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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DFW 39-2026

CHAPTER 635

DEPARTMENT OF FISH AND WILDLIFE

FILED: 05/12/2026 4:48 PM

ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Authorize Sales in Yakama Nation Treaty Commercial Spring Tributary Fishery

EFFECTIVE DATE: 05/12/2026 THROUGH 06/15/2026

AGENCY APPROVED DATE: 05/12/2026

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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 fish caught in the Yakama Nation tributary fishery from May 12-13, 2026. In-season monitoring by Yakama Nation staff 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 Tribal fishing period by the specified date and time.

Fisheries are managed to provide opportunity for recreational, commercial, and treaty fisheries while meeting species or stock-specific allocations while remaining within ESA guidelines.

Failure to add this open Tribal period would deny Tribal fishers the opportunity to harvest then sell their share of this valuable resource in Oregon.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. Oregon and Washington Departments of Fish and Wildlife; Joint Staff Report: Spring Fact Sheet No. 1a; Columbia

River Compact/Joint State Hearing; dated May 12, 2026.

2. Columbia River Inter-Tribal Fish Commission Joint Staff Report: Spring Fact Sheet No. 1a; Columbia River Compact Hearing, dated May 12, 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: 635-041-0045

RULE SUMMARY: This amended rule authorizes the sale of fish caught in the Drano Lake permit fishery enacted by the Yakama Nation from May 12-13, 2026.

Modifications are consistent with actions taken by the Departments of Fish and Wildlife for the States of Oregon and Washington at a Columbia River Compact hearing on May 12, 2026.

CHANGES TO RULE:

635-041-0045

Closed Commercial Fishing Areas ¶¶

Unless otherwise specified in this rule and OAR 635-041-0063, the following waters are closed to commercial fishing:¶¶

(1) All Oregon tributaries of the Columbia River.¶¶

(2) The Columbia River westerly and downstream of the Bridge of the Gods except:¶¶

(a) Fisheries conducted by the Yakama, Warm Springs, Nez Perce, and Umatilla tribes downstream of Bonneville Dam (bank fishing only) under provisions of the agreements with the states of Oregon and Washington are open until further notice.¶¶

(A) Allowable sales include Chinook, steelhead, sockeye, coho, walleye, shad, yellow perch, bass, and carp. Sturgeon caught in the tribal fisheries downstream of Bonneville Dam may not be retained or sold. Fish may not be sold on USACE property downstream of Bonneville Dam; but may be caught and transported off USACE property for sale.¶¶

(B) Gear is restricted to subsistence fishing gear which includes hoop_nets, dipnets, spears, gaffs, clubs, fouling hooks and rod and reel with hook-and-line.¶¶

(C) Salmon, steelhead, walleye, shad, carp, bass, and yellow perch landed during an open treaty commercial fishing period may be sold at any time.¶¶

(b) Platform and hook-and-line fisheries from the Bridge of the Gods downstream to the subsistence fishing deadline as described in OAR 635-041-0020(1) are open to commercial sales whenever sales are authorized for platform and hook-and-line fisheries in the remainder of Bonneville Pool.¶¶

(3) Effective 10:00 p.m. May 12 through 6:00 p.m. May 13, commercial sales of fish caught in Drano Lake by enrolled Yakama Nation members as authorized under Yakama Nation lottery permit regulations is allowed as follows:¶¶

(a) Allowable sales include salmon (all species), steelhead, shad, carp, catfish, walleye, bass, and yellow perch.¶¶

(b) Sturgeon between 38-54 inches in fork length may not be sold but may be kept for subsistence purposes.¶¶

(c) Gear is restricted to gillnets, hoop nets, and rod-and-reel with hook and line.¶¶

(d) Sales of fish will conclude when the open period ends.¶¶

(4) The Columbia River easterly and upstream of a line extending at a right angle across the thread of the river from a deadline marker one mile downstream of McNary Dam.¶¶

(4) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at the west end of 3-Mile Rapids located approximately 1.8 miles below The Dalles Dam, upstream to a line from a deadline marker on the Oregon shore located approximately 3/4 mile above The Dalles Dam east fishway exit, thence at a right angle to the thread of the river to a point in midriver, thence downstream to Light "1" on the Washington shore; except that dip nets, bag nets, and hoop nets are permitted during commercial salmon and shad fishing seasons at the Lone Pine Indian fishing site located immediately above The Dalles Interstate Bridge.¶¶

(5) The Columbia River between a line extending at a right angle across the thread of the river from a deadline marker at Preachers Eddy light below the John Day Dam and a line approximately 4.3 miles upstream extending

from a marker on the Oregon shore approximately one-half mile above the upper easterly bank of the mouth of the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, thence turning downstream to a marker located on the Washington shore approximately opposite the mouth of the John Day River.¶

~~(67)~~ The Columbia River within areas at and adjacent to the mouths of the Deschutes River and the Umatilla River. The closed areas are along the Oregon side of the Columbia River and extend out to the midstream from a point one-half mile above the intersection of the upper bank of the tributary with the Columbia River to a point one mile downstream from the intersection of the lower bank of the tributary with the Columbia River. All such points are posted with deadline markers.¶

~~(78)~~ The Columbia River within an area and adjacent to the mouth of the Big White Salmon River. The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".¶

~~(89)~~ The Columbia River within an area at and adjacent to the mouth of Drano Lake (Little White Salmon River). The closed area is along the Washington side of the Columbia River and extends out to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upriver of the outlet of Drano Lake.¶

~~(910)~~ The Columbia River within an area and adjacent to the mouth of the Wind River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located 1-1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.¶

~~(101)~~ The Columbia River within areas at and adjacent to the mouth of Hood River. The closed area is along the Oregon side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at end of the breakwall at the west end of the Port of Hood River and 1/2 mile upriver from the east bank.¶

~~(142)~~ The Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway, except that during the period of August 25-September 20 inclusive the closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between a marker located 1-1/2 miles downriver of the Spring Creek Hatchery fishway up to the downstream marker of the Big White Salmon sanctuary located approximately 1/2 mile upriver of the Spring Creek Hatchery fishway.¶

~~(123)~~ Herman Creek upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.¶

~~(134)~~ The Columbia River within an area and adjacent to the mouth of the Klickitat River. The closed area is along the Washington side of the Columbia River and extends to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1-1/8 miles downstream from the west bank.

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

Statutes/Other Implemented: ORS 506.129, ORS 507.030