-coast small ocean tributary streams shall be managed for wild production only.

(2) Objective: Develop an information base and methodology for measuring and monitoring the status of fall chinook salmon in mid-coast small ocean tributary streams.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4050

Coho Salmon

Policy and objective for coho salmon management in the mid-coast small ocean tributary streams.

(1) Policy: Mid-coast small ocean tributary streams shall be managed for production of wild coho salmon.

(2) Objective: Increase natural production of coho salmon.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4060

Winter Steelhead

Policy and objectives for winter steelhead management in the mid-coast small ocean tributary streams.

(1) Policy: Mid-coast small ocean tributary streams shall be managed for wild production of winter steelhead.

(2) Objectives:

(a) Increase production of wild winter steelhead;

(b) Develop an information base and methodology for measuring and monitoring natural production of winter steelhead in mid-coast small ocean tributary streams over the next five years;

(c) Provide catch-and-release angling opportunities for wild winter steelhead in mid-coast small ocean tributary basins.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4070

Cutthroat Trout

Policy and objectives for cutthroat trout management in the mid-coast small ocean tributary streams.

(1) Policy: Cutthroat trout in stream reaches of mid-coast small ocean tributary streams shall be managed for wild production only.

(2) Objectives:

(a) Maintain the existing distribution and density of cutthroat trout in mid-coast small ocean tributary streams;

(b) Re-establish spring, summer and early fall consumptive angling opportunities for cutthroat trout in small ocean tributary streams, when populations warrant.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4080

Pacific Lamprey

Policy and objective for Pacific lamprey management in the mid-coast small ocean tributary streams.

(1) Policy: Mid-coast small ocean tributary basins shall be managed for wild production of Pacific lamprey.

(2) Objective: Maintain Pacific lamprey production in rivers and streams in mid-coast small ocean tributary streams where they naturally occur.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4090

Crayfish

Objectives for crayfish management in the mid-coast small ocean tributary streams. Objectives:

(1) Maintain natural production of crayfish in mid-coast small ocean tributary streams;

(2) Monitor the size and importance of the commercial crayfish harvest in mid-coast small ocean tributary streams;

(3) Determine the size and importance of the recreational crayfish harvest in mid-coast small ocean tributary streams.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4100

Public Access

Policies and objective for public access management in the mid-coast small ocean tributary streams.

(1) Policies:

(a) The Department shall seek to provide access for bank angling that will satisfy public need for a variety of angling opportunities and a dispersion of angling effort throughout the basins;

(b) Acquisition and development of angler access sites shall be consistent with guidelines and objectives for management of fish species and habitat.

(2) Objective: Increase bank angling access in mid-coast small ocean tributary streams.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4300

Applicability

OAR 635-500-4300 through 635-500-4410 apply to the Salmon River Basin fish management plan. The Salmon River Basin is 77 square miles in size. It enters the Pacific Ocean north of Lincoln City. Most of the land in the Salmon River Basin is in private ownership. Federally owned land in the basin is located in U.S. Forest Service and Bureau of Land Management ownership in upland areas removed from most major streams. The dominant land use in the Oregon mid-coast is forestry. Areas managed as forest contain, or are used to produce coniferous and deciduous trees. Rural wood lots, land regenerating from cuts and burns, as well as mixed and pure stands of merchantable or non-merchantable timber are included.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4310

Organization of Rules

Administrative rules for the Salmon River Basin fish management plan are organized as follows:

(1) OAR 635-500-4320 covers Salmon River Basin, all waters.

(2) OAR 635-500-4330 covers habitat management.

(3) OAR 635-500-4340 covers chum salmon.

(4) OAR 635-500-4350 covers fall chinook.

(5) OAR 635-500-4360 covers coho salmon.

(6) OAR 635-500-4370 covers winter steelhead.

- (7) OAR 635-500-4380 covers cutthroat trout.
 (8) OAR 635-500-4390 covers pacific lamprey.
 (9) OAR 635-500-4400 covers crayfish.
 (10) OAR 635-500-4410 covers public access.
 Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4320**Salmon River Basin, All Waters**

Policies and objective for fish management in Salmon River Basin, all waters.

(1) Policies:

(a) Fish management in the Salmon River Basin shall be directed at protecting and restoring self-sustaining populations of all fish species native to the basin;

(b) Management of individual fish populations and their habitat shall only be emphasized when remedial actions are needed to address critical stocks or species, or when a population is the cause of constraints placed on mixed-stock fisheries or land use activities;

(c) Permanent natural barriers to fish migration shall not be altered to allow fish passage and fish shall not be transplanted above these barriers;

(d) Conservation objectives take priority over harvest objectives;

(e) Introduction of non-native fin fish species into flowing waters of the Salmon River Basin shall be prohibited.

(2) Objective: Restore and maintain productive populations of all species of salmonids native to Salmon River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4330**Habitat Management**

Policies and objectives for habitat management in Salmon River Basin.

(1) Policies:

(a) The Department shall actively pursue and promote habitat protection and improvement necessary to achieve the objectives for management of the basin's aquatic resources;

(b) The Department shall coordinate with and advise landowners and management agencies of the Salmon River Basin;

(c) Habitat protection shall be emphasized over habitat restoration and enhancement;

(d) Potential losses of fish production from habitat alteration shall be prevented or reduced to the extent possible.

(2) Objectives:

(a) Maintain or increase in-stream flows during summer low flow periods in the Salmon River Basin;

(b) Reduce summer water temperatures where artificial warming occurs that is detrimental to fish;

(c) Increase in-stream channel complexity in the Salmon River Basin;

(d) Reduce artificially accelerated erosion rates and inputs of sediments into waterways in the Salmon River Basin;

(e) Prevent chemical contaminants from degrading fish habitat in the Salmon River Basin;

(f) Restore natural fish passage conditions in the Salmon River Basin;

(g) Increase habitat area available to fish in the Salmon River Basin;

(h) Coordinate with other agencies and landowners to implement habitat protection and restoration activities.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4340**Chum Salmon**

Policy and objective for chum salmon management in Salmon River Basin.

(1) Policy: Salmon River Basin shall be managed for natural production of chum salmon only except for hatchery releases designed specifically to assist in the recovery of the wild population.

(2) Objective: Achieve an annual chum salmon spawning escapement of at least 300 adults.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4350**Fall Chinook**

Policy and objectives for fall chinook management in the Salmon River Basin.

(1) Policy: Fall chinook in the Salmon River Basin shall be managed for wild and hatchery production.

(2) Objectives:

(a) Achieve an average annual spawning escapement of 1,000 naturally produced fall chinook spawners;

(b) Achieve 40,000 angler hours of effort and an average annual catch of 1,000 fall chinook in the in-river fishery;

(c) Maintain the fall chinook hatchery program to provide a representative indicator stock of Oregon coastal fall chinook contributing to northern fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4360**Coho Salmon**

Policies and objectives for coho salmon management in the Salmon River Basin.

(1) Policies:

(a) The Salmon River Basin shall be managed for production of both wild and hatchery coho salmon;

(b) Hatchery coho broodstocks that can be used in Salmon River Basin are limited to the current hatchery broodstock, the hatchery broodstock in the Siletz or Alsea basins, or a new broodstock developed from wild coho salmon in a stream from the Nestucca to the Alsea basins.

(2) Objectives:

(a) Recover a self-sustaining wild coho population in Salmon River Basin with at least 300 spawners annually;

(b) Maintain a coho hatchery program in Salmon River Basin that produces sufficient adult coho salmon to provide necessary tag lots for ocean fishery evaluation, and provides coho salmon for ocean and in-basin fisheries.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4370**Winter Steelhead**

Policies and objectives for winter steelhead management in the Salmon River Basin.

(1) Policies:

(a) The Salmon River Basin shall be managed for wild winter steelhead with an option for a winter steelhead hatchery program designed to augment fisheries in the future;

(b) Winter steelhead hatchery stocks that can be used in the Salmon River Basin are limited to a broodstock developed from Salmon River natural winter steelhead.

(2) Objectives:

(a) Increase production of wild winter steelhead;

(b) Develop an information base and methodology for measuring and monitoring natural production of winter steelhead in the Salmon River Basin over the next five years;

(c) Provide angling opportunities for wild or hatchery winter steelhead in the Salmon River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4380**Cutthroat Trout**

Policy and objectives for cutthroat trout management in the Salmon River Basin.

(1) Policy: Cutthroat trout in stream reaches of the Salmon River Basin shall be managed for wild production only. Hatchery programs for trout shall be confined to lakes and reservoirs without substantial wild cutthroat trout production.

(2) Objectives:

(a) Maintain the existing distribution and density of cutthroat trout in the Salmon River Basin;

(b) Re-establish spring, summer and early fall consumptive fishing opportunities for cutthroat trout in Salmon River Basin streams, when populations warrant.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4390

Pacific Lamprey

Policy and objective for Pacific lamprey management in the Salmon River Basin.

(1) Policy: The Salmon River Basin shall be managed for wild production of Pacific lamprey.

(2) Objective: Maintain or increase Pacific lamprey production in rivers and streams in the Salmon River Basin where they naturally occur.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4400

Crayfish

Objectives for crayfish management in the Salmon River Basin. Objectives:

(1) Maintain natural production of crayfish in the Salmon River Basin;

(2) Determine the size and importance of the recreational crayfish harvest in the Salmon River Basin;

(3) Maintain recreational crayfish harvest opportunity in the Salmon River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4410

Public Access

Policies and objectives for public access management in the Salmon River Basin.

(1) Policies:

(a) The Department shall seek to provide access for boat and bank angling that shall satisfy public need for a variety of angling opportunities and a dispersion of angling effort throughout the basin;

(b) Acquisition and development of angler access sites shall be consistent with guidelines and objectives for management of fish species and habitat.

(2) Objectives:

(a) Provide and maintain one permanent boat access site in tide-water on the Salmon River and its tributaries;

(b) Maintain bank angling access in the Salmon River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4500

Applicability

ORAR 635-500-4500 through 635-500-4640 apply to the Siletz River Basin fish management plan. The Siletz River Basin is 364 square miles in size. The main stem Siletz River is 68 miles long. Major tributaries include the North and South forks, Rock Creek, Euchre Creek, and Cedar Creek. Drift and Schooner Creeks flow into Siletz Bay near the mouth of the Siletz River. The Siletz River Basin is characterized by two distinct geologic zones. Most of the upper basin, including the Siletz Gorge and North Fork Siletz River, and tide-water tributaries including Drift and Schooner creeks are in an area of volcanic geology. This results in streams characterized by higher gradients and better summer flows. The middle sections of the basin are in areas of sedimentary geology which produce lower gradient streams and reduced summer flows. This geologic diversity creates substantial variation in stream characteristics in different parts of the basin which in turn results in a high diversity of native fish species. About 613 miles of stream in the Siletz River Basin are populated by salmonid fish species.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4510

Organization of Rules

Administrative rules for the Siletz River Basin fish management plan are organized as follows:

(1) ORAR 635-500-4520 covers Siletz River Basin, all waters.

(2) ORAR 635-500-4530 covers habitat management.

(3) ORAR 635-500-4540 covers chum salmon.

(4) ORAR 635-500-4550 covers fall chinook.

(5) ORAR 635-500-4560 covers spring chinook.

(6) ORAR 635-500-4570 covers coho salmon.

(7) ORAR 635-500-4580 covers winter steelhead.

(8) ORAR 635-500-4590 covers summer steelhead.

(9) ORAR 635-500-4600 covers cutthroat trout.

(10) ORAR 635-500-4610 covers white and green sturgeon.

(11) ORAR 635-500-4620 covers Pacific lamprey.

(12) ORAR 635-500-4630 covers crayfish.

(13) ORAR 635-500-4640 covers public access.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4520

Siletz River Basin, All Waters

Policies and objective for fish management in the Siletz River Basin, all waters.

(1) Policies:

(a) Fish management in the Siletz River Basin shall be directed at protecting and restoring self-sustaining populations of all fish species native to the basin;

(b) Management of individual fish populations and their habitat shall only be emphasized when remedial actions are needed to address critical stocks or species, or when a population is the cause of constraints placed on mixed-stock fisheries or land use activities;

(c) Permanent natural barriers to fish migration shall not be altered to allow fish passage and fish shall not be transplanted above these barriers;

(d) Conservation objectives take priority over harvest objectives;

(e) Introduction of non-native fin fish species into flowing waters of the Siletz River Basin shall be prohibited.

(2) Objective: Restore and maintain productive populations of all species of salmonids native to the Siletz River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4530

Habitat Management

Policies and objectives for habitat management in the Siletz River Basin.

(1) Policies:

(a) The Department shall actively pursue and promote habitat protection and improvement necessary to achieve the objectives for management of the basin's aquatic resources;

(b) The Department shall coordinate with and advise landowners and management agencies of the Siletz River Basin;

(c) Habitat protection shall be emphasized over habitat restoration and enhancement;

(d) Potential losses of fish production from habitat alteration shall be prevented or reduced to the extent possible.

(2) Objectives:

(a) Maintain or increase in-stream flows during summer low flow periods in the Siletz River Basin;

(b) Reduce summer water temperatures where artificial warming occurs that is detrimental to fish;

(c) Increase in-stream channel complexity in the Siletz River Basin;

(d) Reduce artificially accelerated erosion rates and inputs of sediments into waterways in the Siletz River Basin;

(e) Prevent chemical contaminants from degrading fish habitat in the Siletz River Basin;

(f) Restore natural fish passage conditions in the Siletz River Basin;

(g) Increase habitat area available to fish in the Siletz River Basin;

(h) Coordinate with other agencies and landowners to implement habitat protection and restoration activities.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4540

Chum Salmon

Policy and objective for chum salmon management in the Siletz River Basin.

(1) Policy: The Siletz River Basin shall be managed for naturally produced chum salmon except for hatchery releases designed specifically to assist in the recovery of the wild population.

(2) Objective: Achieve an annual chum salmon spawning escapement of at least 300 adults.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4550

Fall Chinook

Policy and objectives for fall chinook management in the Siletz River Basin.

(1) Policy: Fall chinook in the Siletz River Basin shall be managed for wild production only.

(2) Objectives:

(a) Achieve an average annual peak count of 50 adult and jack fall chinook per mile in spawning survey index areas in the Siletz River Basin;

(b) Provide a potential in-river harvest of 1,200 fall chinook annually;

(c) Cooperate with the Siletz Tribe in developing a mutually acceptable fishery based on provisions in the Agreement (US Public Law 96-340).

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4560

Spring Chinook

Policy and objectives for spring chinook management in the Siletz River Basin.

(1) Policy: Spring chinook in the Siletz River Basin shall be managed for wild production only, except for hatchery programs specifically designed to assist recovering the wild population.

(2) Objectives:

(a) Achieve an annual spring chinook escapement of at least 300 adults with population components in both the lower and upper parts of the basin;

(b) Achieve an in-river harvest of at least 50 spring chinook annually if the population exceeds 300 spawners and is documented to be secure.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4570

Coho Salmon

Policies and objectives for coho salmon management in the Siletz River Basin.

(1) Policies:

(a) The Siletz River Basin shall be managed for production of both wild and hatchery coho salmon;

(b) Coho hatchery stocks that can be used in the Siletz River Basin are limited to the existing Siletz hatchery stock or a broodstock developed from native Siletz coho.

(2) Objectives:

(a) Achieve an annual benchmark for wild coho spawning escapement in the Siletz River Basin of 4,300 adult coho salmon during poor marine survival conditions, and 7,400 adults under more moderate conditions;

(b) Achieve an average summer juvenile coho salmon seeding level of at least 1.5 fish per meter squared of pool habitat in streams suitable for coho production;

(c) Recover Siletz River Basin wild coho salmon sufficiently to prevent restrictions on fisheries targeting other species or fin clipped

hatchery coho, and sufficiently to provide for future harvest in the Siletz River Basin;

(d) Cooperate with the Siletz Tribe in developing a mutually acceptable fishery based on provisions in the Agreement (US Public Law 96-340).

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4580

Winter Steelhead

Policies and objectives for winter steelhead in the Siletz River Basin.

(1) Policies:

(a) Winter steelhead in the Siletz River Basin shall be managed for wild and hatchery production;

(b) Winter steelhead hatchery stocks that can be used in the Siletz River Basin are limited to a broodstock developed from naturally produced Siletz winter steelhead.

(2) Objectives:

(a) Increase production of wild winter steelhead in the Siletz River Basin below Siletz Falls from present levels;

(b) Develop an information base and methodology for measuring and monitoring natural production of winter steelhead in the Siletz River Basin over the next five years;

(c) Provide an opportunity to catch an average of 1,500 hatchery winter steelhead in the Siletz River Basin;

(d) Provide angling opportunities for wild winter steelhead in the Siletz River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4590

Summer Steelhead

Policies and objectives for summer steelhead management in the Siletz River Basin.

(1) Policies:

(a) Summer steelhead in the Siletz River Basin shall be managed for wild and hatchery production;

(b) Summer steelhead hatchery stocks that can be used in the Siletz River Basin are limited to the native Siletz summer steelhead stock.

(2) Objectives:

(a) Achieve a wild summer steelhead spawning escapement of 700 adults;

(b) Provide an opportunity to catch an average of 2,400 hatchery summer steelhead in the Siletz River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4600

Cutthroat Trout

Policy and objectives for cutthroat trout management in the Siletz River Basin.

(1) Policy: Cutthroat trout in stream reaches of the Siletz River Basin shall be managed for wild production only. Hatchery programs for trout shall be confined to lakes and reservoirs without substantial wild cutthroat trout production.

(2) Objectives:

(a) Maintain the existing distribution and density of wild cutthroat trout in the Siletz River Basin;

(b) Re-establish spring, summer and early fall fishing opportunities for cutthroat trout in Siletz River Basin streams, when populations warrant.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4610

White and Green Sturgeon

Policies and objective for white and green sturgeon management in the Siletz River Basin.

(1) Policies:

(a) Siletz River Basin management of white and green sturgeon shall be consistent with management in the lower Columbia and other coastal estuaries;

(b) There shall be no hatchery programs or transplants of sturgeon in the Siletz River Basin.

(2) Objective: Provide angling opportunities for sturgeon in the Siletz River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4620

Pacific Lamprey

Policy and objective for Pacific lamprey management in the Siletz River Basin.

(1) Policy: The Siletz River Basin shall be managed for wild production of Pacific lamprey.

(2) Objective: Maintain or increase Pacific lamprey production in the Siletz River Basin where they naturally occur.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4630

Crayfish

Objectives for crayfish management in the Siletz River Basin. Objectives:

(1) Maintain natural production of crayfish in the Siletz River Basin;

(2) Determine the size and importance of the recreational crayfish harvest in the Siletz River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4640

Public Access

Policies and objectives for public access management in the Siletz River Basin.

(1) Policies:

(a) The Department shall seek to provide access for boat and bank angling that shall satisfy public need for a variety of angling opportunities and a dispersion of angling effort throughout the basin.

(b) Acquisition and development of angler access sites shall be consistent with guidelines and objectives for management of fish species and habitat.

(2) Objectives:

(a) Maintain sufficient boat launches to allow anglers to access to areas from Moonshine Park downstream to the mouth of Siletz Bay;

(b) Maintain bank angling access in the Siletz Gorge.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4800

Applicability

OR 635-500-4800 through 635-500-4940 apply to the Alsea River Basin. The Alsea River Basin is 466 square miles in size and contains about 950 miles of stream. The mainstem Alsea River is 43.5 miles long. Major tributaries include the North and South Forks of the Alsea River, Fall Creek, the Five Rivers system including Lobster Creek, and Drift Creek. The Alsea River enters the Pacific Ocean at Waldport, Oregon.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4810

Organization of Rules

Administrative rules for the Alsea River Basin fish management plan are organized as follows:

(1) OR 635-500-4820 covers Alsea River Basin, all waters.

(2) OR 635-500-4830 covers habitat management.

(3) OR 635-500-4840 covers chum salmon.

(4) OR 635-500-4850 covers fall chinook.

(5) OR 635-500-4860 covers spring chinook.

(6) OR 635-500-4870 covers coho salmon.

(7) OR 635-500-4880 covers winter steelhead.

(8) OR 635-500-4890 covers cutthroat trout.

(9) OR 635-500-4900 covers white and green sturgeon.

(10) OR 635-500-4910 covers Pacific lamprey.

(11) OR 635-500-4920 covers crayfish.

(12) OR 635-500-4930 covers public access.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4820

Alsea River Basin, All Waters

Policies and objective for fish management in the Alsea River Basin, all waters.

(1) Policies:

(a) Fish management in the Alsea River Basin shall be directed at protecting and restoring self-sustaining populations of all fish species native to the basin;

(b) Management of individual fish populations and their habitat shall only be emphasized when remedial actions are needed to address critical stocks or species, or when a population is the cause of constraints placed on mixed-stock fisheries or land use activities;

(c) Permanent natural barriers to fish migration shall not be altered to allow fish passage and fish shall not be transplanted above these barriers;

(d) Conservation objectives take priority over harvest objectives;

(e) Introduction of non-native fin fish species into flowing waters of the Alsea River Basin shall be prohibited.

(2) Objective: Restore and maintain productive populations of all species of salmonids native to the Alsea River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4830

Habitat Management

Policies and objectives for habitat management in the Alsea River Basin.

(1) Policies:

(a) The Department shall actively pursue and promote habitat protection and improvement necessary to achieve the objectives for management of the basin's aquatic resources;

(b) The Department shall coordinate with and advise landowners and management agencies of the Alsea River Basin;

(c) Habitat protection shall be emphasized over habitat restoration and enhancement;

(d) Potential losses of fish production from habitat alteration shall be prevented or reduced to the extent possible.

(2) Objectives:

(a) Maintain or increase in-stream flows during summer low flow periods in the Alsea River Basin;

(b) Reduce summer water temperatures where artificial warming occurs that is detrimental to fish;

(c) Increase in-stream channel complexity in the Alsea River Basin;

(d) Reduce artificially accelerated erosion rates and inputs of sediments into waterways in the Alsea River Basin;

(e) Prevent chemical contaminants from degrading fish habitat in the Alsea River Basin;

(f) Restore natural fish passage conditions in the Alsea River Basin;

(g) Increase habitat area available to fish in the Alsea River Basin;

(h) Coordinate with other agencies and landowners to implement habitat protection and restoration activities.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4840

Chum Salmon

Policy and objective for chum salmon management in the Alsea River Basin.

(1) Policy: The Alsea River Basin shall be managed for naturally produced chum salmon except for hatchery releases designed specifically to assist in the recovery of the wild population.

(2) Objective: Achieve an annual chum salmon spawning escapement of at least 300 adults.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4850

Fall Chinook

Policy and objectives for fall chinook management in the Alsea River Basin.

(1) Policy: Fall chinook in the Alsea River Basin shall be managed for wild production only.

(2) Objectives:

(a) Achieve an average annual peak count of 80 adult and jack fall chinook per mile in spawning survey index areas in the Alsea River Basin;

(b) Provide an annual average in-river harvest of 2,500 wild fall chinook.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4860

Spring Chinook

Policy and objectives for spring chinook management in the Alsea River Basin.

(1) Policy: Spring chinook in the Alsea River Basin shall be managed for wild production only except for hatchery programs specifically designed to recover the wild population.

(2) Objectives:

(a) Achieve an annual spring chinook escapement of at least 300 adults with population components in both the lower and upper parts of the basin;

(b) If escapement levels are achieved, provide an opportunity to angle for spring chinook in the mainstem Alsea River below Five Rivers.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4870

Coho Salmon

Policies and objectives for coho salmon management in the Alsea River Basin.

(1) Policies:

(a) The Alsea River Basin shall be managed for wild coho production with an option for a hatchery program;

(b) Coho hatchery stocks that can be used in the Alsea River Basin are limited to a new broodstock developed from wild Alsea River Basin coho.

(2) Objectives:

(a) Achieve an average benchmark for wild coho spawner abundance in the Alsea River Basin between 15,100 adult coho spawners during poor marine survival conditions, and 21,500 adult coho during more moderate marine conditions;

(b) Achieve an average summer juvenile coho salmon seeding level of at least 1.5 fish per meter squared of pool habitat in streams suitable for coho production;

(c) Recover Alsea River Basin wild coho salmon sufficiently to prevent restrictions on fisheries targeting other species or fin clipped hatchery coho, and sufficiently to provide for future harvest in the Alsea River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4880

Winter Steelhead

Policies and objectives for winter steelhead in the Alsea River Basin.

(1) Policies:

(a) Winter steelhead in the Alsea River Basin shall be managed for wild and hatchery production;

(b) Winter steelhead hatchery stocks that can be used in the Alsea River Basin are limited to the Alsea Hatchery broodstock or a broodstock developed from native Alsea winter steelhead.

(2) Objectives:

(a) Increase production of wild winter steelhead;

(b) Develop an information base and methodology for measuring and monitoring natural production of winter steelhead in the Alsea River Basin over the next five years;

(c) Provide an average annual catch of 2,400 hatchery winter steelhead in the Alsea River Basin;

(d) Provide angling opportunities for wild winter steelhead in the Alsea River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4890

Cutthroat Trout

Policy and objective for cutthroat trout management in the Alsea River Basin.

(1) Policy: Cutthroat trout in stream reaches of the Alsea River Basin shall be managed for wild production only. Hatchery programs for trout shall be confined to lakes and reservoirs without substantial wild cutthroat trout production.

(2) Objectives:

(a) Maintain at least the existing distribution, density and genetic diversity of wild cutthroat trout in the Alsea River Basin;

(b) Increase the searun cutthroat component of the cutthroat trout resource to levels comparable to those during 1966-70;

(c) Re-establish spring, summer and early fall consumptive angling opportunities for cutthroat trout in Alsea River Basin streams, when populations warrant;

(d) Provide additional angler opportunity to catch hatchery trout under the intensive use management alternative for trout in Thistle Pond and Eckman Lake.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4900

White and Green Sturgeon

Policies and objective for white and green sturgeon management in the Alsea River Basin.

(1) Policies:

(a) Management of white and green sturgeon in the Alsea River Basin shall be consistent with management in the lower Columbia River and other coastal estuaries;

(b) There shall be no hatchery program or transplants of sturgeon in the Alsea River Basin.

(2) Objective: Provide angling opportunities for sturgeon in the Alsea River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4910

Pacific Lamprey

Policy and objective for Pacific lamprey management in the Alsea River Basin.

(1) Policy: The Alsea River Basin shall be managed for wild production of Pacific lamprey.

(2) Objective: Maintain or increase Pacific lamprey production in rivers and streams in the Alsea River Basin where they naturally occur.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4920

Crayfish

Objectives for crayfish management in the Alsea River Basin.

(1) Maintain natural production of crayfish in the Alsea River Basin;

(2) Determine the size and importance of the recreational crayfish harvest in the Alsea River Basin;

(3) Maintain recreational crayfish harvest opportunity in the Alsea River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-4930**Public Access**

Policies and objectives for public access management in the Alsea River Basin.

(1) Policies:

(a) The Department shall seek to provide access for boat and bank angling that shall satisfy public need for a variety of angling opportunities and a dispersion of angling effort throughout the basin;

(b) Acquisition and development of angler access sites shall be consistent with guidelines and objectives for management of fish species and habitat.

(2) Objectives:

(a) Maintain sufficient boat launches to allow anglers access to areas from Mill Creek downstream to the mouth of Alsea Bay;

(b) Maintain or improve bank angling opportunities along the mainstem Alsea River above Mill Creek and the North Fork Alsea River, and Fall Creek below the hatcheries;

(c) Maintain access to Slide Lake and Klickitat Lake.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5000**Applicability**

OAR 635-500-5000 through 635-500-5110 apply to the Yachats River Basin. The Yachats River Basin is about 44 square miles in size and contains about 69 miles of stream. Major tributaries of the Yachats River include the North Fork and School Fork. The Yachats River enters the Pacific Ocean at the town of Yachats. About two-thirds of the land in the Yachats River Basin is in federal ownership and nearly one-third privately owned.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5010**Organization of Rules**

Administrative rules for the Yachats River Basin fish management plan are organized as follows:

(1) OAR 635-500-5020 covers Yachats River Basin, all waters.

(2) OAR 635-500-5030 covers habitat management.

(3) OAR 635-500-5040 covers fall chinook.

(4) OAR 635-500-5050 covers chum salmon.

(5) OAR 635-500-5060 covers coho salmon.

(6) OAR 635-500-5070 covers winter steelhead.

(7) OAR 635-500-5080 covers cutthroat trout.

(8) OAR 635-500-5090 covers Pacific lamprey.

(9) OAR 635-500-5100 covers crayfish.

(10) OAR 635-500-5110 covers public access.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5020**Yachats River Basin, All Waters**

Policies and objective for fish management in the Yachats River Basin, all waters.

(1) Policies:

(a) Fish management in the Yachats River Basin shall be directed at protecting and restoring self-sustaining populations of all fish species native to the basin;

(b) Management of individual fish populations and their habitat shall only be emphasized when remedial actions are needed to address critical stocks or species, or when a population is the cause of constraints placed on mixed-stock fisheries or land use activities;

(c) Permanent natural barriers to fish migration shall not be altered to allow fish passage, and fish shall not be stocked above these barriers. However, existing fish ladders shall be maintained;

(d) Conservation objectives take priority over harvest objectives.

(2) Objective: Restore and maintain productive populations of all species of salmonids native to the Yachats River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5030**Habitat Management**

Policies and objectives for habitat management in the Yachats River Basin.

(1) Policies:

(a) The Department shall actively pursue and promote habitat protection and improvement necessary to achieve the objectives for management of the basin's aquatic resources;

(b) The Department shall coordinate with and advise landowners and management agencies of the Yachats River Basin;

(c) Habitat protection shall be emphasized over habitat restoration and enhancement;

(d) Potential losses of fish production from habitat alteration shall be prevented or reduced to the extent possible.

(2) Objectives:

(a) Maintain or increase in-stream flows during summer low flow periods in the Yachats River Basin;

(b) Reduce summer water temperatures where artificial warming occurs that is detrimental to fish;

(c) Increase in-stream channel complexity in the Yachats River Basin;

(d) Reduce artificially accelerated erosion rates and inputs of sediments into waterways in the Yachats River Basin;

(e) Prevent chemical contaminants from degrading fish habitat in the Yachats River Basin;

(f) Protect natural fish passage conditions in the Yachats River Basin;

(g) Increase habitat area available to fish in the Yachats River Basin;

(h) Coordinate with other agencies and landowners to implement habitat protection and restoration activities.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5040**Fall Chinook**

Policy and objectives for fall chinook management in the Yachats River Basin.

(1) Policy: Fall chinook in the Yachats River Basin shall be managed for wild production only.

(2) Objectives:

(a) Achieve spawning escapement of at least 300 spawners;

(b) Provide an opportunity to harvest an average of 40 fall chinook in the in-river fishery.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5050**Chum Salmon**

Policy and objective for chum salmon management in the Yachats River Basin.

(1) Policy: Chum salmon in the Yachats River Basin shall be managed for natural production only.

(2) Objective: Determine if a self-sustaining natural population of chum salmon exists in the Yachats River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5060**Coho Salmon**

Policy and objectives for coho salmon management in the Yachats River Basin.

(1) Policy: The Yachats River Basin shall be managed for production of wild coho salmon.

(2) Objectives:

(a) Provide an average annual wild coho spawning escapement in the Yachats River Basin of 40 fish per mile of juvenile coho salmon rearing habitat;

(b) Achieve an average summer juvenile coho salmon seeding level of at least one fish per square meter of pool habitat in streams suitable for coho production;

(c) Recover Yachats River Basin wild coho salmon sufficiently to allow an in-river fishery on wild coho.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5070**Winter Steelhead**

Policy and objectives for winter steelhead management in the Yachats River Basin.

(1) Policy: The Yachats River Basin shall be managed for wild production of winter steelhead.

(2) Objectives:

(a) Increase production of wild winter steelhead;
 (b) Develop an informational base and methodology for measuring and monitoring wild winter steelhead in the Yachats River Basin over the next five years;

(c) Provide catch-and-release angling opportunities for wild winter steelhead in the Yachats River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5080**Cutthroat Trout**

Policy and objectives for cutthroat trout management in the Yachats River Basin.

(1) Policy: Cutthroat trout in stream reaches of the Yachats River Basin shall be managed for wild production only.

(2) Objectives:

(a) Maintain or improve the existing distribution, density, and genetic diversity of cutthroat trout in the Yachats River Basin;

(b) Re-establish spring, summer and early fall consumptive angling opportunities for cutthroat trout in Yachats River Basin streams, when populations warrant.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5090**Pacific Lamprey**

Policy and objective for Pacific lamprey management in the Yachats River Basin.

(1) Policy: The Yachats River Basin shall be managed for wild production of Pacific lamprey.

(2) Objective: Maintain Pacific lamprey production in rivers and streams in the Yachats River Basin where they naturally occur.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5100**Crayfish**

Objectives for crayfish in the Yachats River Basin. Objectives:

(1) Maintain natural production of crayfish in the Yachats River Basin;

(2) Monitor the size and importance of the commercial crayfish harvest in the Yachats River Basin;

(3) Determine the size and importance of the recreational crayfish harvest in the Yachats River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5110**Public Access**

Policy and objective for public access in the Yachats River Basin.

(1) Policy: Acquisition and development of angler access sites shall be consistent with guidelines and objectives for management of fish species and habitat.

(2) Objective: Increase bank angling access in the Yachats River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5200**Applicability**

OAR 635-500-5200 through 635-500-5340 apply to the Siuslaw River Basin. The Siuslaw River Basin is about 776 square miles in

size. It contains about 1,242 miles of fish bearing stream. The Siuslaw River enters the Pacific Ocean near Florence, Oregon. The mainstem Siuslaw River is 110 miles long, including 22 miles of estuary. The Siuslaw has two major tributary systems. The North Fork Siuslaw River contains 118 miles of stream. Lake Creek contains about 203 miles of stream.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5210**Organization of Rules**

Administrative rules for the Siuslaw River Basin fish management plan are organized as follows:

- (1) OAR 635-500-5220 covers Siuslaw River Basin, all waters.
- (2) OAR 635-500-5230 covers habitat management.
- (3) OAR 635-500-5240 covers fall chinook.
- (4) OAR 635-500-5250 covers spring chinook.
- (5) OAR 635-500-5260 covers coho salmon.
- (6) OAR 635-500-5270 covers chum salmon.
- (7) OAR 635-500-5280 covers winter steelhead.
- (8) OAR 635-500-5290 covers cutthroat trout.
- (9) OAR 635-500-5300 covers American shad.
- (10) OAR 635-500-5310 covers white and green sturgeon.
- (11) OAR 635-500-5320 covers Pacific lamprey.
- (12) OAR 635-500-5330 covers crayfish.
- (13) OAR 635-500-5340 covers public access.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5220**Siuslaw River Basin, All Waters**

Policies and objective for fish management in the Siuslaw River Basin, all waters.

(1) Policies:

(a) Fish management in the Siuslaw River Basin shall be directed at protecting and restoring self-sustaining populations of all fish species native to the basin;

(b) Management of individual fish populations and their habitat shall only be emphasized when remedial actions are needed to address critical stocks or species, or when a population is the cause of constraints placed on mixed-stock fisheries or land use activities;

(c) Permanent natural barriers to fish migration shall not be altered to allow fish passage and fish shall not be transplanted above these barriers. However, existing fish ladders shall be maintained;

(d) Conservation objectives takes priority over harvest objectives;

(e) Introduction of non-native fish species into flowing waters of the Siuslaw River Basin shall be prohibited.

(2) Objective: Restore and maintain productive populations of all species of salmonids native to the Siuslaw River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5230**Habitat Management**

Policies and objectives for habitat management in the Siuslaw River Basin.

(1) Policies:

(a) The Department shall actively pursue and promote habitat protection and improvement necessary to achieve the objectives for management of the basin's aquatic resources;

(b) The Department shall coordinate with and advise landowners and management agencies of the Siuslaw River Basin;

(c) Habitat protection shall be emphasized over habitat restoration and enhancement;

(d) Potential losses of fish production from habitat alteration shall be prevented or reduced to the extent possible.

(2) Objectives:

(a) Maintain or increase in-stream flows during summer low flow periods in the Siuslaw River Basin;

(b) Reduce summer water temperatures where artificial warming occurs that is detrimental to fish;

- (c) Increase in-stream channel complexity in the Siuslaw River Basin;
- (d) Reduce artificially accelerated erosion rates and inputs of sediments into waterways in the Siuslaw River Basin;
- (e) Prevent chemical contaminants from degrading fish habitat in the Siuslaw River Basin;
- (f) Restore natural fish passage conditions in the Siuslaw River Basin;
- (g) Increase habitat area available to fish in the Siuslaw River Basin;
- (h) Coordinate with other agencies and landowners to implement habitat protection and restoration activities.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5240

Fall Chinook

Policies and objectives for fall chinook management in the Siuslaw River Basin.

- (1) Policies:
 - (a) Fall chinook in the Siuslaw River Basin shall be managed for wild production only;
 - (b) The tidewater fishery for fall chinook in the Siuslaw River Basin shall have priority over the freshwater fishery.
- (2) Objectives:
 - (a) Achieve an average annual peak count of 100 adult and jack fall chinook per mile in spawning survey index areas in the Siuslaw River Basin;
 - (b) Provide an opportunity to harvest 2,500 fall chinook annually in the in-river fishery.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5250

Spring Chinook

Policy and objective for spring chinook management in the Siuslaw River Basin.

- (1) Policy: Spring chinook in the Siuslaw River Basin shall be managed for wild production only.
- (2) Objective: Determine if a distinct population of wild spring chinook exists in the Siuslaw River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5260

Coho Salmon

Policies and objectives for coho salmon management in the Siuslaw River Basin.

- (1) Policies:
 - (a) The Siuslaw River Basin shall be managed for wild coho production with an option for a hatchery program;
 - (b) Coho hatchery stocks that can be used in the Siuslaw River Basin are limited to a new broodstock developed from wild Siuslaw River Basin coho, except that Siltcoos or Tahkenitch stock can be used in the Munsel Lake System;
 - (c) The tidewater fishery for coho shall have priority over the freshwater coho fishery in the Siuslaw River Basin.
- (2) Objectives:
 - (a) Achieve an annual benchmark for wild coho spawning escapement in the Siuslaw River Basin between 22,800 adult coho salmon during poor marine survival conditions, and 39,200 adults during more moderate conditions;
 - (b) Achieve an average summer juvenile coho salmon density of at least 1.5 fish per square meter of pool habitat in streams suitable for coho production;

- (c) Recover Siuslaw River Basin wild coho salmon sufficiently to allow fisheries targeting fin clipped hatchery coho;
- (d) Recover Siuslaw River Basin wild coho salmon sufficiently to allow an in-river fishery on wild coho.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5270

Chum Salmon

Policy and objective for chum salmon management in the Siuslaw River Basin.

- (1) Policy: Chum salmon in the Siuslaw River Basin shall be managed for natural production only.
- (2) Objective: Determine if a self-sustaining natural population of chum salmon exists in the Siuslaw River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5280

Winter Steelhead

Policies and objectives for winter steelhead management in the Siuslaw River Basin.

- (1) Policies:
 - (a) Winter steelhead in the Siuslaw River Basin shall be managed for wild and hatchery production;
 - (b) Winter steelhead hatchery stocks that can be used in the Siuslaw River Basin are limited to Siuslaw winter steelhead.
- (2) Objectives:
 - (a) Increase production of wild winter steelhead;
 - (b) Develop an information base and methodology for measuring and monitoring natural production of winter steelhead in the Siuslaw River Basin over the next five years;
 - (c) Provide catch-and-release angling opportunities for wild winter steelhead in the Siuslaw River Basin;
 - (d) Provide for a consumptive harvest of 2,000 winter steelhead annually with a hatchery program.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5290

Cutthroat Trout

Policy and objectives for public access in the Siuslaw River Basin.

- (1) Policy: Cutthroat trout in the Siuslaw River Basin shall be managed for wild production only. Hatchery programs for trout shall be confined to lakes and reservoirs without substantial wild cutthroat trout production.

- (2) Objectives:
 - (a) Maintain or improve the existing distribution and density, and genetic diversity of cutthroat trout population in the Siuslaw River Basin;
 - (b) Restore the searun component of the cutthroat trout population to 1965-70 levels of abundance;
 - (c) Re-establish spring, summer and early fall consumptive angling opportunities for cutthroat trout in Siuslaw River Basin streams, when populations warrant.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5300

American Shad

Policies and objectives for American shad management in the Siuslaw River Basin.

- (1) Policies:
 - (a) The Siuslaw River Basin shall be managed for wild production of American shad;
 - (b) Fisheries for American shad in the Siuslaw River Basin shall be limited to sport fisheries.
- (2) Objectives:
 - (a) Maintain a self-sustaining population of American shad in the Siuslaw River Basin;
 - (b) Provide a recreational fishery for shad in the Siuslaw River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
 Stats. Implemented: ORS 506.109 & 506.129
 Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5310

White and Green Sturgeon

Policies and objective for white and green sturgeon management in the Siuslaw River Basin.

(1) Policies:

(a) Siuslaw River Basin management of white and green sturgeon shall be consistent with management in the lower Columbia and other coastal estuaries;

(b) There shall be no hatchery programs for sturgeon in the Siuslaw River Basin.

(2) Objective: Provide angling opportunities for sturgeon in the Siuslaw River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5320**Pacific Lamprey**

Policy and objective for Pacific lamprey management in the Siuslaw River Basin.

(1) Policy: The Siuslaw River Basin shall be managed for wild production of Pacific lamprey.

(2) Objective: Maintain Pacific lamprey production in rivers and streams in the Siuslaw River Basin where they naturally occur.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5330**Crayfish**

Objectives for crayfish management in the Siuslaw River Basin. Objectives:

(1) Maintain natural production of crayfish in the Siuslaw River Basin;

(2) Monitor the size and importance of the commercial crayfish harvest in the Siuslaw River Basin;

(3) Determine the size and importance of the recreational crayfish harvest in the Siuslaw River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5340**Public Access**

Policies and objectives for public access management in the Siuslaw River Basin.

(1) Policies:

(a) The Department shall seek to provide access for boat and bank angling that shall satisfy public need for a variety of angling opportunities and a dispersion of angling effort throughout the basin;

(b) Acquisition and development of angler access sites shall be consistent with guidelines and objectives for management of fish species and habitat.

(2) Objectives:

(a) Maintain sufficient boat access to allow anglers access to navigable reaches of the Siuslaw River Basin;

(b) Increase bank angling access in the Siuslaw River Basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 5-1998, f. & cert. ef. 1-12-98

635-500-5400**Nestucca River — Winter Steelhead**

The goal of the Wild Fish Management Plan for Nestucca River winter steelhead is a maximum of 10% hatchery fish on spawning grounds. This goal will be achieved by the following strategies:

(1) Transition to local broodstock within an interim period from the current non-local broodstock.

(2) Maintain hatchery release of 110,000 smolts/year.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 496.012, 496.138, 496.146, 506.109, 506.119 & 506.129

Hist.: DFW 107-2001, f. & cert. ef. 11-5-01

Upper Deschutes River Subbasin Anadromous Fish Management

635-500-6000**Applicability**

OAR 635-500-6000 through 635-500-6060 apply to the upper Deschutes River subbasin including: the Crooked River subbasin upstream to Bowman and Ochoco Dams; the Metolius River subbasin including Suttle Lake, Blue Lake, and Link Creek; the Deschutes

River subbasin upstream to Big Falls including Squaw Creek; Lake Billy Chinook, and Lake Simtustus. These areas are located on the east side of the Cascade Mountains in Central Oregon primarily in Deschutes, Jefferson, and Crook Counties.

Stat. Auth.: ORS 496.138, 496.14 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 129-2003, f. & cert. ef. 12-15-03

635-500-6010**Organization of Rules**

(1) Administrative rules for the Upper Deschutes Subbasin anadromous fish management policies and objectives are organized as follows: Rule Number — Subject.

(2) OAR 635-500-6020 covers policies and objectives for summer steelhead management in the upper Deschutes subbasin.

(3) OAR 635-500-6030 covers policies and objectives for spring chinook management in the upper Deschutes subbasin

(4) OAR 635-500-6040 covers policies and objectives for sock-eye salmon management in the upper Deschutes subbasin

(5) OAR 635-500-6050 covers policies and objectives for bull trout management in the upper Deschutes subbasin

(6) OAR 635-500-6060 covers policies and objectives for lamprey management in the upper Deschutes subbasin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 129-2003, f. & cert. ef. 12-15-03

635-500-6020**Summer Steelhead**

(1) The following policies apply to summer steelhead management in the upper Deschutes subbasin:

(a) Only specific pathogen free hatchery reared eggs or juvenile summer steelhead will be released into the upper Deschutes River subbasin until they return as adults to the Pelton Trap.

(b) Only summer steelhead adults known to have originated upstream of Round Butte Dam or reared in a *M. cerebralis* free environment will be released above the dam until passage measures are proven successful.

(c) Summer steelhead of any origin may be considered for passage upstream of Round Butte Dam once it has been determined the population is able to sustain itself.

(d) The upper Deschutes River subbasin will be managed for native summer steelhead consistent with the Native Fish Conservation Policy (OAR 635-007-0503).

(2) The following objectives apply to summer steelhead management in the upper Deschutes subbasin:

(a) Maintain self-sustaining populations of naturally produced summer steelhead upstream of Round Butte Dam. A stock recruitment model will be developed for native summer steelhead to determine specific escapement numbers necessary to meet conservation goals.

(b) Provide a non-consumptive recreational fishery above Pelton if naturally produced summer steelhead spawner escapement exceeds conservation goals in five consecutive years.

Stat. Auth.: ORS 496.138, 496.146 & 506.119

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 129-2003, f. & cert. ef. 12-15-03

635-500-6030**Spring Chinook**

(1) The following policies apply to spring chinook management in the upper Deschutes subbasin:

(a) Only specific pathogen free hatchery reared eggs or juvenile spring chinook will be released into the upper Deschutes River subbasin until they return as adults to the Pelton Trap.

(b) Only spring chinook adults known to have originated upstream of Round Butte Dam or reared in a *M. cerebralis* free environment will be released above the dam until passage measures are proven successful.

(c) Spring chinook of any origin may be considered for passage into habitats upstream of Round Butte Dam once it has been determined the population is able to sustain itself.

(d) The upper Deschutes River subbasin will be managed for native spring chinook consistent with the Native Fish Conservation Policy (OAR 635-007-0503).

(2) The following objectives apply to spring chinook management in the upper Deschutes subbasin:

(a) Maintain conservation levels of self-sustaining populations of naturally produced spring chinook upstream of Round Butte Dam. A stock recruitment model will be developed for spring chinook to determine specific escapement numbers necessary to meet conservation goals.

(b) Provide opportunity to harvest spring chinook if spawner escapement goal is exceeds conservation goals in five consecutive years.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 129-2003, f. & cert. ef. 12-15-03

635-500-6040

Sockeye Salmon

(1) The following policies apply to sockeye salmon management in the upper Deschutes subbasin:

(a) Sockeye will be introduced into the Metolius River and tributaries including Suttle Lake and Link Creek through the release of hatchery reared specific pathogen free gametes and smolts into the Metolius and its tributaries.

(b) Adult sockeye arriving at the Pelton Ladder that are from a freshwater lineage will be spawned to provide the source of gametes and smolts for introduction into the Metolius River and its tributaries.

(c) Only selected adults of known Metolius River origin will be released upstream of Round Butte and Pelton Dams until passage measures are proven successful.

(d) Sockeye salmon of any origin may be considered for passage upstream of Round Butte Dam once it has been determined the population is able to sustain itself.

(e) The upper Deschutes River subbasin will be managed for hatchery and naturally produced sockeye in the Metolius River and tributaries consistent with the Native Fish Conservation Policy (OAR 635-007-0503).

(2) The following objectives apply to sockeye salmon management in the upper Deschutes subbasin:

(a) Achieve and maintain a self-sustaining population of naturally produced sockeye salmon in the Metolius River and its tributaries.

(b) Manage for a population level that allows for a naturally established equilibrium between resident kokanee and sockeye salmon in the Metolius River.

(c) Sockeye salmon in the lower Deschutes River will be managed to produce a fishery opportunity after recruits per spawner ratios

have demonstrated a harvestable surplus in three successive years or after a predictive model has been established based on escapement.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 129-2003, f. & cert. ef. 12-15-03

635-500-6050

Bull Trout

(1) The following policies apply to bull trout management in the upper Deschutes subbasin:

(a) Bull trout populations in the upper and lower Deschutes subbasins will be reconnected through passage at the Pelton-Round Butte Hydroelectric Project.

(b) The Deschutes River basin will be managed for naturally produced bull trout consistent with the Native Fish Conservation Policy (OAR 635-007-0503).

(2) The following objectives apply to bull trout management in the upper Deschutes subbasin:

(a) Maintain naturally produced self-sustaining populations of bull trout in the Deschutes River basin.

(b) Bull trout in the upper and lower Deschutes subbasins will be managed to provide fisheries opportunities when conservation management objectives are met in three successive years. Fisheries opportunities will be assessed by population sub-unit.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 129-2003, f. & cert. ef. 12-15-03

635-500-6060

Pacific Lamprey

(1) The following policies apply to pacific lamprey management in the upper Deschutes subbasin:

(a) Pacific lamprey will be re-introduced into habitats in the upper Deschutes Basin. Adult lamprey will be passed above the Pelton-Round Butte Hydroelectric Project.

(b) Manage pacific lamprey in the Deschutes River and its tributaries for naturally produced sustainable populations consistent with the Native Fish Conservation Policy (OAR 635-007-0503), and the species protected status (OAR 635-044-0130).

(2) The following objective applies to pacific lamprey management in the upper Deschutes subbasin: Protect pacific lamprey in the Deschutes River basin.

Stat. Auth.: ORS 496.138, 496.146 & 506.119
Stats. Implemented: ORS 506.109 & 506.129
Hist.: DFW 129-2003, f. & cert. ef. 12-15-03

