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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DFW 152-2021
CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED
09/23/2021 2:29 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Set Columbia River Non-Treaty Late Fall Commercial Tangle Net Salmon Fishery

EFFECTIVE DATE: 09/27/2021 THROUGH 12/31/2021

AGENCY APPROVED DATE: 09/22/2021

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Filed By:
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Rules Coordinator

NEED FOR THE RULE(S):

This rule is needed to authorize non-Treaty commercial tangle net fishing periods in the Columbia River.

JUSTIFICATION OF TEMPORARY FILING:

There is insufficient time to initiate the permanent rulemaking process to open the commercial fishing periods by the specified date and time.

Fisheries are managed to provide opportunity for recreational, commercial, and treaty fisheries while meeting species or stock-specific allocations while remaining within ESA guidelines.

Failure to add these open periods would deny commercial fishers the opportunity to harvest then sell their share of this valuable resource in Oregon.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. Joint Staff Report: Columbia River Compact/Joint State Hearing, Fall Fact Sheet No. 7, dated September 22, 2021
2. Columbia River Action Notice/Joint State Action, dated September 22, 2021

The above documents are available for public inspection in the Department of Fish and Wildlife, Fish Division, Second Floor, 4034 Fairview Industrial Dr. SE, Salem, Oregon, between 8:00 a.m. and 4:30 p.m., on normal working days, Monday through Friday.

AMEND: 635-042-0032

RULE TITLE: Coho Season

RULE SUMMARY: This rule authorizes fifteen late fall non-Treaty commercial tangle net fisheries in Zones 1-3 of the

lower Columbia River.

Modifications are consistent with action taken September 22, 2021 by the Departments of Fish and Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.

RULE TEXT:

The commercial coho season in the Columbia River downstream of Bonneville Dam is assessed annually based on stock status and allocation policies. Harvest opportunity and gear regulations will be established by inseason modification.

(1) Salmon (except chum) sturgeon and shad may be taken for commercial purposes in Zones 1 through 3.

(a) All coho must be adipose fin-clipped.

(b) Chum may not be possessed or sold.

(2) The upper deadline is defined as a straight line projected from Warrior Rock Lighthouse on the Oregon shore easterly through the green navigation Buoy #1 and continuing to the Washington Shore. Sanctuaries include the Elokomin-A, Cowlitz River, Kalama-A and Lewis-A.

(3) Open fishing periods are:

(a) 4:00 a.m. through 10:00 p.m. September 27;

(b) 4:00 a.m. through 10:00 p.m. September 29;

(c) 4:00 a.m. through 10:00 p.m. October 1;

(d) 4:00 a.m. through 10:00 p.m. October 4;

(e) 4:00 a.m. through 10:00 p.m. October 6;

(f) 4:00 a.m. through 10:00 p.m. October 8;

(g) 4:00 a.m. through 10:00 p.m. October 11;

(h) 4:00 a.m. through 10:00 p.m. October 13;

(i) 4:00 a.m. through 10:00 p.m. October 15;

(j) 4:00 a.m. through 10:00 p.m. October 18;

(k) 4:00 a.m. through 10:00 p.m. October 20;

(l) 4:00 a.m. through 10:00 p.m. October 22;

(m) 4:00 a.m. through 10:00 p.m. October 25;

(n) 4:00 a.m. through 10:00 p.m. October 27;

(o) 4:00 a.m. through 10:00 p.m. October 29;

(4) Gear is restricted to unslackened, single wall, multi-filament floater drift nets only with a maximum mesh size of 3¾ inches. Monofilament nets are not allowed.

(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) 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.

(7) The use of slackers or stringers to slacken the net vertically is prohibited. Rip lines are allowed providing they do not vertically slacken the net.

(8) Nets shall be fished for no longer than 30 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.

(9) The multiple net rule is in effect which means nets not specifically authorized for the fishery may be onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(10) All non-legal fish must be released unharmed immediately to the river or into an operating recovery box.

(a) One operating recovery box with two chambers or two operating recovery boxes with one chamber each 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 non-legal salmon and all steelhead that are bleeding, in lethargic condition, or appearing lifeless (condition 2-5) must be placed in the recovery box 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 the Department and Washington Department of Fish and Wildlife 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.

(11) At least one fisher on each boat engaged in the fishery must have completed training provided by the Oregon or Washington Department of Fish and Wildlife (Departments) to educate fishers on regulations and best methods for conducting live capture fisheries.

STATUTORY/OTHER AUTHORITY: ORS 183.325, ORS 506.109, ORS 506.119

STATUTES/OTHER IMPLEMENTED: ORS 506.129, ORS 507.030