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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DFW 1-2026

CHAPTER 635

DEPARTMENT OF FISH AND WILDLIFE

FILED

01/09/2026 1:57 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Close Retention of Sturgeon in Recreational Fisheries in the John Day Pool and Adjacent Tributaries

EFFECTIVE DATE: 01/10/2026 THROUGH 04/30/2026

AGENCY APPROVED DATE: 01/09/2026

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4034 Fairview Industrial Dr SE
Salem, OR 97302

Filed By:
Linda Spansel
Rules Coordinator

NEED FOR THE RULE(S):

The joint state recreational harvest guidelines allow up to 105 white sturgeon to be retained in the John Day Pool annually. Higher-than-expected catch rates during the initial week of the fishery have resulted in a projection that harvest will exceed the guideline if retention is not closed effective January 10, 2026. Retention is closed per permanent rule, therefore suspending this temporary rule now will have the desired effect.

JUSTIFICATION OF TEMPORARY FILING:

There is not adequate time to go through normal rulemaking proceedings to modify these rules in a timely manner because the retention fishery needs to be closed immediately to prevent exceeding the sturgeon harvest guideline.

Failure to adopt these rules could cause serious prejudice to the public interest and anglers by depleting the sturgeon resource which would result in greater harvest restrictions for future fisheries. Adoption of this rule will close the sturgeon fishery, preventing the overharvest of sturgeon.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. OREGON AND WASHINGTON DEPARTMENTS OF FISH AND WILDLIFE; JOINT STAFF REPORT - WINTER FACT SHEET NO. 3; Columbia River Compact/Joint State Hearing, dated January 8, 2026.
2. Columbia River Fishery Notice; Oregon Department of Fish and Wildlife, dated January 8, 2026.

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 Linda Spansel at 503-947-6233 or linda.d.spansel@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.

SUSPEND: 635-023-0101

SUSPEND: Temporary 635-023-0101 from DFW 111-2025

RULE SUMMARY: This amended rule closes the retention season for white sturgeon on the mainstem Columbia River in

the John Day Pool (John Day Dam upstream to McNary Dam) and all adjacent tributaries. Modifications are consistent with actions taken by the Departments of Fish & Wildlife for the States of Oregon and Washington at a Columbia River Joint State hearing on January 8, 2026.

CHANGES TO RULE:

635-023-0101

Sturgeon Season Above Bonneville Dam

The current annual Oregon Sport Fishing Regulations provide requirements for the Columbia 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 current annual Oregon Sport Fishing Regulations. ¶

~~(1) Effective January 1 through April 30, 2026, retention of white sturgeon is allowed in the John Day Pool (John Day Dam upstream to McNary Dam) of the Columbia River and all adjacent tributaries. ¶~~

~~(2) When open for retention, the white sturgeon legal size is from 43 to 54 inches fork length. ¶~~

~~(3) All other permanent rules for the Columbia River Zone, as stated in the current annual Oregon Sport Fishing Regulations, remain in effect~~

Statutory/Other Authority: ORS 496.138, ORS 496.146

Statutes/Other Implemented: ORS 496.162