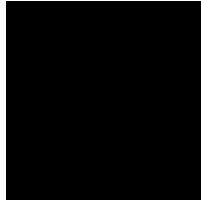


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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DFW 35-2026

CHAPTER 635

DEPARTMENT OF FISH AND WILDLIFE

FILED: 05/08/2026 2:45 PM

ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Modify Willamette Falls Lamprey Harvest Regulations

EFFECTIVE DATE: 06/01/2026 THROUGH 07/31/2026

AGENCY APPROVED DATE: 05/08/2026

CONTACT:

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Salem, OR 97302

Filed By:

Linda Spansel

Rules Coordinator

NEED FOR THE RULE(S):

The proposed rule modifications are needed to address the following issues:

- Correct an inaccurate rule reference in OAR 635-017-0900.
- Allow tribal identification cards to serve as an annual harvest permit.
- Modify the fishery to provide enhanced access to first foods for tribal members. Current regulations only allow retention four days/week which limits opportunity for tribal fishers who cannot always align their fishing schedule with the open fishery days. Harvest reports show annual fluctuations in fishing success, which is likely reflective of annual lamprey abundance. However, a seven day/week fishery is not expected to result in a significant increase in harvest since tribal fishers generally target a certain catch number for the season. An expanded season structure in 2025 did not result in increased harvest compared to recent years.
- Adjust open fishing hours to facilitate safe harvest opportunity consistent with planned construction at the Willamette Falls Flow Control Structure during July 7-31.
- Align rules for harvest reporting requirements with current practice.
- Note: harvesters are cautioned that an open harvest season does not ensure safe boating and harvest conditions exist. Harvesters should consider existing water conditions, debris removal schedules, and construction activities before entering the harvest area.

JUSTIFICATION OF TEMPORARY FILING:

There is not adequate time to go through normal rulemaking proceedings to modify these rules in a timely manner before the planned start of the fishery (June 1). The work schedule for planned construction by Portland General Electric (PGE) of the Willamette Falls Flow Control Structure was only recently finalized. To avoid construction activity and maintain safe access to the harvest area, these rules limit fishing access hours during July 7-31, consistent with a request from PGE.

Failure to adopt these rules could cause serious prejudice to the public interest by constraining harvest opportunity for tribal and other fishers beyond what may be needed, while considering safety concerns resulting from planned construction in the harvest area.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

A copy of the rules and the other documents relied upon for this rulemaking 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: 635-017-0090

RULE SUMMARY: This amended rule modifies the harvest regulations for the Pacific lamprey fishery at Willamette Falls.

CHANGES TO RULE:

635-017-0090

Inclusions and Modifications ¶¶

(1) The current annual Oregon Sport Fishing Regulations provide requirements for the Willamette 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. ¶¶

(2) Pacific Lamprey Harvest: ¶¶

(a) Pursuant to OAR 635-044-01430(1)(~~ba-c~~), authorization from the Oregon Fish and Wildlife Commission must be in possession by individuals collecting or possessing Pacific lamprey for personal use. Permits are available from ODFW, 17330 SE Evelyn Street, Clackamas, OR 97015; ¶¶

~~(b) Open fishing period is June 1 through July 31 from 7:00 A.M. to 6:00 P.M.; personal use harvest is permitted Friday through Monday each week. All harvest is prohibited Tuesday through Thursday. A valid tribal identification card serves as a collection permit; ¶¶~~

(b) Open fishing hours are one hour before sunrise until one hour after sunset daily from June 1 through July 5 and 7 a.m. to 6 p.m. daily from July 6 through July 31, 2026; ¶¶

(c) Open fishing area is the Willamette River at Willamette Falls on the east side of the falls only, excluding Horseshoe Area at the peak of the falls; and ¶¶

(d) Gear is restricted to hand or hand-powered tools only; ¶¶

~~(e) Catch must be recorded daily on a harvest record card prior to leaving the open fishing area. Harvest record cards will be provided by ODFW. All harvest record cards must be returned to the ODFW Clackamas office by August 31 to report catch. Permit holders who do not return the harvest record cards by August 31 will be ineligible to receive a permit in the following year. Report annual harvest to the ODFW Clackamas office by August 31. ¶¶~~

(f) Harvesters must allow sampling or enumeration of catches by ODFW personnel.

Statutory/Other Authority: ORS 496.138, ORS 496.146

Statutes/Other Implemented: ORS 496.162