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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DFW 18-2026

CHAPTER 635

DEPARTMENT OF FISH AND WILDLIFE

FILED

03/02/2026 8:24 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Allow Sales of Sturgeon Caught in Columbia River Treaty Setline Fisheries

EFFECTIVE DATE: 03/02/2026 THROUGH 08/28/2026

AGENCY APPROVED DATE: 02/25/2026

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Filed By:
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Rules Coordinator

NEED FOR THE RULE(S):

This rule is needed to authorize sales of white sturgeon caught during the Treaty setline fisheries from February 26 – March 4, 2026 in The Dalles and John Day pools. In-season monitoring by the tribes indicates these fisheries are within allowable harvest levels.

JUSTIFICATION OF TEMPORARY FILING:

There is not adequate time to go through normal rulemaking proceedings to modify these tribal fisheries 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 25, 2026.
2. COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION; JOINT STAFF REPORT - WINTER FACT SHEET NO. 7a; Columbia River Compact; February 25, 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: 635-041-0063

RULE SUMMARY: This amended rule provides state authorization of sales of white sturgeon caught in the winter Treaty setline fisheries in The Dalles Pool and John Day Pool to reflect recent tribal action to adopt these fisheries.

CHANGES TO RULE:

635-041-0063

Sturgeon Setline Fishery ¶

(1) White sturgeon may be taken by setline for commercial purposes ~~from 12 Noon January 1 through 12 Noon January 31 in all of Zone 6.~~¶

~~(a) In The Dalles and John Day pools white sturgeon taken must be 43-54 inches in fork length.~~¶

~~(b) In the Bonneville Pool was follows:~~¶

(a) In The Dalles and John Day pools from 6:00 AM February 26, 2026 through 6:00 PM March 4, 2026. White sturgeon taken must be 43-54 inches in fork length.¶

~~(b) White sturgeon taken as described in subsections (1)(a) and (1)(b) of this rule may be sold or kept for subsistence use.~~¶

(2) Closed areas are set forth under OAR 635-041-0045.¶

(3) During the white sturgeon setline season it shall be unlawful to:¶

(a) Operate any fishing gear other than setlines except as provided in OAR 635-041-0060;¶

(b) Operate any setline having more than 100 hooks;¶

(c) Use other than single hooks size 9/0 or larger;¶

(4) The owner's tribal affiliation and enrollment number must be placed on the anchored ends of setlines and to the anchor floats to which the setlines are attached.¶

(5) Notwithstanding OAR 635-041-0045(6)-(11), it is lawful during the open season to fish for white sturgeon by means of set lines in the Columbia River within areas at and adjacent to the mouths of rivers.

Statutory/Other Authority: ORS 183.325, 506.119

Statutes/Other Implemented: ORS 506.129, 507.030