

635-017-0095**Sturgeon Season**

(1) The **2008 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 **2008 Oregon Sport Fishing Regulations**.

(2) ~~The Willamette River downstream of Willamette Falls (including Multnomah Channel) is open to the retention of sturgeon three days per week, Thursday, Friday and Saturday, during the following periods:~~

~~(a) January 1 through January 31.~~

~~(3) The Willamette River downstream of Willamette Falls (including Multnomah Channel) is open to the retention of white sturgeon four days per week, Thursday, Friday, Saturday and Sunday during the following periods:~~

~~(a) January~~February~~ 1 through July 31; and~~

~~(b) October 1 through December 31.~~

~~(3)~~(4)~~ The retention of white sturgeon in the areas identified in [sub]section[s] (2) [and ~~(3)~~] of this rule is prohibited August 1 through September 30.~~

(4) Retention of green sturgeon is prohibited all year in all areas.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 496.162 and 506.129

Hist.: Adopted 2-8-08, f. & cert. ef. upon filing

635-023-0095**Sturgeon Season**

(1) The **2008 Oregon Sport Fishing Regulations** provide requirements for the Columbia River Zone and the Snake River 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 **2008 Oregon Sport Fishing Regulations**.

(2) The Columbia River from Wauna powerlines (River Mile 40) upstream to Bonneville Dam is open to the retention of white sturgeon **four days per week, Thursdays through Sundays**, during the following periods:

(a) January 1 through July~~January~~ 31~~[three days per week, Thursday, Friday, and Saturday]~~; and

~~(b) [February 1 through July 31 and] October 1 through December 31 [four days per week, Thursday, Friday, Saturday and Sunday].~~

(3) The retention of white sturgeon in the area identified in [sub]section (2) of this rule is prohibited August 1 through September 30.

(4) The Columbia River from Wauna powerlines (River Mile 40) downstream to the mouth at Buoy 10, including Youngs Bay is open to the retention of white sturgeon seven days per week during the following periods:

(a) January 1 through April 30; and

(b) May 10 through ~~Friday~~ June~~July~~ 24~~4~~.

(5) The retention of white sturgeon in the area identified in [sub]section (4) of this rule is prohibited May 1 through May 9 and from June 25~~July 5~~ through December 31.

(6) During the fishing period as identified in subsection (4)(a) of this rule, only white sturgeon between 42-60 inches in overall length may be retained.

(7) During the fishing period as identified in subsection (4)(b) of this rule, only white sturgeon between 45-60 inches in overall length may be retained.

(8) Angling for sturgeon is prohibited from Marker 85 upstream to Bonneville Dam, from Highway 395 Bridge upstream to McNary Dam, and from the west end of the grain silo at Rufus upstream to John Day Dam during May 1 through July 31.

(9) Retention of green sturgeon is prohibited all year in all areas.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 496.162 and 506.129

Hist.: Adopted 2-8-08, f. & cert. ef. upon filing

635-041-0050

Commercial Fishing Gear

It is *unlawful* to:

- (1) Take fish for commercial purposes by any means other than setnets, gill nets, dip nets, bag nets, hoop nets, or any gear expressly authorized for subsistence fishing by OAR 635-041-0025.
- (2) Fish a setnet [~~or gill net~~] which is more than 400 feet in length **or a drift gill net which is more than 800 feet in length.**
- (3) Fish more than one setnet at any one location.
- (4) Fish more than five setnets at any one time.
- (5) Use or operate any gill net, setnet, or hoop net which does not have the tribal affiliation and tribal enrollment number of the owner of the net placed upon or adjacent to each end cork or float of the gill net or setnet and upon the upper side of the hoop net.
- (6) Have spoiled fish in any fishing gear.

Stat. Auth.: ORS 183.325 and 506.119

Stats. Implemented: ORS 506.129 and 507.030

Hist.: Adopted 2-8-08, f. & ef. upon filing

635-042-0010

Fishing Gear

(1) As used in these Columbia River fishing rules, gill net includes drift gill net, floater gill net, diver gill net, and is a monofilament or multifilament mesh net with a cork and lead line which is in a position to drift with the tide or current at all times while it is being fished. There must be sufficient buoyancy in the corks and/or floats on the cork line so the net is free to drift with the current. The lead or weight on the lead line of a gill net shall not exceed two pounds in total weight on any one fathom, measurement to be taken along the cork line of the net. However, should extra or added weights appear necessary to operate a net, permission to use in excess of two pounds weight per fathom of net may be granted by the Director upon written application which includes adequate justification for the additional leads or weights.

(2) It is *unlawful*:

(a) [~~f~~] For a gill net in whole or in part to be anchored, tied, staked, fixed, or attached to the bottom, shore, or a beached boat; left unattended at any time it is fished; or attended by more than one boat while being fished; [~~;~~]

~~(3) It is unlawful to:~~

(b) [~~a~~] **To** take any species of salmon from the Columbia River for commercial purposes by any means other than by gill net;

(c) [~~b~~] **To** fish more than one gill net from a licensed commercial fishing boat at any one time;

(d) [~~e~~] **To** fish with or have on the boat while fishing a gill net which exceeds 1,500 feet in length;

(e) [~~e~~] **To** fish with or have on the boat while fishing any gill net of a mesh size not authorized for use at that time, except:

(A) **D**uring December 1-March 31 **when** the following applies:

(i) [~~A~~] While fishing during open salmon and/or sturgeon seasons, smelt gill nets with a mesh size not more than two inches may be [~~stored~~] **onboard** the boat;

(ii) [~~B~~] While fishing during open smelt seasons, gill nets with a mesh size greater than two inches may be [~~stored~~] **onboard** the boat.

(B) Nets with a minimum mesh size of 9.0 inches may be onboard the boat.

(C) When specifically authorized, nets not lawful for use at that time and area may be onboard the boat if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

(f) [~~e~~] Fish with or have on the boat while fishing any gill net of a mesh size greater than 9-3/4 inches, except that snagging nets as described in ORS 509.240 are permitted;

(g) [~~f~~] Fish with or have on the boat while fishing a gill net which does not meet the construction requirements for a gill net as set forth in section (1) of this rule, except while fishing during the Tongue Point Select Area Salmon Season (OAR 635-042-0170) gill nets with leadline in excess of two pounds per fathom may be stored on the boat.

(3) [~~4~~] The mesh size of any gill net is determined only after the meshes are wet from soaking in water not less than one hour. Three consecutive meshes are then placed under ten pounds of vertical tension and the

measurement is taken from the inside of one vertical knot to the outside of the opposite vertical knot of the center mesh.

(4)~~(5)~~ As used in these rules, "slackers" means a single piece of material or cord, not webbing or mesh, connected vertically or woven in the mesh of the net between the cork and lead lines. It is used to tie netting in a shortened state to give the net surface flexibility.

Stat. Auth.: ORS 183.325, 506.109, 506.119
Stats. Implemented: ORS 506.129 and 507.030
Hist.: Adopted 2-8-08, f. & ef. upon filing

635-042-0130 Smelt Season

(1) Smelt may be taken for commercial purposes from the Columbia River ~~[from 3 a.m. to 9 p.m. on the following dates: February 1, 2002, February 3, 2002, February 6, 2002, February 8, 2002, February 10, 2002, February 13, 2002, February 15, 2002, February 17, 2002, February 20, 2002, February 22, 2002, February 24, 2002, February 27, 2002, March 1, 2002, March 3, 2002, March 6, 2002, March 8, 2002, March 10, 2002, March 13, 2002, March 15, 2002, March 17, 2002, March 20, 2002, March 22, 2002, March 24, 2002, March 27, 2002 and March 31, 2002.]~~ **in Zones 1 through 5 during the following times:**

(a) 24 hours per day from 12:01 a.m. December 1 through 11:59 p.m. December 31;

(2) It is *unlawful* to use **any gear** other than **those listed below**~~[the following gear]~~ for the taking of smelt in the Columbia River:

(a) Gill nets of a mesh size not more than two inches. Nets may consist of, but are not limited to, monofilament webbing;

(b) Dip nets having a bag frame no greater than 36 inches in diameter;

(c) Trawl nets with:

(A) Head rope not to exceed 25 feet in length;

(B) Foot rope or groundline not to exceed 25 feet in length;

(C) Door size not to exceed three feet by four feet;

(D) Mesh size not to exceed two inches;

(E) Bag length from the center of the head rope to the terminal end of the bunt not to exceed 35 feet;

(F) Breast rope not to exceed five feet;

(G) Bridle rope from rear of doors to foot rope and head rope not to exceed eight feet.

(3) No more than one trawl net at a time may be fished from any fishing vessel to take smelt.

(4) In the Columbia River upstream from Zone 1, it is *unlawful* to take smelt from a trawl vessel which exceeds 32 feet in overall length.

(5) For the purposes of this rule, Zone 1 is the area downstream of a straight line from a beacon light at Grays Point on the Washington bank to the flashing 4-second red buoy "44" off the easterly tip of Tongue Point on the Oregon Bank.

Stat. Auth.: ORS 183.325, 506.109 & 506.119
Stats. Implemented: ORS 506.129 & 507.030
Hist.: Adopted 2-8-08, f. & ef. upon filing

635-042-0135 Sturgeon Season

(1) White sturgeon may be taken for commercial purposes from the Columbia River below Bonneville Dam during commercial salmon fishing seasons with the same fishing gear authorized for the taking of salmon.

(2) Retention of green sturgeon in all mainstem Columbia River and Select Area commercial fisheries is prohibited.

(3) White sturgeon and adipose fin-clipped salmon may be taken for commercial purposes from the Columbia River below Bonneville Dam during commercial sturgeon/salmon fishing seasons using gill nets with a minimum mesh size of nine inches and a maximum mesh size of 9 3/4 inches. Only white sturgeon and adipose fin-clipped salmon may be sold from this fishery. The open fishing periods are:

(a) 6:00 p.m. Tuesday January 8 to 6:00 p.m. Wednesday January 9, 2008;

(b) 6:00 p.m. Tuesday January 15 to 6:00 p.m. Wednesday January 16, 2008;

(c) 6:00 p.m. Tuesday January 22 to 6:00 p.m. Wednesday January 23, 2008;

(d) 6:00 p.m. Tuesday January 29 to 6:00 p.m. Wednesday January 30, 2008;
(e) 6:00 p.m. Tuesday February 5 to 6:00 p.m. Wednesday February 6, 2008; and
(f) 6:00 p.m. Tuesday February 13 to 6:00 p.m. Wednesday February 13, 2008.

~~[6:00 p.m. Tuesday January 9, 2007 to 6:00 p.m. Wednesday January 10, 2007;
6:00 p.m. Tuesday January 16, 2007 to 6:00 p.m. Wednesday January 17, 2007;
6:00 p.m. Tuesday January 23, 2007 to 6:00 p.m. Wednesday January 24, 2007;
6:00 p.m. Tuesday January 30, 2007 to 6:00 p.m. Wednesday January 31, 2007;
6:00 p.m. Tuesday February 6, 2007 to 6:00 p.m. Wednesday February 7, 2007;
6:00 p.m. Tuesday February 13, 2007 to 6:00 p.m. Wednesday February 14, 2007;
6:00 p.m. Tuesday February 20, 2007 to 6:00 p.m. Wednesday February 21, 2007.]~~

(4) White sturgeon and salmon must be delivered to wholesale fish dealers, cannerys, or fish buyers undressed (in the round).

(5) It is *unlawful* to:

(a) Take sturgeon and salmon by angling from any vessel that is engaged in commercial fishing (including the period of time the gear is fished) or has been engaged in commercial fishing on that same day or has commercially caught sturgeon or salmon aboard;

(b) Steal or otherwise molest or disturb any lawful fishing gear;

(c) Keep any fish taken under a commercial license for personal use;

(d) Remove the head or tail of any white sturgeon taken for commercial purposes prior to being received at the premises of a wholesale fish dealer or cannery;

(e) Sell or attempt to sell unprocessed or processed sturgeon eggs that have been taken from the Columbia River below Bonneville Dam;

(f) Purchase from commercial fishermen sturgeon eggs which have been removed from the body cavity prior to sale;

(g) Have in possession any white sturgeon smaller than 48 inches or larger than 60 inches in overall length;

(h) Gaff or penetrate sturgeon in any way while landing or releasing it.

(6) The Sandy River closed sanctuary, described in OAR 625-042-0005, is in effect during the fishing periods described in subsection (2) of this rule.

~~[(7) The retention of green sturgeon is prohibited.]~~

Stat. Auth.: ORS 183.325, 506.109, and 506.119

Stats. Implemented: ORS 506.129 and 507.030

Hist.: Adopted 2-8-08, f. & ef. upon filing