

635-017-0090**Inclusions and Modifications**

Modifications to the 2009 Willamette spring Chinook salmon season will likely be determined at the January 29, 2009 Compact Hearing. Amended rules will be provided prior to the February 20, 2009 OFWC meeting.

635-017-0095**Sturgeon Season**

(1) The **2009 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 **2009 Oregon Sport Fishing Regulations**.

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

- (a) January 1 through July 31; and
- (b) October 1 through December 31.

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

(4) Only white sturgeon with a fork length of 38-54 inches may be retained. 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

635-023-0095**Sturgeon Season**

(1) The **2009 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 **2009 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 with a fork length of 38-54 inches, three^{four} days per week, Thursdays through Saturdays~~Sundays~~, during the following periods:

- (a) January 1 through July 31; and
- (b) October 1 through December 31.

(3) The retention of white sturgeon in the area identified in 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 ~~9~~¹⁰ through June ~~28~~²⁴; and
- (c) July 2 through July 5 (or until guideline is met).

(5) The retention of white sturgeon in the area identified in section (4) of this rule is prohibited May 1 through May ~~8~~⁹, June 29 through July 1, and from July 6~~June-25~~ through December 31.

(6) During the fishing period as identified in subsection (4)(a) of this rule, only white sturgeon ~~[between-]~~with a fork length of 38-54~~[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-]~~with a fork length of 41-54~~[45-60]~~ inches ~~[in-overall-length-]~~ may be retained.

(8) During the fishing period as identified in subsection (4)(c) of this rule, only white sturgeon with a fork length of 41-54 inches may be retained.

~~(9)~~⁽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.

~~(10)~~⁽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

635-023-0125

Spring Sport Fishery

Modifications to the 2009 Columbia River spring Chinook salmon season may be determined at the January 29, 2009 Compact Hearing pending agreement between OFWC and WFWC on allocation of upriver spring Chinook. Amended rules will be provided prior to the February 20, 2009 OFWC meeting.

635-041-0030

Subsistence Fishing Activities

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

(2) Only white sturgeon with a fork length of 43-54 inches taken [~~between 48-60" in overall length~~] from between The Dalles and McNary dams and white sturgeon with a fork length of 38-54 inches taken from [~~between 45-60" in overall length from~~] between the Bonneville D[~~d~~]am and The Dalles D[~~d~~]am may be retained[~~taken~~] for subsistence purposes.

Stat. Auth.: ORS 183.325 and 506.119
Stats. Implemented: ORS 506.129 and 507.030

635-041-0061

Sturgeon Size

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

(2) Sales are limited to white sturgeon with a fork length of 43-54 inches [~~between 48-60" in overall length~~] taken from between The Dalles and McNary dams and white sturgeon with a fork length of 38-54 inches taken [~~between 45-60" in overall length~~] from between the Bonneville Dam and The Dalles Dam.

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

Stat. Auth.: ORS 506.119
Stats. Implemented: ORS 506.129 and 507.030

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[~~between 48-60 inches in~~] length.

(b) In the Bonneville Pool white sturgeon taken must be 38-54 inches in fork[~~between 45-60 inches in~~] length.

(c) 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;

(d) Operate any setline on which the buoy or marker does not have the tribal identification number of the individual operating the line clearly marked on it and which is attached in a manner that will not allow it to float visibly on the surface at all times.

(4) 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.

Stat. Auth.: ORS 183.325 and 506.119
Stats. Implemented: ORS 506.129 and 507.030

635-041-0065

Winter Season

- (1) Salmon, steelhead, shad, white sturgeon, walleye and carp may be taken for commercial purposes from the Columbia River Treaty Indian Fishery, from 12 noon February 1 to 6:00 p.m. March 21.
- (2) There are no mesh size restrictions.
- (3) Closed areas as set forth in OAR 635-041-0045 remain in effect with the exception of Spring Creek Hatchery sanctuary.
- (4) White sturgeon **with a fork length of 43-54 inches**~~[between 48-60 inches in length]~~ in The Dalles and John Day pools and white sturgeon **with a fork length of 38-54**~~[between 45-60]~~ inches in the Bonneville Pool may be sold or kept for subsistence use.
- (5) Sale of platform and hook-and-line caught fish is allowed during open commercial fishing seasons.

Stat. Auth.: ORS 183.325 and 506.119
Stats. Implemented: ORS 506.129 and 507.030

635-042-0110

Gary Island to Bonneville Dam (Area 2S) Shad Season

- (1) Shad may be taken for commercial purposes from the area of the Columbia River described in section (2) ~~[daily]~~ from 3:00 p.m. to 10:00 p.m. **daily during Monday through Friday (except on the observed Memorial Day holiday) from May 10 through June 20**~~[open fishing periods]~~.
- (2) The area of the Columbia River open to fishing is from a downstream boundary of a true north/south line through the flashing red 4-second Light "50" near the Oregon bank to an upstream boundary of a straight line from a deadline marker on the Oregon bank, through the western tip of Pierce Island, to a deadline marker on the Washington bank at Beacon Rock, both such deadline markers located approximately four miles downstream from Bonneville Dam.
- (3) It is *unlawful* to use a gillnet having a mesh size less than 5-3/8 inches or more than 6-1/4 inches with a breaking strength greater than a 10-pound pull, or to use a gillnet other than a single wall floater net, or to use a gillnet having slackers, or to use a gillnet of more than 150 fathoms in length or 40 meshes in depth. Rip lines are authorized spaced not closer than 20 corks apart.
- (4) All salmon, steelhead, walleye and sturgeon taken in shad nets must be immediately returned unharmed to the water.

Stat. Auth.: ORS 496.138, 496.146, 506.119
Stats. Implemented: ORS 496.162, 506.129 and 507.030

635-042-0130

Smelt Season

- (1) Smelt may be taken for commercial purposes from the Columbia River 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;
 - (b) Mondays and Thursdays from 7:00 a.m. to ~~2~~⁴:00 p.m. (~~7~~⁹ hrs.) during the period from January 1 through March 31.
- (2) It is *unlawful* to use any gear other than those listed below 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

635-042-0133

Sturgeon Size

- (1) White sturgeon with a fork length of~~[between]~~ **43-54**~~[48 inches and 60]~~ inches ~~[in overall length]~~ may be taken for commercial purposes from the Columbia River below Bonneville Dam during commercial salmon and sturgeon fishing seasons with the same fishing gear authorized for the taking of salmon or sturgeon.
- (2) Length of a commercially caught sturgeon shall be defined as the shortest distance between the tip of the nose and the fork between the upper and lower lobes of the caudal fin (tail)~~[extreme tip of the tail]~~ while the fish lies on its side on a flat surface with its tail in a normal position.
- (3) It is *unlawful* to:
 - (a) Mutilate or disfigure a sturgeon in any manner which extends or shortens its length to the legal limit, or to possess such sturgeon;
 - (b) Remove the head or tail of any sturgeon taken for commercial purposes prior to being received at the premises of a wholesale fish dealer or canner;
 - (c) Have in possession any white sturgeon smaller than **43**~~[48]~~ inches or larger than **54**~~[60]~~ inches in ~~[overall]~~fork length.
 - (d) Fail to return to the water immediately and unharmed, any green sturgeon, any white sturgeon not of lawful size, or any white sturgeon taken in excess of any commercial catch or possession limits prescribed by Department rule.

Stat. Auth.: ORS 183.325, ORS 506.109 & ORS 506.119
 Stats. Implemented: ORS 506.129 & ORS 507.030

635-042-0135

Sturgeon Season

- (1) White sturgeon with a fork length of 43-54 inches 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 **6**~~[8]~~ to 6:00 p.m. Wednesday January **7**~~[9, 2008]~~;
 - (b) 6:00 p.m. Tuesday January **13**~~[15]~~ to 6:00 p.m. Wednesday January **14**~~[16, 2008]~~;
 - (c) 6:00 p.m. Tuesday January **20**~~[22]~~ to 6:00 p.m. Wednesday January **21**~~[23, 2008]~~;
 - (d) 6:00 p.m. Tuesday January **27**~~[29]~~ to 6:00 p.m. Wednesday January **28**~~[30, 2008]~~;
 - (e) 6:00 p.m. Tuesday February **3**~~[5]~~ to 6:00 p.m. Wednesday February **4**~~[6, 2008]~~; ~~[-and]~~
 - (f) 6:00 p.m. Thursday February 5 to noon Friday February 6;**
 - (g)**~~(f)~~ 6:00 p.m. Tuesday February **10**~~[12]~~ to 6:00 p.m. Wednesday February **11**~~[13, 2008]~~; **and**
 - (h) 6:00 p.m. Thursday February 12 to noon Friday February 13.**
- (4) White sturgeon and salmon must be delivered to wholesale fish dealers, canners, 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 canner;
 - (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 **43**[48] inches or larger than **54**[60] inches in **fork** [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 (3) of this rule.

Stat. Auth.: ORS 183.325, 506.109, and 506.119
Stats. Implemented: ORS 506.129 and 507.030

635-042-0145

Youngs Bay Salmon Season

Modifications to 2009 Select Area winter, spring, and summer commercial fisheries will likely be determined at the January 29, 2009 Compact Hearing. Amended rules will be provided prior to the February 20, 2009 OFWC meeting.

635-042-0160

Blind Slough and Knappa Slough Select Area Salmon Season

Modifications to 2009 Select Area winter, spring, and summer commercial fisheries will likely be determined at the January 29, 2009 Compact Hearing. Amended rules will be provided prior to the February 20, 2009 OFWC meeting.

635-042-0170

Tongue Point Basin and South Channel

Modifications to 2009 Select Area winter, spring, and summer commercial fisheries will likely be determined at the January 29, 2009 Compact Hearing. Amended rules will be provided prior to the February 20, 2009 OFWC meeting.

635-042-0180

Deep River Select Area Salmon Season

Modifications to 2009 Select Area winter, spring, and summer commercial fisheries will likely be determined at the January 29, 2009 Compact Hearing. Amended rules will be provided prior to the February 20, 2009 OFWC meeting.