



Oregon Administrative Rules  
Oregon Department of Fish and Wildlife

1 **635-041-0005**

2 **Applicability of Regulations**

3 (1) The right to fish in accordance with OAR 635-041-0005 through 635-041-0085 is restricted to those individuals  
4 possessing Indian treaty fishing rights pursuant to the Yakima Treaty (12 Stat. 951), the Warm Springs Treaty (12  
5 Stat. 963), the Umatilla Treaty (12 Stat. 945), or the Nez Perce Treaty (12 Stat. 957).

6 (2) The fishing activities authorized by the aforementioned treaties for the Columbia River and its tributaries above  
7 Bonneville Dam are hereinafter referred to as the Treaty Indian Fishery.

8 (3) Nothing in these regulations shall prevent any individual having Indian treaty fishing rights from participating  
9 equally with other citizens in any other commercial fishery in Oregon so long as such individual complies with the  
10 commercial fishing laws and rules of the Commission applicable to such fishery.

11 (4) The taking of fish from the Columbia River or its tributaries above Bonneville Dam for commercial purposes is  
12 prohibited except by the persons, during the times, with the fishing gear, and in the areas specified in OAR 635-  
13 041-0005 through 635-041-0085.

14 (5) It is *unlawful* for any individual to take fish pursuant to the authority of any of the aforementioned treaties and  
15 OAR 635-041-0005 through 635-041-0085 **unless that person has in possession a valid identification card**  
16 **issued by the tribal registrar showing the person to be a duly enrolled member of the Nez Perce, Umatilla,**  
17 **Warm Springs, or Yakama tribes who can lawfully exercise treaty fishing rights. Upon request, such card**  
18 **shall be presented to any federal, state, or tribal officer.** [~~who does not have in his or her possession an Indian~~  
19 ~~tribal identification card which identifies him or her as a duly enrolled member of the Yakima, Warm Springs,~~  
20 ~~Umatilla, or Nez Perce Tribe.]~~

21 Stat. Auth.: ORS 183.325 & 506.119  
22 Stats. Implemented: ORS 506.129 & 507.030  
23

24 **635-041-0025**

25 **Subsistence Fishing Gear**

26 (1) It is lawful at all times to take fish for subsistence purposes by dip net or bag net of a mesh size not exceeding  
27 five inches attached to a hoop 26 feet or less in circumference, or by spear, gaff, club, or fouling-hook. All such  
28 fishing gear must be tended at all times. **The owner's tribal affiliation and enrollment number must be either**  
29 **placed on the upper side of the hoop, or on a tag attached to the hoop, pole, or cable.**

30 (2) It is lawful to use angling gear as defined by the Oregon Wildlife Laws and regulations of the Department.

31 (3) It is *unlawful* to use gill nets, set nets, hoop nets, setlines, or dip nets or bag nets of a mesh size exceeding five  
32 inches, or any other type of fishing gear not otherwise specifically authorized in section (1) of this rule, except  
33 during the times and in the areas where such gear is authorized for commercial fishing.

34 **(a) For hoop nets, dip nets, and bag nets, the owner's tribal affiliation and enrollment number must be**  
35 **either placed on the upper side of the hoop, or on a tag attached to the hoop, pole, or cable.**

36 **(b) For set nets, drift nets, or setlines, the owner's tribal affiliation and enrollment number must be placed**  
37 **upon or adjacent to the end corks of set nets and drift nets, on the anchored ends of setlines and**  
38 **submerged nets, and on the anchor floats to which any of these gears are attached.**



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39 (4) Notwithstanding the provisions of this rule a treaty subsistence fishing season with gillnets for salmon may  
40 occur provided rules for ceremonial fishing and notice requirement (OAR 635-041-0040) are followed.

41 Stat. Auth.: ORS 183.325 & 506.119  
42 Stats. Implemented: ORS 506.129 & 507.030  
43

44 **635-041-0030**

45 **Subsistence Fishing Activities**

46 (1) It is *unlawful* to utilize any fish taken by subsistence fishing for other than subsistence purposes as defined in  
47 OAR 635-041-0010 with the exception of shad which may be sold commercially, and with the exception of dipnet  
48 caught fish from main stem Columbia and Klickitat River subsistence areas taken during open commercial fishing  
49 seasons.

50 (2) Only white sturgeon with a fork length of 43-54 inches taken from between The Dalles and McNary dams and  
51 white sturgeon with a fork length of 38-54 inches taken from between the Bonneville Dam and The Dalles Dam  
52 may be retained for subsistence purposes.

53 **(3) All sturgeon not of legal size shall be released to the water unharmed. Sturgeon not captured for legal**  
54 **harvest shall not be possessed on land. For purposes of this regulation, docks and boat ramps are not**  
55 **considered land.**

56 Stat. Auth.: ORS 183.325 & 506.119  
57 Stats. Implemented: ORS 506.129 & 507.030  
58

59 **635-041-0050**

60 **Commercial Fishing Gear**

61 It is *unlawful* to:

62 (1) Take fish for commercial purposes by any means other than set nets, gill nets, dip nets, bag nets, hoop nets,  
63 or any gear expressly authorized for subsistence fishing by OAR 635-041-0025.

64 (2) Fish a set net which is more than 400 feet in length or a drift gill net which is more than 800 feet in length.

65 (3) Fish more than one set net at any one location.

66 (4) Fish more than five set nets at any one time.

67 (5) ~~Use or operate any gill net, set net, or hoop net which does not have the tribal affiliation and tribal enrollment~~  
68 ~~number of the owner of the net placed upon or adjacent to each end cork or float of the gill net or set net and upon~~  
69 ~~the upper side of the hoop net.~~

70 ~~(6)]~~Have spoiled fish in any fishing gear.

71 **(6) All fishing gear that is actively fishing must be marked as shown below:**

72 **(a) For set nets, drift nets, or setlines, the owner's tribal affiliation and enrollment number must be placed**  
73 **upon or adjacent to the end corks of set nets and drift nets, on the anchored ends of setlines and**  
74 **submerged nets, and on the anchor floats to which any of these gears are attached.**

75 **(b) For hoop nets, the owner's tribal affiliation and enrollment number must be either placed on the upper**  
76 **side of the hoop or on a tag attached to the hoop, pole, or cable.**

77 Stat. Auth.: ORS 183.325 & 506.119  
78 Stats. Implemented: ORS 506.129 & 507.030  
79



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80 **635-041-0061**  
81 **Sturgeon Size**

82 (1) White sturgeon may be taken for commercial purposes by treaty Indian fishers during commercial fishing  
83 seasons in which sales of sturgeon are authorized.

84 (2) Sales are limited to white sturgeon with a fork length of 43-54 inches taken from between The Dalles and  
85 McNary dams and white sturgeon with a fork length of 38-54 inches taken from between the Bonneville Dam and  
86 The Dalles Dam.

87 **(3) All sturgeon not of legal size shall be released to the water unharmed. Sturgeon not captured for legal**  
88 **harvest shall not be possessed on land. For purposes of this regulation, docks and boat ramps are not**  
89 **considered land.**

90 **(4)**~~(3)~~ It is *unlawful* to mutilate or disfigure a sturgeon in any manner which extends or shortens its length to the  
91 legal limit, or to possess such sturgeon.

92 Stat. Auth.: ORS 506.119  
93 Stats. Implemented: ORS 506.129 & 507.030  
94

95 **635-041-0063**  
96 **Sturgeon Setline Fishery**

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

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

100 (b) In the Bonneville Pool white sturgeon taken must be 38-54 inches in fork length.

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

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

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

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

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

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

108 **(4) The owner's tribal affiliation and enrollment number must be placed on the anchored ends of setlines**  
109 **and to the anchor floats to which the setlines are attached.**~~(d) Operate any setline on which the buoy or~~  
110 ~~marker does not have the tribal identification number of the individual operating the line clearly marked on it and~~  
111 ~~which is attached in a manner that will not allow it to float visibly on the surface at all times.]~~

112 **(5)**~~(4)~~ Notwithstanding OAR 635-041-0045(6)-(11), it is lawful during the open season to fish for white sturgeon  
113 by means of set lines in the Columbia River within areas at and adjacent to the mouths of rivers.

114 Stat. Auth.: ORS 183.325 & 506.119  
115 Stats. Implemented: ORS 506.129 & 507.030  
116