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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DFW 17-2026

CHAPTER 635

DEPARTMENT OF FISH AND WILDLIFE

FILED

02/27/2026 10:01 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Modify Non-Treaty Columbia River Mainstem Commercial Smelt Fishery²

EFFECTIVE DATE: 03/02/2026 THROUGH 03/19/2026

AGENCY APPROVED DATE: 02/26/2026

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Filed By:
John Seabourne
Rules Coordinator

NEED FOR THE RULE(S):

This rule is needed to modify the non-treaty commercial gillnet fishery for smelt in the Columbia River.² The assessment of in-season abundance indicators and fishery monitoring indicates 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.²

Fisheries are managed to provide commercial fishing opportunity while remaining within ESA guidelines.²

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.²

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. OREGON AND WASHINGTON DEPARTMENTS OF FISH AND WILDLIFE JOINT STAFF REPORT - WINTER FACT SHEET NO. 7b -²Columbia River Compact/Joint State Hearing, dated February 25, 2026.²

2. Columbia River Fisheries Action Notice, dated February 25, 2026.²

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

SUSPEND: Temporary 635-042-0130 from DFW 2-2026

RULE SUMMARY: This amended rule will modify the previously-adopted 2026 non-treaty commercial smelt fishery in Zones 1-3 of the lower Columbia River by adding Wednesdays from 5 a.m. to 5 p.m. to the existing weekly schedule from March 2 through March 19.

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/Joint State hearing held on February 25, 2026.

CHANGES TO RULE:

635-042-0130

Smelt Season

~~Effective March 2 through March 19, smelt may not be taken for commercial purposes from the Columbia River at any time in Zone 1-3 of the Columbia River with the following restrictions:~~

~~(1) From March 2 through March 19, open fishing periods are from 5:00 a.m. to 5:00 p.m. on Mondays, Wednesdays, and Thursdays.~~

~~(2) Only gillnets may be used; gillnet mesh size may not exceed two-inches stretch measure.~~

~~(3) Nets may not exceed 1,500 feet in length along the cork line.~~

~~(4) 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~~