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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DFW 11-2026

CHAPTER 635

DEPARTMENT OF FISH AND WILDLIFE

FILED

02/11/2026 2:52 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Allow Sale of Warmwater Species Caught in Columbia River Treaty Indian Research Fishery

EFFECTIVE DATE: 02/13/2026 THROUGH 03/31/2026

AGENCY APPROVED DATE: 02/11/2026

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Filed By:

John Seabourne

Rules Coordinator

NEED FOR THE RULE(S):

This rule is needed to authorize sales of yellow perch, bass, walleye, catfish, carp, and northern pikeminnow caught during this Treaty Indian research fishery in areas adjacent to the John Day Pool of the Columbia River from February 13 – March 21, 2026. The preseason assessment of this fishery by the tribes affirms the expectation that this fishery will remain within allowable harvest limits.

JUSTIFICATION OF TEMPORARY FILING:

There is not adequate time to go through normal rulemaking proceedings to establish this tribal fishery by the specified date and time.

Failure to adopt these rules would deny tribal fishers the opportunity to sell their harvested fish in Oregon, which would cause economic hardship. This temporary rule will avoid these consequences by allowing the sale of fish caught in this fishery to Oregon-licensed buyers.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. Columbia River Fishery Notice; Oregon Department of Fish and Wildlife; February 11, 2026.

2. COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION; JOINT STAFF REPORT - SUMMER FACT SHEET NO. 5a; Columbia River Compact; February 11, 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: 635-041-0072

RULE SUMMARY: This amended rule provides state authorization of sales of yellow perch, bass, walleye, catfish, carp,

and northern pikeminnow caught in a Treaty Indian research fishery in several backwater areas and sloughs of the John Day Pool to reflect recent tribal action to open this fishery.

CHANGES TO RULE:

635-041-0072

Carp, Shad 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.¶

(3) During a research commercial fishery using gillnets and occurring in backwater areas of the John Day Pool as described below:¶

(a) Participants are those individuals lawfully permitted by one of the Columbia River treaty tribes to participate in this fishery.¶

(b) This fishery is open from 6:00 AM February 13 through 6:00 PM March 21, 2026.¶

(c) Open areas are:¶

(A) Railroad Island Slough (45.72504, -120.69580) only the slough side waters up from the railroad tracks.¶

(B) Paterson Slough (45.70664, -120.46430) only the slough side to the north of Highway 14.¶

(C) Sundale Slough (45.72008, -120.31364) only the slough side waters up from the railroad tracks.¶

(D) Jones Canyon Slough (45.71576, -121.24522) only the slough south of the railroad tracks.¶

(E) Willow Creek Slough (45.79306, -120.01470) only waters south of the eastbound lanes of I-84.¶

(F) Alderdale Slough (45.83741, -119.92876) only waters north of Highway 14, and:¶

(G) Paterson Slough (45.92950, -119.55259) waters inside the mouth of the slough, across from Irrigon and Umatilla fish hatcheries.¶

(d) Allowable sales are yellow perch, bass, walleye, catfish, carp, and northern pikeminnow; these species may be sold or retained for other purposes. These species may be sold after the permit fishing period concludes. All other species, including salmon, steelhead, and sturgeon must be released.

Statutory/Other Authority: ORS 183.325, 506.119

Statutes/Other Implemented: ORS 506.129, 507.030