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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DFW 61-2023

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED

07/06/2023 11:50 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Authorize Commercial Sales for Treaty Indian Summer Fisheries

EFFECTIVE DATE: 07/06/2023 THROUGH 07/31/2023

AGENCY APPROVED DATE: 06/29/2023

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Filed By:
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NEED FOR THE RULE(S):

These rules are needed to authorize sales of fish caught in Columbia River Treaty fisheries to state-licensed buyers.

JUSTIFICATION OF TEMPORARY FILING:

This amended rule authorizes the sales of fish caught in treaty fisheries.

Gillnet fisheries are open in Zone 6 (between Bonneville and McNary dams) during a period from 6:00 a.m. July 3 through 6:00 p.m. July 6.

Modifications are consistent with actions taken by the Departments of Fish and Wildlife for the States of Oregon and Washington at a Columbia River Compact hearing on June 28.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION JOINT STAFF REPORT – SUMMER FACT SHEET NO. 2a, dated June 28, 2023.
2. Columbia River Fishery Notice, dated June 28, 2023.

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] are available from the Oregon Department of Fish and Wildlife, Fish Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142. Contact Steve Emerson at 503-947-6233 or Steven.C.Emerson@odfw.oregon.gov to view by appointment between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

AMEND: 635-041-0076

SUSPEND: Temporary 635-041-0076 from DFW 51-2023

RULE TITLE: Summer Salmon Season

RULE SUMMARY: This amended rule authorizes the sales of fish caught in treaty fisheries.

Gillnet fisheries are open in Zone 6 (between Bonneville and McNary dams) during a period from 6:00 a.m. July 3 through 6:00 p.m. July 6.

Modifications are consistent with actions taken by the Departments of Fish and Wildlife for the States of Oregon and Washington at a Columbia River Compact hearing on June 28.

RULE TEXT:

(1) Salmon (all species), steelhead, shad, yellow perch, bass, walleye, catfish, and carp may be sold or retained for subsistence from the following Columbia River Zone 6 Treaty Indian fisheries:

(a) With gear restricted to set and drift gillnets with a 7-inch minimum mesh size restriction during the following periods:

(A) 6:00 a.m. June 19 through 6:00 p.m. June 21;

(B) 6:00 a.m. June 26 through 6:00 p.m. June 28[.];

(C) 6:00 a.m. July 3 through 6:00 p.m. July 6.

(b) 6:00 a.m. June 16 through July 31 with gear restricted to subsistence fishing gear which includes hoop nets, bag nets, dip nets, and rod and reel with hook-and-line.

(c) Fish caught during any open period may be sold after the period concludes as long as the fish were landed during an open period.

(d) White sturgeon between 38-54 inches in fork length caught in the Bonneville Pool and between 43-54 inches in fork length caught in The Dalles and John Day pools may not be sold but may be retained for subsistence use.

(e) Closed areas as set forth in OAR 635-041-0020 and 635-041-0045 remain in effect with the exception of the Spring Creek Hatchery sanctuary.

(2) Effective 6:00 a.m. June 16 until further notice, commercial sales of fish caught by enrolled Yakama Nation members in Yakama Nation tributary fisheries are allowed during those days and hours when these tributaries are open under lawfully-enacted Yakama Nation subsistence fishery regulations as follows:

(a) The Yakama Nation tributary fisheries are in the Klickitat River, Wind River, and Drano Lake.

(b) Allowable sales include salmon (all species), steelhead, walleye, shad, catfish, carp, bass and yellow perch.

(c) Sturgeon between 38-54 inches in fork length in Bonneville Pool may not be sold but may be kept for subsistence purposes.

(d) Gear is restricted to subsistence fishing gear which includes hoop nets, bag nets, dip nets, and rod and reel with hook-and-line. Gillnets may only be used in Drano Lake.

(e) Fish caught during any open period may be sold after the period concludes as long as the fish were landed during the open period.

STATUTORY/OTHER AUTHORITY: ORS 506.119

STATUTES/OTHER IMPLEMENTED: ORS 506.109, ORS 506.129, ORS 507.030