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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION
DFW 2-2026
CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED
01/09/2026 4:53 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Adopt Non-Treaty Columbia River Mainstem Commercial Smelt Fishery

EFFECTIVE DATE: 01/12/2026 THROUGH 03/19/2026

AGENCY APPROVED DATE: 01/09/2026

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Salem, OR 97302

Filed By:
Linda Spansel
Rules Coordinator

NEED FOR THE RULE(S):

This rule is needed to implement the non-treaty commercial gillnet fishery for smelt in the Columbia River. The assessment of preseason abundance indicators affirms this fishery is within allowable harvest levels.

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 commercial fishing opportunity 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 and research-level information needed for population assessments and fisheries management would not be collected.

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 Fisheries Action Notice, 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.

AMEND: 635-042-0130

RULE SUMMARY: This amended rule will implement the 2026 non-treaty commercial smelt fishery in Zones 1-3 of the lower Columbia River on Mondays, Wednesdays, and Thursdays from 5 a.m. to 5 p.m. from January 12 through

February 19, 2026 and from 5 a.m. to 5 p.m. on Mondays and Thursdays from February 23 through March 19, 2026.

Modifications are consistent with actions taken by the Departments of Fish and Wildlife for the States of Oregon and Washington at the Columbia River Compact hearing held on January 8, 2026.

CHANGES TO RULE:

635-042-0130

Smelt Season

~~Effective January 12 through March 19, smelt may not be taken for commercial purposes from in Zone 1-3 of the Columbia River at any time with the following restrictions:~~

~~(1) From January 12 through February 19, open fishing periods are from 5:00 a.m. to 5:00 p.m. on Mondays, Wednesdays, and Thursdays.~~

~~(2) From February 23 through March 19, open fishing periods are from 5:00 a.m. to 5:00 p.m. on Mondays and Thursdays.~~

~~(3) Only gillnets may be used; gillnet mesh size may not exceed two-inches stretch measure.~~

~~(4) Nets may not exceed 1,500 feet in length along the cork line.~~

~~(5) Nets not specifically authorized for use in this fishery may be kept onboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a canvas or plastic tarp and bound with a minimum of ten revolutions of rope with a diameter of 0.375 inches or greater.~~

Statutory/Other Authority: ORS 183.325, ORS 506.109, ORS 506.119

Statutes/Other Implemented: ORS 506.129, ORS 507.030