



**Report to Legislature
2019 Rulemaking
Oregon Department of Fish & Wildlife
January 23, 2020**

This document was prepared and delivered in compliance with House Bill 4106 (2016), which requires each state agency to provide an annual report to the Legislative Assembly on the number of rules the agency adopted, amended or repealed in the previous calendar year.

In calendar year 2019, Oregon Department of Fish and Wildlife (ODFW) completed a total of;

- 235 permanent rulemakings, and
- 176 temporary rulemakings.

The attached table provides the number of rules filed and a detailed description of 2019 temporary rulemaking, including the purpose of each rule and the reason for proceeding with the temporary rulemaking process.

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OREGON DEPARTMENT OF FISH & WILDLIFE
 HOUSE BILL 4106
 JANUARY 1, 2019 through DECEMBER 31, 2019

FISH DIVISION

PERMANENT RULES

Adopted	Amended	Repealed	Total Permanent Rules Filed
2	108	0	110

TEMPORARY RULES

Adopted	Amended	Suspended	Total Temporary Rules Filed
2	163	1	166

Date Filed	SS-DFW	Rule #	Rule Caption	Adopted	Amended	Suspended	Statement of Need	Justification	Date Ratified
1-4-19	2-2019	635-023-0095	White Sturgeon Recreational Fisheries Closed in The Dalles Pool		X		This amended rule is needed to prohibit retention of white sturgeon in The Dalles Pool (The Dalles Dam upstream to John Day Dam) of the Columbia River, and adjacent tributaries. Failure to restrict retention will result in exceeding the harvest guideline for this fishery.	There is not adequate time to go through normal rulemaking proceedings to modify this fishery in a timely manner. Fishing seasons must operate within management guidelines that may include Federal Endangered Species Act requirements, sharing agreements between treaty and non-treaty fisherman, and sharing arrangements for non-Indian fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that recreational fishermen would likely exceed their allocation for this valuable resource.	1-18-19
1-18-19	4-2019	635-004-0275	Federal Actions Implemented for Commercial and Recreational Groundfish Fisheries.		X		This rule is needed to conform to rules previously adopted by the federal government for Pacific Coast commercial and recreational groundfish fisheries.	The National Marine Fisheries Service (NMFS) announced regulation changes for the Pacific Coast commercial and recreational groundfish fisheries as noticed by means of NMFS Final Rules published in the Federal Register Vol 83 No. 232, dated December 3, 2018 (83FR62269) and Federal Register Vol 83 No. 247, dated December 27, 2018 (83FR66636). There is not adequate time to go through normal rulemaking proceedings prior to effective date of these rule amendments. Failure to adopt this temporary rule would cause serious prejudice to the public interest in	2-8-19

							that inconsistency between state and federal regulations would exist, which subsequently could result in enforcement issues and confusion within the commercial fishing industry.	
1-24-19	7-2019 8-2019 9-2019	635-005-0465	Commercial Dungeness Crab Season Opening South of Cape Arago, Mandatory Evisceration South of Cape Blanco		X		<p>This amended rule is needed to open the 2018-2019 ocean commercial Dungeness crab fishery from Cape Arago (43° 17' 00" N. Lat.) southward to the California border (42° 00' 00" N. Lat.) on February 1, 2019.</p> <p>Pre-season test results for crab condition (i.e., meat recovery) completed in December 2018 off the California, Oregon and Washington coasts provided the basis for a delayed opening of the commercial Dungeness crab fishery in the Pacific Ocean. Test results from rounds one and two of preseason testing required that the season in all three states be delayed until at least December 31st, per the Revised Pre-Season Testing Protocol for the Tri-State Dungeness Crab Commercial Fishery (July 2014, hereafter Tri-State Protocol). The third round of pre-season testing was delayed due to extreme weather conditions, but was completed on December 28, 2018 with results available on December 29th. Results of the third round of testing indicated that crab south of Cape Arago had not met meat recovery criteria.</p> <p>In addition to low meat recovery rates south of Cape Arago, testing for the biotoxin domoic acid was also conducted throughout December 2018 and January 2019, which detected persistent elevated levels in crab viscera south of Cape Blanco. Subsequent testing found that the meat from the same crab was below alert levels. After consultation with the Oregon commercial Dungeness crab industry and the Oregon Department of Agriculture (ODA), ODFW met with the state fish and wildlife agencies of Washington and California and agreed delay the fishery from Cape Arago to the California/Oregon border until February 1, 2019 and establish a Biotoxin Management Zone (BMZ) from Cape Blanco to the Oregon/California border.</p> <p>Based on test results and consistent with OAR 603-025-0410, this temporary rule establishes evisceration requirements for crab harvested from the BMZ on or after February 1, 2019 and from any areas offshore of California on or after January 15, 2019. These rules require that Dungeness crab is sold, offered for sale or donated to the public only after it is eviscerated consistent with ODA rule. These rules prohibit the sale of live crab caught in the biotoxin management zone, and prohibit the sale of any crab that is not processed consistent with ODA temporary rule OAR 603-025-0421 or OAR 603-025-0423 until further notice. These restrictions and procedures are necessary to carry out the Commercial Fishing laws. It has</p>	2-8-19

							been determined that a prohibition on landing crab from the affected area would not permit an optimum and equitable utilization of available food fish because ODA has determined that such crab is safe for public consumption once eviscerated and a full closure absent such an exception would incur a substantial waste of Dungeness crab and costs to industry. This rule maintains access to the food fish resources of the state while preventing harm to the industry that would be caused by public exposure to domoic acid. This rule minimizes waste of food fish resources to preserve the economic contribution of this fishery without compromise to food safety or public benefits. There is not adequate time to go through normal rulemaking proceedings to protect public health and carry out Commercial Fishing laws as described above. Failure to act immediately in this regard will result in serious prejudice to the public interest because there is a substantial likelihood that persons consuming unprocessed crab will become ill with amnesiac shellfish poisoning.	
1-31-19	10-2019	635-017-0090	Temporarily Remove Bag Limits On Hatchery Trout In Faraday Lake.		X	This amended rule is needed to remove the bag limit to maximize harvest opportunities to avoid stranded trout during construction and upgrades the Faraday facility.	Faraday Lake is scheduled to be drained to facilitate installation of new turbines and powerhouse upgrades at PGE's Faraday facility. Faraday Lake is scheduled to be closed to public access March 15, 2019 - Fall 2020 while construction occurs. Temporarily removing bag limits will allow anglers opportunity for increased harvest and potentially aid fish salvage efforts.	2-8-19
1-31-19	11-2019 12-2019	635-041-0065 635-042-0145 635-042-0160 635-042-0170	2019 Seasons set for Columbia River Winter Treaty and Select Area Winter-Summer Commercial Fisheries.		X	These amended rules are needed to implement the 2019 winter, spring and summer commercial salmon fisheries, beginning February 4 for Youngs Bay, Blind Slough/Knappa Slough and Tongue Point/South Channel Select Areas and the Treaty Indian winter season commercial gillnet fishery beginning on February 1, 2019.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of the fall fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that commercial fishers would not be allowed an opportunity to harvest their allocation of this valuable resource.	2-18
1-31-19	13-2019 14-2019 15-2019	635-005-0465	End of Mandatory Evisceration for Commercial Dungeness Crab from Cape Blanco to Oregon-California Border		X	This amended rule is needed in coordination with Oregon Department of Agriculture (ODA) temporary rules to modify requirements for harvesting crab in the ocean commercial Dungeness crab fishery from a biotoxin management area from Cape Blanco (42° 50' N. Lat.) southward to the Oregon/California border (42° 50' N. Lat.) that were implemented due to detection of elevated levels of domoic acid in crab viscera in that specified area. Temporary rules filed January 24, 2019 by ODFW and ODA implemented an evisceration requirement for the area until further test results indicate that domoic acid levels in crab viscera no longer pose a public health concern. Test results from samples collected on January 22, 2019 and January 29, 2019 found all crab to be below domoic acid alert levels, meeting	Testing for the biotoxin domoic acid in Dungeness crab samples collected in December and January detected elevated levels in crab viscera in the area between the Cape Blanco (42° 50' N. Lat.) southward to the Oregon/California border (42° 50' N. Lat.). Subsequent testing found that the meat from the same crab was below alert levels, resulting in the implementation of a mandatory evisceration requirement by ODFW and ODA to begin the commercial crab season in that area on February 1, 2019. Additional samples were collected from the area on January 22, 2019 and January 29, 2019 and testing found domoic acid below alert levels in the viscera of all crab sampled, meeting ODA criteria for lifting the mandatory evisceration requirement. These restrictions and procedures are necessary to carry out the Commercial Fishing laws. This rule minimizes waste of food fish resources to preserve the economic contribution of this fishery without	2-8-19

						criteria for lifting evisceration requirements for any crab landed on or after February 1, 2019 (the opening date of the 2019 season for that area). Mandatory evisceration requirements for all crab harvested off California on or after January 15, 2019 remain in place at this time.	compromise to food safety or public benefits. There is not adequate time to go through normal rulemaking proceedings to protect public health and carry out Commercial Fishing laws as described above.	
2-12-19	17-2019	635-041-0065	Modifications to the 2019 Treaty Indian Winter Commercial Fisheries.		X	These amended rules are needed to modify the Treaty Indian winter season commercial gillnet fishery to extend to February 19, 2019.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of the fall fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that commercial fishers would not be allowed an opportunity to harvest their allocation of this valuable resource.	3-15-19
2-14-19	18-2019 19-2019 20-2019	635-005-0465	Commercial Dungeness Crab Evisceration South of Bandon		X	This amended rule is needed in coordination with Oregon Department of Agriculture (ODA) temporary rules to modify requirements for harvesting crab in the ocean commercial Dungeness crab fishery from a biotoxin management zone from Bandon (43° 07' N. Lat.) southward to the Oregon/California border (42° 00' N. Lat.) due to detection of elevated levels of domoic acid in crab viscera in that specified area. These rules require that Dungeness crab is sold, offered for sale or donated to the public only after it is processed (eviscerated) consistent with ODA rules. These rules prohibit the sale of live crab caught in the affected areas and prohibit the sale of any crab that is not processed consistent with these rules.	Testing for the biotoxin domoic acid in Dungeness crab samples taken February 11, 2019 was recently completed, and detected elevated biotoxin levels (above alert levels) in the viscera of crab in the area between from Bandon (43° 07' N. Lat.) southward to the Oregon/California border (42° 00' N. Lat.). Based on these results and consistent with OAR 603-025-0410, this temporary rule establishes evisceration requirements for crab harvested from the biotoxin management zone. These rules require that Dungeness crab is sold, offered for sale or donated to the public only after it is eviscerated consistent with ODA rule. These rules prohibit the sale of live crab caught in the biotoxin management zone, and prohibit the sale of any crab that is not processed consistent with ODA temporary rule OAR 603-025-0423 until further notice. These restrictions and procedures are necessary to carry out the Commercial Fishing laws. It has been determined that a prohibition on landing crab from the affected area would not permit an optimum and equitable utilization of available food fish because ODA has determined that such crab is safe for public consumption once eviscerated and a full closure absent such an exception would incur a substantial waste of Dungeness crab and costs to industry. This rule maintains access to the food fish resources of the state while preventing harm to the industry that would be caused by public exposure to domoic acid. This rule minimizes waste of food fish resources to preserve the economic contribution of this fishery without compromise to food safety or public benefits. There is not adequate time to go through normal rulemaking proceedings to protect public health and carry out Commercial Fishing laws as described above. Failure to act immediately in this regard will result in serious prejudice to the public interest because there is a substantial likelihood that persons consuming unprocessed crab will become ill with amnesiac shellfish poisoning.	3-15-19

2-19-19	22-2019	635-041-0065	Modifications to the 2019 Treaty Indian Winter Commercial Fisheries		X		These amended rules are needed to modify the Treaty Indian winter season commercial gillnet fishery to extend to February 27, 2019.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of the fall fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that commercial fishers would not be allowed an opportunity to harvest their allocation of this valuable resource.	3-15-19
2-21-19	23-2019	635-023-0125	Columbia River Recreational Seasons for Salmon and Steelhead Set		X		The amended rule is needed to set seasons for the recreational harvest of adipose fin clipped salmon and adipose fin clipped steelhead in the Columbia River mainstem.	These amended rules are necessary to set the 2019 recreational spring Chinook and steelhead seasons on the mainstem Columbia River. The rule modifications detail the open areas, dates for harvest, and catch limits. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of these fisheries. Failure to adopt these rules would cause serious prejudice to the public interest in that recreational fishermen would not be allowed to harvest their allocations of this valuable resource.	3-15-19
2-28-19	24-2019	635-041-0065	Modifications to the 2019 Treaty Indian Winter Commercial Fisheries.		X		These amended rules are needed to modify the Treaty Indian winter season commercial gillnet fishery to begin March 1, 2019.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of the fall fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that commercial fishers would not be allowed an opportunity to harvest their allocation of this valuable resource.	3-15-19
3-1-19	25-2019 26-2019	635-017-0090	Modifications to the Willamette Zone Temporarily Reducing Bag Limits and Implementing 2-Rod Allowances		X		The rule change is necessary to provide additional protection for hatchery chinook salmon returning to Clackamas hatchery and to authorize use of two rods in flowing waters of portions of the Willamette angling zones.	Hatchery spring Chinook returns to the Clackamas Hatchery have been below the broodstock collection goals for the past several years. This has resulted in the hatchery not meeting its production goals. The 2019 predicted return of hatchery spring Chinook is well below broodstock collection goals. To help mitigate, a regulatory change is necessary to allow collection of as many hatchery fish as possible to meet production goals for 2019. The modifications to portions of the Willamette angling zone regulations will allow the use of a two rod validation when fishing for both game and non-game fish, with the exception of sturgeon. There is insufficient time to initiate the permanent rulemaking process to amend the regulations for these ongoing fisheries.	3-15-19
3-12-19	28-2019	635-041-0065	Modifications to the 2019 Treaty Indian Winter Commercial Fisheries		X		These amended rules are needed to modify the Treaty Indian winter season commercial gillnet fishery to begin March 12, 2019.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of the fall fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that commercial fishers would not be allowed an opportunity to harvest their allocation of this valuable resource.	3-15-19

3-18-19	29-2019	635-023-0134	Amend steelhead Daily Bag Limit on the Snake River		X	Amend the one (1) steelhead daily bag limit on the Snake River above the Dug Bar boat ramp to a daily bag limit of two (2) hatchery steelhead. Harvest was initially reduced to ensure hatchery broodstock requirements were met at the Hells Canyon Dam fish trap. Those broodstock needs have been met, and surplus fish are available and should be made available to anglers. The State of Idaho plans to increase daily bag limits to two (2) hatchery steelhead and maintaining concurrence in angling regulations is an accepted practice between the Idaho and Oregon on the Snake River. By establishing the boundary at Dug Bar (above the Salmon River mouth), fisheries will avoid additional impacts to wild Salmon River steelhead.	There is insufficient time to initiate the permanent rulemaking process. Failure to adopt this temporary rule would cause serious prejudice to the public interest in that it could result in reduced angling opportunity and harvest of hatchery steelhead when sufficient resources are available and negative impacts are not a concern.	4-19-19
3-20-19	31-2019 30-2019	635-041-0064 635-041-0065	Modifications to the 2019 Treaty Indian Winter Commercial Fisheries		X	These amended rules are needed to modify the Treaty Indian winter season commercial gillnet and platform fisheries.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of the fall fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that commercial fishers would not be allowed an opportunity to harvest their allocation of this valuable resource.	4-19-19
3-29-19	32-2019	635-042-0145 635-042-0160 635-042-0170	Modifications to the 2019 Season for the Columbia River Select Area Commercial Fisheries		X	These amended rules are needed to modify the fishing period in the Select Areas for the 2019 commercial fisheries.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of the fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that commercial fishers would not be allowed an opportunity to harvest their allocation of this valuable resource.	4-19-19
4-1-19	33-2019	635-042-0160	Modifications to the 2019 Season for the Columbia River Select Area Commercial Fishery		X	These amended rules are needed to modify the fishing period in the Select Areas for the 2019 commercial fisheries	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of the fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that commercial fishers would not be allowed an opportunity to harvest their allocation of this valuable resource.	4-19-19
4-1-19	34-2019	635-023-0095	White Sturgeon Recreational Fisheries Closed in the John Day Pool		X	This amended rule is needed to prohibit retention of white sturgeon in the John Day Pool of the Columbia River, and adjacent tributaries. Failure to restrict retention will result in further exceeding the harvest guideline for this fishery.	There is not adequate time to go through normal rulemaking proceedings to modify this fishery in a timely manner. Fishing seasons must operate within management guidelines that may include Federal Endangered Species Act requirements, sharing agreements between treaty and non-treaty fisherman, and sharing arrangements for non-Indian fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that recreational fishermen would likely exceed their allocation for this valuable resource.	4-19-19

4-4-19	35-2019	635-005-0355	Tillamook Bay Commercial Cockle Dive Fishery Closes		X	Rule modifications are needed to close the Tillamook Bay commercial cockle dive fishery, as required under OAR 635-005-0355 section (1), due to attainment of the 185,000 pound annual harvest quota.	There is not adequate time to go through normal rulemaking proceedings to close this fishery. Failure to adopt this rule would cause serious prejudice to the public interest in that commercial cockle harvesters would be allowed to exceed their annual quota for cockles in the Tillamook Bay fishery.	4-19-19
4-4-19	36-2019 37-2019	635-017-0090	2019 Gilbert River Sturgeon Closure		X	This rule is needed to facilitate enforcement of illegal activity observed in recent years that has compromised the protection of sturgeon. Placing limitations on fishing gear and allowable catch in the Gilbert River is crucial to sturgeon management and to better control illegal activities.	There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of this fishery in the Gilbert River. Failure to adopt this rule would result in serious prejudice to the fishing public. Rule modifications provide opportunity to the fishers, benefits to conservation, and proper enforcement of the regulations by the Oregon State Police.	4-19-19
4-5-19	38-2019	635-018-0090	2019 Hatchery Chinook Salmon Season in the Hood River		X	This amended rule is needed to allow sport harvest opportunities for returning hatchery spring Chinook salmon in the Hood River beginning April 15, 2019.	There is an opportunity to allow sport harvest of returning hatchery spring Chinook salmon to the Hood river. There is not adequate time to go through the normal rulemaking proceedings to open these fisheries by their scheduled start dates. Failure to adopt this rule would cause serious prejudice to the public interest in that it would prevent anglers the opportunity to harvest this valuable resource.	4-19-19
4-10-19	39-2019	635-042-0145	Rescind Open Fishing Periods in the Youngs Bay Select Area.		X	This amended rule is needed to rescind a fishing period in the Youngs Bay Select Areas.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of the fisheries. Failure to adopt this rule would could result in the Select Area commercial fishery exceeding their allowable allocation of ESA-listed upriver spring Chinook.	4-19-19
4-11-19	40-2019	635-023-0125	Modification to Columbia River Recreational Seasons for Salmon and Steelhead fisheries.		X	This amended rule is needed to modify seasons for the recreational harvest of hatchery salmon and hatchery steelhead in the Columbia River mainstem.	These amended rules are necessary to modify the 2019 recreational spring Chinook and steelhead seasons on the mainstem Columbia River downstream of Bonneville Dam. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of these fisheries. Failure to adopt these rules would cause serious prejudice to the public interest in that recreational fishermen would not be allowed to harvest their allocations of this valuable resource.	4-19-19
4-11-19	41-2019	635-023-0095	White Sturgeon Recreational Fisheries Closed in the Bonneville Pool and Adjacent Tributaries		X	This amended rule is needed to prohibit retention of white sturgeon in the Bonneville Pool of the Columbia River, and adjacent tributaries. Failure to restrict retention will result in exceeding the harvest guideline for this fishery.	There is not adequate time to go through normal rulemaking proceedings to modify this fishery in a timely manner. Fishing seasons must operate within management guidelines that may include Federal Endangered Species Act requirements, sharing agreements between treaty and non-treaty fisherman, and sharing arrangements for non-Indian fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that recreational fishermen would likely exceed their allocation for this valuable resource.	4-19-19
4-17-19	42-2019	635-042-0145 635-042-0160 635-042-0170	Modifications to the 2019 Season for the Columbia River Select Area Commercial Fisheries		X	These amended rules are needed to modify the fishing period in the Select Areas for the 2019 commercial fisheries.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of the fisheries. Failure to adopt this rule	4-19-19

							would cause serious prejudice to the public interest in that commercial fishers would likely exceed their allowed take of ESA-listed upriver spring Chinook.		
4-17-19	43-2019	635-023-0125	Modification to Columbia River Recreational Seasons for Salmon and Steelhead Fisheries		X		This amended rule is needed to modify seasons for the recreational harvest of hatchery salmon and hatchery steelhead in the Columbia River mainstem.	These amended rules are necessary to modify the 2019 recreational spring Chinook and steelhead seasons on the mainstem Columbia River downstream of Bonneville Dam. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of these fisheries. Failure to adopt these rules would cause serious prejudice to the public interest in that recreational fishermen would not be allowed to harvest their allocations of this valuable resource.	4-19-19
4-24-19	46-2019	635-042-0145	Modifications to the 2019 Season for the Columbia River Select Area Commercial Fisheries		X		These amended rules is needed to modify several 2019 Youngs Bay Select Area commercial fishing periods.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of the fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that commercial fishers would likely exceed their allowed take of ESA-listed upriver spring Chinook.	5-17-19
4-25-19	47-2019	635-023-0125	Modification to Columbia River Recreational Season for Salmon and Steelhead Fisheries		X		This amended rule is needed to modify seasons for the recreational harvest of hatchery salmon and hatchery steelhead in the Columbia River mainstem.	These amended rules are necessary to modify the 2019 recreational spring Chinook and steelhead seasons on the mainstem Columbia River downstream of Bonneville Dam. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of these fisheries. Failure to adopt these rules would cause serious prejudice to the public interest in that recreational fishermen would not be allowed to harvest their allocations of this valuable resource.	5-17-19
4-25-19	48-2019 49-2019	635-017-0090	2019 Two-Rod Usage on the Willamette River		X		This rule is needed to allow for the authorized use of the two-rod validation on the Willamette angling zone	The needed modifications to the Willamette Zone regulations will allow for the use of the two-rod validation when angling for game fish and non-game fish, except sturgeon in the waters above Willamette Falls. Rule modifications provide opportunity to the fishers, benefits to conservation, and proper enforcement of the regulations by the Oregon State Police. There is insufficient time to initiate the permanent rulemaking process to amend these regulations prior to scheduled fisheries.	5-17-19
4-25-19	50-2019	635-011-0104	Modification to License Requirements During Public Fishing from a Temporary Structure and Educational Events		X		This amended rule will provide the legal coverage for participants at events such as sportsmen's shows to harvest fish without an angling license when caught from a temporary fishing structure.	Events such as sportsmen's shows, often have temporary fishing structures stocked with hatchery trout that allow the public to catch fish, take it home, and have a fishing experience. This amended rule allows angling at these type of events without the need for a fishing license.	5-17-19
5-1-19	52-2019	635-023-0095	2019 Estuary White Sturgeon Recreational Fishery Modified in the Mainstem Columbia		X		This amended rule is needed to allow for retention of recreational white sturgeon in the Mainstem Columbia River Estuary, beginning May 13, 2019.	There is not adequate time to go through normal rulemaking proceedings to open these fisheries in a timely manner. Fishing seasons established must meet the Federal Endangered Species Act requirements, must reflect a federally mandated sharing formula between treaty and non-treaty fisherman, and must be consistent with sharing arrangements for non-Indian fisheries. Failure to adopt this	5-17-19

							rule would cause serious prejudice to the public interest in that recreational fishermen would not be allowed to access their allocation for this valuable resource.		
5-1-19	53-2019	635-023-0095	2019 Estuary White Sturgeon Recreational Fishery Modified in the Mainstem Columbia		X		This rule is needed to allow for retention of recreational white sturgeon in the Mainstem Columbia River Estuary, beginning May 13, 2019.	There is not adequate time to go through normal rulemaking proceedings to open these fisheries in a timely manner. Fishing seasons established must meet the Federal Endangered Species Act requirements, must reflect a federally mandated sharing formula between treaty and non-treaty fisherman, and must be consistent with sharing arrangements for non-Indian fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that recreational fishermen would not be allowed to access their allocation for this valuable resource.	5-17-19
5-10-19	54-2019	635-023-0125	Modification to Columbia River Recreational Fisheries for Salmon and Steelhead.		X		This amended rule is needed to modify seasons for the recreational harvest of hatchery salmon and hatchery steelhead in the Columbia River mainstem.	These amended rules are necessary to modify the 2019 recreational spring Chinook and steelhead seasons on the mainstem Columbia River upstream of Bonneville Dam. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of these fisheries. Failure to adopt these rules would cause serious prejudice to the public interest in that recreational fishermen would not be allowed to harvest their allocations of this valuable resource.	5-17-19
5-10-19	55-2019	635-042-0170	Modifications to the 2019 Season for the Columbia River Select Area Commercial Fisheries.		X		These amended rules are needed to modify the fishing period in the Select Areas for the 2019 commercial fisheries.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of the fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that commercial fishers may not be able to harvest their allocation of this valuable resource.	5-17-19
5-10-19	56-2019 57-2019	635-005-0465	Commercial Dungeness Crab Evisceration South of Cape Blanco		X		This amended rule is needed in coordination with Oregon Department of Agriculture (ODA) temporary rules to modify requirements for harvesting crab in the ocean commercial Dungeness crab fishery from a biotoxin management zone from Cape Blanco (42° 50' N. Lat.) southward to the Oregon/California border (42° 00' N. Lat.) due to detection of elevated levels of domoic acid in crab viscera in that specified area. These rules require that Dungeness crab is sold, offered for sale or donated to the public only after it is processed (eviscerated) consistent with ODA rules. These rules prohibit the sale of live crab caught in the affected areas and prohibit the sale of any crab that is not processed consistent with these rules.	Testing for the biotoxin domoic acid in Dungeness crab samples taken May 8, 2019 was recently completed, and detected elevated biotoxin levels (above alert levels) in the viscera of crab in the area between from Port Orford (42° 50' N. Lat.) southward to the Oregon/California border (42° 00' N. Lat.). Based on these results and consistent with OAR 603-025-0410, this temporary rule establishes evisceration requirements for crab harvested from the biotoxin management zone. These rules require that Dungeness crab is sold, offered for sale or donated to the public only after it is eviscerated consistent with ODA rule. These rules prohibit the sale of live crab caught in the biotoxin management zone, and prohibit the sale of any crab that is not processed consistent with ODA temporary rule OAR 603-025-0423 until further notice. These restrictions and procedures are necessary to carry out the Commercial Fishing laws. It has been determined that a prohibition on landing crab from the affected area would not permit an optimum and equitable utilization of	5-17-19

							available food fish because ODA has determined that such crab is safe for public consumption once eviscerated and a full closure absent such an exception would incur a substantial waste of Dungeness crab and costs to industry. This rule maintains access to the food fish resources of the state while preventing harm to the industry that would be caused by public exposure to domoic acid. This rule minimizes waste of food fish resources to preserve the economic contribution of this fishery without compromise to food safety or public benefits. There is not adequate time to go through normal rulemaking proceedings to protect public health and carry out Commercial Fishing laws as described above. Failure to act immediately in this regard will result in serious prejudice to the public interest because there is a substantial likelihood that persons consuming unprocessed crab will become ill with amnesiac shellfish poisoning.	
5-22-19	62-2019	635-019-0090	Spring Chinook Closure on the Umatilla River in the Northeast Zone.		X	This amended rule is needed due to lower than expected returns of spring Chinook salmon returning to the Umatilla River. Implementation of this rule will protect returning adults for hatchery broodstock.	There is insufficient time to initiate the permanent rulemaking process. Failure to adopt this temporary rule would cause serious prejudice to the public interest in that it could result in not meeting hatchery broodstock collection needs, and allowing for natural reproduction of spring Chinook salmon.	6-6-19
5-28-19	63-2019	635-039-0085	Sport Pacific Halibut All-Depth Season from Leadbetter Point, WA to Cape Falcon, OR Closes		X	This rule is needed to implement a closure of the sport all-depth Pacific halibut fishery in the Columbia River subarea from Leadbetter Point, WA to Cape Falcon, OR, to ensure the quota for this fishery is not exceeded. The National Oceanic & Atmospheric Administration Fisheries Service (NOAA), International Pacific Halibut Commission (IPHC), Washington Department of Fish and Wildlife (WDFW), and Oregon Department of Fish and Wildlife (ODFW) conferred on May 28, 2019 and determined that the sport all-depth Pacific halibut fishery quota, for the Columbia River sub-area, is projected to have been met by 11:59 p.m., Wednesday, May 29, 2019.	These measures, previously implemented by the federal government and the International Pacific Halibut Commission, affect Oregon recreational fisheries. There is insufficient time to initiate the permanent rulemaking process prior to the date this fishery must close. Failure to adopt this rule would cause serious prejudice to the public interest in that inconsistency between state and federal regulations would occur which, subsequently, could result in the pre-determined quota for this fishery being exceeded.	6-6-19
5-30-19	64-2019	635-021-0090	Malheur River Salmon Fishery Open to Angling in the Southeast Zone.		X	Hatchery Chinook salmon will be released in the Malheur River on or near June 12, 2019.	Stocking hatchery Chinook salmon is done in part to allow Burns Paiute Tribal members to express and develop their Native traditions and culture. It also allows the general public opportunity to angle for these stocked fish as well.	6-6-19
5-31-19	65-2019	635-023-0090	Allow Barbed Hooks When Angling for Salmon, Steelhead and Trout in the Columbia River Zone		X	This rule is needed to ensure that regulations for recreational fisheries in waters of the Columbia River that are jointly managed by Oregon and Washington remain concurrent. WDFW has removed the prohibition on use of barbed hooks for salmon, steelhead, and trout in the Columbia River effective June 1, 2019. In March 2019, the	There is insufficient time to initiate the permanent rulemaking process prior to the date this rule must take effect. Failure to adopt this rule would cause serious prejudice to the public interest in that inconsistency between regulations in Oregon and Washington of shared waters of the Columbia River would occur. Absent concurrent regulations on gear requirements, neither state's	6-6-19

						Washington Fish and Wildlife Commission adopted recommendations of a joint OR/WA Commission subgroup “Columbia River Policy Review Committee”, which included removal of this prohibition. The Oregon Fish and Wildlife Commission has not yet considered this recommendation, but provided guidance to ODFW at their March 2019 meeting to implement emergency rules if needed to ensure concurrent regulations are in effect until the full Commission has met and considered the PRC recommendations	enforcement personnel would be able to adequately enforce regulations requiring barbless hooks.	
5-31-19	66-2019	635-039-0085	Modifications to Sport Pacific Halibut All-Depth Season; Leadbetter Point, WA to Cape Falcon, OR		X	This rule is needed to open the nearshore fishery for additional days each week and re-open the all-depth season on Thursday, June 20, 2019 in the area between Leadbetter Point, WA and Cape Falcon, OR. The National Oceanic & Atmospheric Administration (NOAA), International Pacific Halibut Commission (IPHC), Washington Department of Fish and Wildlife (WDFW), and the Department (ODFW) conferred on May 31, 2019 and determined that enough quota remained to reopen all Washington subareas, including the Columbia River Subarea for one additional day. This will increase angler opportunity to reach the harvest quotas for the subarea.	The National Oceanic & Atmospheric Administration (NOAA) National Marine Fisheries Service, International Pacific Halibut Commission (IPHC), Washington Department of Fish and Wildlife (WDFW), and Oregon Department of Fish and Wildlife (ODFW) conferred on May 31, 2019 and determined that enough quota remained in other Washington subareas to reopen all subareas, including the Columbia River Subarea the all-depth fishery for one additional day, Thursday, June 20, 2019. Additionally, opening the nearshore fishery to seven days per week allows additional opportunities to harvest the nearshore quota. There is insufficient time to initiate the permanent rulemaking process prior to the date this fishery needs to be expanded. Failure to adopt this rule could cause serious prejudice to the public interest in the form of decreased opportunities for fishers to harvest their allocation of this valuable resource.	6-6-19
6-6-19	69-2019	635-017-0090	Modifications to the E.E. Wilson Pond in the Willamette Zone		X	This rule is needed to modify current angling regulations in the pond due to construction activities. This rule will remove the trout bag limits from June 7 thru June 9, 2019 to maximize use of the trout in the pond. Additionally, the pond will be closed to public access from June 10 through July 5, 2019 to provide public safety during construction.	Modifications to the Willamette Zone regulations are needed to remove the current trout bag limits and closing the pond during construction for public safety. There is insufficient time to initiate the permanent rulemaking process to amend these regulations prior to scheduled fisheries.	6-7-19
6-10-19	70-2019	635-014-0090	Trask River Angling Regulations Modified Effective June 13, 2019		X	This rule is needed to close the spring Chinook fishery in the Trask River, from Gold Creek, at hatchery, 200 feet upstream, and 900 feet downstream, on June 13, 2019.	Angling for spring Chinook in the Tillamook Bay system, and in the Trask River, has been relatively poor so far this year. Few fish appear to be present in the system during what should be the peak of the run. All signs are pointing to a much reduced run of hatchery spring Chinook into the Tillamook basin, including the Trask River. The District proposed to close the Trask River hatchery hole early, starting June 13, to protect hatchery spring Chinook holding in the river that will be needed for broodstock. There is not adequate time to go through normal rulemaking proceedings. Failure to adopt this rule would cause serious prejudice to the public interest as it may result in insufficient spring Chinook being collected for broodstock, which could affect fishery opportunities for the next several years.	8-2-19

6-12-19	71-2019	635-023-0128	Columbia River Recreational Summer Seasons Established		X	Modifications to the mainstem Columbia River recreational summer season for 2019 conform to regulation changes developed through this year's Pacific Fishery Management Council/North of Falcon process. Corrections to the regulations were made to ensure rule consistency with the State of Washington.	These amended rules are necessary to meet expectations for summer Columbia River fisheries developed through the 2019 Pacific Fishery Management Council/North of Falcon process. Modifications are needed to align regulations for the mainstem Columbia River with the State of Washington. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of these fisheries. Failure to adopt these rules would cause serious prejudice to the public interest in that recreational fishermen would not be allowed to harvest their allocations of this valuable resource.	8-2-19
6-13-19	74-2019	635-023-0130	2019 Columbia River Fall Recreational Salmon Seasons Set		X	This amended rule is needed to implement the 2019 fall recreational Chinook and coho salmon and steelhead fisheries for the Columbia River mainstem in the areas from the mouth at Buoy 10 upstream to the Oregon/Washington border. Rule modifications will align Oregon regulations with Washington.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process. Failure to adopt these rules would cause serious prejudice to the public interest in that recreational fishermen would not be allowed to harvest their allocation of this valuable resource.	8-2-19
6-14-19	75-2019	635-041-0045 635-041-0076	Treaty Indian Commercial Summer Fisheries Set		X	These rules are needed to authorize sales of fish caught in Treaty Indian Summer commercial salmon fisheries and the Yakima Nation tributaries on the Columbia River beginning at 6:00 a.m. Monday, June 24, 2019.	There is insufficient time to initiate the permanent rulemaking process to establish these Tribal fisheries by the specified date and time. Failure to set this Tribal season would deny Tribal fishers the opportunity to sell their harvested fish in Oregon, causing economic hardship.	8-2-19
6-18-19	77-2019 78-2019	635-005-0387	Netarts Bay Commercial Cackle Fishery Closes		X	Rule modifications are needed to close the Tillamook Bay commercial cackle dive fishery, as required under OAR 635-005-0355 section (1), due to attainment of the 22,000 pound annual harvest quota.	There is not adequate time to go through normal rulemaking proceedings to close this fishery. Failure to adopt this rule would cause serious prejudice to the public interest in that commercial cackle harvesters would be allowed to exceed their annual quota for cackles in the Netarts Bay fishery.	8-2-19
6-21-19	81-2019 82-2019	635-014-0090	Nehalem River Basin Bag Limit Modifications Effective July 1, 2019		X	This rule is needed to reduce the allowable seasonal bag limit in the Nehalem River to one adult wild Chinook Salmon for the summer fishing period to allow for reduced harvest impacts. This action is consistent with management provisions specified in ODFW's Coastal Multi-Species Conservation and Management Plan (CMP).	Under the provisions of ODFW's Coastal Multi-Species Conservation and Management Plan (CMP), which is reflected by OAR 635-500-6775, reductions in estimates of returning fall-run Chinook Salmon are tied to reductions in daily and seasonal bag limits for wild adult Chinook Salmon. These changes are intended to reduce harvest impacts under conditions of lower abundance. The CMP specifies a reduction to the wild adult Chinook Salmon bag limit in the Nehalem River Basin from the permanent rule of 1 per day and 5 for the period from April 1 through September 15, to 1 per day and 1 for the period from April 1 through September 15, 2019. This emergency rule will reduce the bag limit for wild adult Chinook Salmon to one adult wild Chinook Salmon for the period from July 1 through September 15, 2019, consistent with the reductions specified in the CMP.	8-2-19

6-24-19	83-2019	635-039-0085	Sport Pacific Halibut All-Depth Season from Leadbetter Point, WA to Cape Falcon, OR Reopens		X	This rule is needed to re-open the all-depth season on Friday, June 28, 2019 in the area between Leadbetter Point, WA and Cape Falcon, OR. The National Oceanic & Atmospheric Administration (NOAA), International Pacific Halibut Commission (IPHC), Washington Department of Fish and Wildlife (WDFW), and the Department (ODFW) conferred on June 23, 2019 and determined that enough quota remained to reopen all Washington subareas, including the Columbia River Subarea for one additional day. This will increase angler opportunity to reach the harvest quotas for the subarea.	The National Oceanic & Atmospheric Administration (NOAA) National Marine Fisheries Service, International Pacific Halibut Commission (IPHC), Washington Department of Fish and Wildlife (WDFW), and Oregon Department of Fish and Wildlife (ODFW) conferred on June 23, 2019 and determined that enough quota remained in other Washington subareas to reopen all subareas, including the Columbia River Subarea the all-depth fishery for one additional day, Friday, June 28, 2019. There is insufficient time to initiate the permanent rulemaking process prior to the date this fishery needs to be expanded. Failure to adopt this rule could cause serious prejudice to the public interest in the form of decreased opportunities for fishers to harvest their allocation of this valuable resource.	8-2-19
6-25-19	84-2019 85-2019 86-2019	635-018-0090 635-019-0090	Bag Limit Modifications to Steelhead Fisheries in the Deschutes and John Day rivers.		X	This amended rule is needed to reduce harvest related mortalities of hatchery and wild steelhead due to the low predicted upriver steelhead return in 2019.	There is insufficient time to initiate the permanent rulemaking process. Failure to adopt this temporary rule would cause serious prejudice to the public interest since permanent regulations may be too liberal given the low predicted steelhead return in 2019.	8-2-19
6-26-19	87-2019	635-004-0355	Commercial Nearshore Fishery In-season Trip Limit Adjustments for Periods 4-6		X	This amended rule is needed to increase opportunity for attaining larger proportions of the state harvest guidelines for these species.	Harvest in the commercial nearshore fishery is running low for these species. Allowable harvest levels for Black Rockfish and Other Nearshore Rockfish are not expected to be attained by the end of the year at current harvest rates. By increasing cumulative trip limits for Black Rockfish and Other Nearshore Rockfish fishers will have increased harvest opportunity allowing for greater attainment. There is not adequate time to go through normal rule making proceedings in order to increase cumulative trip limits for these species for fishing periods 4-6.	8-2-19
6-27-19	88-2019 89-2019	635-005-0290 635-005-0355	Yaquina Bay Commercial Gaper Clam Fishery Harvest Cap Set		X	Commercial dive harvests of gaper clams in Yaquina Bay increased markedly in 2018 and based upon recent survey work, repeated harvest at similar levels may not be sustainable. Using the recent survey biomass data and estimates of appropriate harvest rates, staff estimate that a harvest quota of 20,000 pounds is an appropriate level for the season opening July 1, 2019. Additional work to determine appropriate management measures for the long-term will occur in 2020 and beyond.	There is not adequate time to go through normal rulemaking proceedings to close this fishery. Failure to adopt this rule would cause serious prejudice to the public interest in that commercial harvest of larger amounts of clams may not be sustainable. This in a temporary rule put in place until more information concerning the subtidal stocks of gaper clams can be obtained.	8-2-19
6-28-19	90-2019	635-041-0076	Treaty Indian Commercial Summer Salmon Fisheries Modified		X	This rule is needed to allow for additional days for the Treaty Indian Summer commercial salmon fisheries on the Columbia River beginning at 6:00 a.m. Monday, July 1, 2019.	There is insufficient time to initiate the permanent rulemaking process to establish these Tribal fisheries by the specified date and time. Failure to set this Tribal season would deny Tribal fishers the opportunity to sell their harvested fish in Oregon, causing economic hardship.	8-2-19

6-28-19	93-2019 91-2019	635-013-0004 635-014-0090	Modifications to Wild Adult Chinook Salmon Catch Limits Outside the Mouth of Nehalem River		X	Absent this rule change, the daily bag limit in this area would remain 2 fish per day under existing marine zone rules, with a seasonal limit of up to 20 adult wild Chinook Salmon. This rule change will make the catch limits in the defined area immediately encircling the mouth of the Nehalem River consistent with catch limits recently modified under conservation actions in the Nehalem Basin.	Under the provisions of ODFW's Coastal Multi-Species Conservation and Management Plan (CMP), which is reflected by OAR 635-500-6775, reductions in estimates of returning fall-run Chinook Salmon are tied to reductions in daily and seasonal bag limits for wild adult Chinook Salmon. Extending the conservation measure of a reduced catch limit seaward is intended to ensure that conservation goals of the reduced catch limits within the Nehalem Basin are met. Enacting contiguous rules in this area will also aid in enforcement of the reduced catch limits in the area where the Nehalem River enters the ocean.	8-2-19
7-3-19	95-2019	635-005-0485 635-005-0490	Rescind Allowance to Leave Commercial Dungeness Crab Gear in Pacific Ocean After Season End		X	This amended rule is needed to mitigate the risk of whale entanglements in commercial Dungeness crab gear following the 2018-19 season.	The Department is in the process of developing a suite of management measures to mitigate the risk of whale entanglement in Dungeness crab gear which has emerged as a priority conservation issue in recent years, when the number of reported and/or confirmed entanglements on the U.S. West Coast increased dramatically in a short time. Entanglements have remained high since, with much of the increase due to humpback whales entangled in Dungeness crab fishing gear. A substantial proportion of humpback whales found along the U.S. West Coast belong to populations that are listed as threatened or endangered under the U.S. Endangered Species Act. Through industry engagement including public meetings, solicitation of input by mail, and participation on the Oregon Whale Entanglement Working Group convened by Oregon Sea Grant, the removal of the post-season allowance to leave gear in the Pacific Ocean emerged as a measure that would reduce risk of whale entanglement by removing vertical lines from the ocean and facilitating derelict gear retrieval, and could be implemented immediately with only minor impacts to industry. The Department solicited industry feedback through an industry notice (see below) on this issue specifically and found implementation for this season to be either supported or not opposed by most respondents. There is not adequate time to go through normal rulemaking proceedings to implement this provision prior to the end of the 2018-2019 commercial Dungeness crab season. Failure to act immediately in this regard will result in serious prejudice to the public interest because commercial Dungeness crab gear that poses a risk of entangling whales could remain in the ocean while not being actively fished after the end of the season.	8-2-19
7-11-19	96-2019 97-2019	635-013-0004 635-014-0090 635-016-0090	Bags Limits, Season Dates and Fishing Areas Set for Fall Salmon Fisheries		X	These rules are needed to set fisheries for adult wild Chinook Salmon for the period of August 1 through December 31, 2019. This action is consistent with management provisions specified in Oregon Dept. of Fish & Wildlife's (ODFW's) Coastal Multi-Species Conservation and Management Plan (CMP) and the Rogue Fall Chinook Conservation Plan for adult wild fall-run Chinook Salmon fisheries.	Under the provisions of ODFW's Coastal Multi-Species Conservation and Management Plan (CMP), which is reflected by OAR 635-500-6775, and ODFW's Rogue Fall Chinook Conservation Plan, which is reflected by OAR 635-500-6650, reductions in estimates of returning adult wild fall-run Chinook Salmon are tied to management actions, including changes in bag limits and area closures, intended to reduce harvest impacts under conditions of low abundance.	8-2-19

7-11-19	98-2019 99-2019 100-2019	635-005-0355	Tillamook Bay Commercial Gaper Clam Dive Fishery Closes		X	Rule modifications are needed to close the Tillamook Bay commercial gaper clam dive fishery, as required under OAR 635-005-0355 section (1), due to attainment of the 235,000 pound annual harvest quota.	There is not adequate time to go through normal rulemaking proceedings to close this fishery. Failure to adopt this rule would cause serious prejudice to the public interest in that commercial gaper clam harvesters would be allowed to exceed their annual quota for gaper clams in the Tillamook Bay fishery.	8-2-19
7-18-19	101-2019	635-004-0275	Federal Actions Implemented for Commercial and Recreational Groundfish Fisheries.		X	This rule is needed to conform to rules previously adopted by the federal government for Pacific Coast commercial and recreational groundfish fisheries.	The National Marine Fisheries Service (NMFS) announced regulation changes for the Pacific Coast commercial and recreational groundfish fisheries as noticed by means of NMFS Final Rules published in the Federal Register Vol 83 No. 232, dated December 3, 2018 (83FR62269) and Federal Register Vol 83 No. 247, dated December 27, 2018 (83FR66636). There is not adequate time to go through normal rulemaking proceedings prior to effective date of these rule amendments. Failure to adopt this temporary rule would cause serious prejudice to the public interest in that inconsistency between state and federal regulations would exist, which subsequently could result in enforcement issues and confusion within the commercial fishing industry.	8-2-19
7-26-19	102-2019 103-2019	635-041-0063 635-041-0076	2019 Treaty Indian Commercial Sturgeon Fishery Set for the John Day Pool		X	These rule modifications are needed to set a 2019 Treaty Indian commercial setline season in the John Day Pool beginning Friday, July 26, 2019.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of the fishery. Failure to adopt these rules would cause serious prejudice to the public interest in that without adoption treaty fishers would be prevented from selling their allocation of this valuable resource.	8-2-19
7-31-19	105-2019	635-041-0045 635-041-0075	Sales from Columbia River Treaty Indian Fall Commercial Fisheries Authorized		X	These rules are needed to authorize sales of fish caught in Treaty Indian fall commercial platform and hook-and-line fisheries in the Columbia River and its tributaries, above and below Bonneville Dam beginning at 12:01 a.m. August 1, 2019.	There is insufficient time to initiate the permanent rulemaking process to establish these Tribal fisheries by the specified date and time. Failure to set this Tribal season would deny Tribal fishers the opportunity to sell their harvested fish in Oregon, causing economic hardship.	8-2-19
8-1-19	106-2019	635-016-0090	Fishing Period Restrictions Set in the mainstem Umpqua River of the Southwest Zone.		X	This rule is needed to help protect wild summer steelhead in the upper portions of the North Umpqua River.	This rule is justified due to abnormally high water temperatures coupled with low flows and drought conditions that create conditions that are unfavorable for salmonids that are migrating through the Mainstem Umpqua. This rule was also implemented in 2015 and was favorably received by the public and law enforcement, conditions this year are very similar to 2015.	8-2-19
8-1-19	108-2019 109-2019	635-016-0090	Fishing Period Restrictions Set in the mainstem Umpqua River of the Southwest Zone.		X	This rule is needed to help protect wild salmonids, particularly Summer Steelhead and Fall Chinook, that school at tributary mouths to seek refuge from elevated water temperatures in the mainstem Umpqua River during the hot summer months. These fish are often easily visible to anglers and have increased vulnerability to poaching. The warm mainstem Umpqua River water temperatures also increase stress on the fish seeking thermal refuge at tributary mouths leading to an increased likelihood of negative impacts on fish fitness from human disturbance.	This rule is justified due to continually high water temperatures and low flows which have created conditions that are unfavorable for salmonids that are migrating through the mainstem Umpqua River. This rule has been implemented multiple times since 2015 and has been favorably received by the public and law enforcement.	8-2-19

8-6-19	110-2019	635-042-0145 635-042-0160 635-042-0170 635-042-0180	Set Fall Commercial Seasons in the Select Areas of the Columbia River.		X		These amended rules are needed to establish the 2019 fall Select Area commercial fisheries for the Columbia River	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of upcoming scheduled fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that commercial fisheries would not have opportunity to harvest their allocation of white sturgeon or returning hatchery salmon.	9-13-19
8-6-19	111-2019	635-004-0275	Federal Actions and Management Measures Implemented for Commercial Groundfish Fisheries.		X		This rule is needed to adopt in-season actions previously adopted by the federal government for 2019-2020 Pacific Coast commercial groundfish fisheries, including but not limited to increased trip limits for big skate in the shorebased individual fishing quota fishery and increased trip limits for sablefish in the open access fisheries.	The National Marine Fisheries Service (NMFS) announced in-season adjustments to Pacific Coast commercial groundfish management measures as noticed by means of the NMFS Final Rule published in the Federal Register Vol 84, No. 149, dated August 2, 2019 (84 FR 37780). There is not adequate time to go through normal rulemaking proceedings prior to the August 2, 2019 effective date of these rule amendments. Failure to adopt this temporary rule would cause serious prejudice to the public interest in that inconsistency between state and federal regulations would exist, which subsequently could result in enforcement issues and confusion within the commercial fishing industry.	9-13-19
8-8-19	112-2019	635-041-0063	2019 Treaty Indian Commercial Sturgeon Fishery to Close in the John Day Pool		X		These rule modifications are needed to close the 2019 Treaty Indian commercial setline season in the John Day Pool effective 6 PM August 8, 2019. Failure to do so may allow the treaty sturgeon harvest guideline for John Day Pool to be exceeded.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled end of the fishery. Failure to adopt these rules would cause serious prejudice to the public interest in that treaty fishers would likely exceed their allocation of this valuable resource.	9-13-19
8-8-19	113-2019	635-004-0274 (Temporarily replaces 0275)	Federal Actions and Management Measures Implemented for Commercial Groundfish Fisheries	X			This rule is needed to adopt in-season actions previously adopted by the federal government for 2019-2020 Pacific Coast commercial groundfish fisheries, including but not limited to increased trip limits for big skate in the shorebased individual fishing quota fishery and increased trip limits for sablefish in the open access fisheries.	The National Marine Fisheries Service (NMFS) announced in-season adjustments to Pacific Coast commercial groundfish management measures as noticed by means of the NMFS Final Rule published in the Federal Register Vol 84, No. 149, dated August 2, 2019 (84 FR 37780). There is not adequate time to go through normal rulemaking proceedings prior to the August 2, 2019 effective date of these rule amendments. Failure to adopt this temporary rule would cause serious prejudice to the public interest in that inconsistency between state and federal regulations would exist, which subsequently could result in enforcement issues and confusion within the commercial fishing industry.	9-13-19
8-9-19	114-2019	635-023-0130	Angling Temporarily Prohibited in Portions of the Mainstem Columbia River and Lower Deschutes River		X		At their Aug 2, 2019 meeting, the Oregon Fish and Wildlife Commission directed the Department to implement a temporary angling closure area in the Columbia River near the mouth of the Deschutes River and in the Deschutes River downstream of Moody Rapids to reduce the catch-and-release mortality of wild steelhead.	The Commission determined that emergency action was needed to reduce catch-and-release mortality of wild steelhead encountered in this area and that delaying this action to conduct a permanent rule process would negatively impact the public interest and parties concerned in that it would not provide reduced mortality to wild and ESA listed steelhead in this area. Upriver summer steelhead returns are currently lagging behind preseason projections and additional protections for wild steelhead will help	9-13-19

							ensure that non-treaty Columbia River fisheries remain within ESA limitations and do not preclude future fishing opportunities.	
8-9-19	115-2019 116-2019	635-018-0090 635-023-0130	Angling Temporarily Prohibited in Portions of the Mainstem Columbia River and Lower Deschutes River		X	At their Aug 2, 2019 meeting, the Oregon Fish and Wildlife Commission directed the Department to implement a temporary angling closure area in the Columbia River near the mouth of the Deschutes River and in the Deschutes River downstream of Moody Rapids to reduce the catch-and-release mortality of wild steelhead.	The Commission determined that emergency action was needed to reduce catch-and-release mortality of wild steelhead encountered in this area and that delaying this action to conduct a permanent rule process would negatively impact the public interest and parties concerned in that it would not provide reduced mortality to wild and ESA listed steelhead in this area. Upriver summer steelhead returns are currently lagging behind preseason projections and additional protections for wild steelhead will help ensure that non-treaty Columbia River fisheries remain within ESA limitations and do not preclude future fishing opportunities.	9-13-19
8-9-19	117-2019	635-039-0090	Retention of Cabezon Prohibited in Recreational Boat Fishery		X	Total mortality of cabezon in Oregon's recreational ocean boat groundfish fishery is projected to meet or exceed the annual harvest guideline on or before August 15, 2019. This rule is needed to prevent additional impacts to the stock over the harvest guideline, or impacts to other fisheries.	Oregon Department of Fish and Wildlife (ODFW) staff reviewed catch data related to cabezon on August 9, 2019, and determined that total mortality is tracking ahead of projections due to an increased encounter rate and average weight of cabezon in the recreational groundfish fishery this year. Impacts are projected to meet the annual recreational harvest guideline (quota) on or before August 15, 2019. There is insufficient time to initiate permanent rulemaking prior to the date this fishery needs to be adjusted. Failure to adopt this rule could cause serious prejudice to the public interest by exceeding the Oregon recreational cabezon harvest guideline, which could result in higher than sustainable harvest or restrictions on other fisheries.	9-13-19
8-14-19	118-2019	635-042-0031	Non-Treaty Commercial Zone 4-5 Gillnet Fisheries Adopted		X	This rule is needed to authorize Zone 4 and 5 non-Treaty commercial gillnet fisheries in the Columbia River.	There is insufficient time to initiate the permanent rulemaking process to establish the non-Treaty commercial gillnet fisheries by the specified date and time. Failure to set these seasons would deny fishers the opportunity to sell their harvested fish in Oregon, causing economic hardship.	9-13-19
8-19-19	119-2019	635-041-0075	Treaty Indian Fall Commercial Gillnet Fishery Set		X	These rules are needed to authorize sales of fish caught in Treaty Indian fall commercial set and drift gillnet fisheries in Zone 6 of the Columbia River, beginning at 6:00 a.m. August 26, 2019.	There is insufficient time to initiate the permanent rulemaking process to establish these Tribal fisheries by the specified date and time. Failure to set this Tribal season would deny Tribal fishers the opportunity to sell their harvested fish in Oregon, causing economic hardship.	9-13-19
8-21-19	120-2019 121-2019	635-019-0090 635-023-0134	Open Fall Chinook Fishery and Reduce Steelhead Bag Limit on Snake River and Tributaries.		X	This rule is needed to: (1) implement a sport fall Chinook fishery in a portion of the Snake River, from the Oregon-Washington border upstream to the deadline below Hells Canyon Dam to allow Oregon's anglers the opportunity to harvest hatchery fall Chinook salmon, (2) to reduce consumptive harvest of summer steelhead in the Snake River and tributaries in response to low returns in 2019. Reducing harvest will ensure that enough hatchery steelhead escape recreational fisheries to meet broodstock production objectives, and may reduce	There is insufficient time to initiate the permanent rulemaking process. Failure to adopt this temporary rule could cause serious prejudice to the public interest in that Oregon's sport fishing regulations would not be concurrent with the State of Idaho's regulations for this shared fishery. And, it would prevent Oregon's anglers from harvesting the surplus returning hatchery fall Chinook. Observations of tagged hatchery and wild summer steelhead in the Snake River and tributaries indicate low returns in 2019. Precautions are needed to ensure enough hatchery steelhead escape recreational fisheries to meet broodstock	9-13-19

						impacts to wild steelhead that are also at low abundance. (3) Maintain concurrent regulations with the State of Idaho's fishery on the Snake River and the state of Washington on the Grande Ronde River.	production objectives. In addition, reducing the bag limit for hatchery steelhead may also reduce the occurrence of incidental mortality of wild steelhead in recreational fisheries. These Rules also maintain concurrence with the states of Idaho and Washington on the Snake and Grande Ronde rivers, respectively.	
8-21-19	122-2019	635-039-0090	Retention of copper, quillback, and china rockfish prohibited in recreational boat fishery		X	Total mortality of the "other nearshore rockfish" species complex, which consists primarily of copper, quillback, and china rockfishes, in Oregon's recreational ocean boat groundfish fishery is estimated to have exceeded the annual harvest guideline for this group in early August, 2019. This rule is needed to prevent additional impacts to the stock complex over the harvest guideline, or impacts to other fisheries.	Oregon Department of Fish and Wildlife (ODFW) staff reviewed catch data related to other nearshore rockfish, and determined that total mortality has exceeded the harvest guideline for Oregon's recreational fishery and is projected to approach levels that could result in exceeding the regional Annual Catch Limit established in federal rule for the combined area off northern California, Oregon, and Washington. Catch of copper, quillback, and china rockfishes combined accounts for over 98% of the total catch of all eleven species in the Other Nearshore Rockfish complex. In addition, these three species are relatively easy for most anglers to identify. Prohibiting retention of copper, quillback, and china rockfishes rather than all eleven species will simplify compliance with the rule, while effectively reducing catch of the group as a whole. Catch of these species by persons fishing from shore is minimal, and not expected to add more than a trace amount to the total. Retention of these species while fishing from shore therefore remains allowed. There is insufficient time to initiate permanent rulemaking prior to the date this rule needs to be adjusted. Failure to adopt this rule could cause serious prejudice to the public interest by exceeding the Oregon recreational harvest guideline for Other Nearshore Rockfish and potentially exceeding the regional annual catch limit, which could result in higher than sustainable harvest or restrictions on other fisheries.	9-13-19
8-21-19	123-2019	635-006-0215	2019 Commercial Shark and Swordfish Conversion Factors Modified		X	This rule is needed to update the commercial shark and swordfish conversion factors.	These conversion factors were adopted in permanent rule by the Oregon Fish and Wildlife Commission (Commission) on Dec 8, 2017, effective Jan 1, 2018. Subsequent rule-making actions inadvertently eliminated these conversion factors from permanent rule. There is not adequate time to go through the normal rulemaking process because fisheries for these species are currently open, and this is an error in the regulations. Failure to adopt these rules would result in serious prejudice to the public interest, because the public has been previously informed that these conversion factors were in place, and that commercial shark and swordfish could be landed in a dressed condition. Without this temporary rule, any commercial fisher landing dressed shark or swordfish would be in violation of the rules, despite following written guidance from the Department. The Department will recommend that the Commission correct this error in	9-13-19

							permanent rule at the December 2019 Commission meeting.		
8-23-19	124-2019	635-023-0130	One-Day Salmon Bag Limit Modification for Non-Profit Corporation Northwest Dream Hunts.		X		The rule is needed to allow a one-day modification to the bag limit allowing for three adult Chinook or hatchery coho for Mr. Theodore Muir on September 3, 2019.	In cooperation with 501(c)(3) non-profit organization “Northwest Dream Hunts”, the Oregon Dept. of Fish and Wildlife is supporting a special fishing opportunity for a terminally ill youth. The mission of Northwest Dream Hunts is to fulfill hunting and fishing dreams for children ages 12 to 21 that have been diagnosed with a terminal illness. This rule will allow the organization’s 2019 participant an improved fishing opportunity during their planned visit to the State of Oregon.	9-13-19
8-28-19	125-2019	635-042-0031	Non-Treaty Commercial Fishing Period Rescinded		X		This rule is needed to rescind a Zone 4 and 5 non-Treaty commercial gillnet fishing period in the Columbia River.	There is insufficient time to initiate the permanent rulemaking process to rescind the non-Treaty commercial gillnet fisheries by the specified date and time. Failure to rescind this season could result in the commercial fishery exceeding its allocation of Snake River/Upriver bright fall Chinook.	9-13-19
8-28-19	126-2019	635-023-0130	Columbia River Steelhead Fishery Modified from Buoy 10 up to The Dalles Dam		X		The rule is needed to prohibit retention of all hatchery and wild steelhead caught in the Columbia River from Buoy 10 up to The Dalles Dam effective September 1 through September 30, 2019.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled end of the fishery. Failure to adopt these rules would jeopardize achieving the hatchery broodstock needs.	9-13-19
8-29-19	127-2019	635-023-0131	Columbia River Steelhead Fishery Modified from Buoy 10 up to The Dalles Dam	X			The rule is needed to prohibit retention of all hatchery and wild steelhead caught in the Columbia River from Buoy 10 up to The Dalles Dam effective September 1 through September 30, 2019.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled end of the fishery. Failure to adopt these rules would jeopardize achieving the hatchery broodstock needs.	9-13-19
8-29-19	128-2019	635-039-0090	Recreational Groundfish Fishery Opens to Fishing at all Depths		X		This rule is needed to provide additional offshore harvest opportunity in the recreational groundfish fishery that would not be available otherwise, while reducing catch and mortality of the “other nearshore rockfish” stock group, which has already exceeded the annual harvest guideline.	The recreational groundfish fishery is seasonally limited to shoreward of the 40 fathom management line in order to ensure that mortality of yelloweye rockfish does not exceed the annual harvest guideline. Reaching the annual harvest guideline for the rebuilding yelloweye rockfish stock could result in closing or further restricting the entire sport groundfish fishery, and the fishing season is structured to avoid such a situation. Allowing fishing only in shallower depths when fishing effort is high ensures that more yelloweye rockfish survive after release, and the seasonal depth restriction has been the primary means of minimizing yelloweye rockfish mortality. However, it also limits access to offshore fishing grounds, including limiting opportunity for highly desirable offshore lingcod fishing. There is a large amount of lingcod quota available for harvest, but catches have been severely constrained by management measures necessary to limit yelloweye rockfish mortality. Oregon Department of Fish and Wildlife (ODFW) staff reviewed catch data for the recreational groundfish fishery on August 27, including yelloweye rockfish bycatch and	9-13-19

								mortality estimates, and determined that more than sufficient quota remains in 2019 to remove the seasonal depth restriction early without increasing the risk of reaching the yelloweye rockfish harvest guideline. In consultation with sport fishing representatives, ODFW determined that opening to all-depth sport bottomfish fishing on September 3 rd instead of September 30 th as scheduled, will provide anglers with additional opportunity that would not otherwise be available to harvest lingcod and other groundfish offshore, and will reduce mortality of other nearshore rockfish by shifting some fishing effort to deeper waters where catch rates for those species are lower. There is insufficient time to initiate permanent rulemaking prior to the date this rule needs to be adjusted. Failure to adopt this rule could cause serious prejudice to the public interest by not providing opportunity to harvest underutilized recreational fishery stocks that would not otherwise be available, and by not reducing further impacts to other nearshore rockfish.	
9-4-19	129-2019	635-023-0130	Chinook Salmon Recreational Fishery Closed on Mainstem Columbia River		X		The rule is needed to prohibit retention of Chinook salmon caught in the Columbia River from Warrior Rock/Bachelor Island upstream to Bonneville Dam effective September 6, 2019.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled end of the fishery. Failure to adopt these rules could result in fisheries exceeding allowed ESA take limits for Snake River wild fall Chinook.	10-11-19
9-6-19	130-2019	635-041-0075	Treaty Indian Fall Commercial Gillnet Fishery Modified		X		These rules are needed to authorize sales of fish caught in Treaty Indian fall commercial set and drift gillnet fisheries in Zone 6 of the Columbia River, beginning at 6:00 a.m. September 9, 2019.	There is insufficient time to initiate the permanent rulemaking process to establish these Tribal fisheries by the specified date and time. Failure to set this Tribal season would deny Tribal fishers the opportunity to sell their harvested fish in Oregon, causing economic hardship.	10-11-19
9-6-19	131-2019	635-023-0095	2019 White Sturgeon Recreational Fishery Established in the Mainstem Columbia		X		This amended rule is needed to allow for retention of recreational white sturgeon in the Mainstem Columbia River, beginning September 21, 2019.	There is not adequate time to go through normal rulemaking proceedings to open these fisheries in a timely manner. Fishing seasons established must meet the Federal Endangered Species Act requirements, must reflect a federally mandated sharing formula between treaty and non-treaty fisherman, and must be consistent with sharing arrangements for non-Indian fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that recreational fishermen would not be allowed to access their allocation for this valuable resource.	10-11-19
9-6-19	132-2019	635-021-0090	Southeast Zone Regulation Modifications in the Thief Valley Reservoir		X		The rule is needed to provide the public an opportunity to salvage fish that will be killed when the reservoir is drained by the Lower Powder River Irrigation District for irrigation purposes.	The existing rule was designed for the orderly sport harvest of game fish in Thief Valley Reservoir. Due to low water storage levels, the Thief Valley Reservoir will be drained of storage water. Fish will be trapped in isolated pools and stressed by warm and turbid water. Consequently many fish will die. This rule will provide anglers the opportunity to harvest many of these trout before they are lost.	10-11-19
9-12-19	133-2019	635-041-0075	Treaty Indian Fall Commercial Gillnet Fishery Modified		X		These rules are needed to authorize sales of fish caught in Treaty Indian fall commercial set and drift gillnet fisheries in Zone 6 of the Columbia River, beginning at 6:00 a.m. September 16, 2019.	There is insufficient time to initiate the permanent rulemaking process to establish these Tribal fisheries by the specified date and time. Failure to set this Tribal season	10-11-19

							would deny Tribal fishers the opportunity to sell their harvested fish in Oregon, causing economic hardship.		
9-17-19	134-2019	635-023-0134	Modify temporary fall Chinook bag limit to allow retention of one (1) wild adult per day.		X		This rule is needed to: (1) allow harvest of adipose intact fall Chinook salmon as allowed by recently signed federal permits (2) Maintain concurrent regulations with the State of Idaho's fishery on the Snake River.	There is insufficient time to initiate the permanent rulemaking process. Failure to adopt this temporary rule could cause serious prejudice to the public interest in that Oregon's sport fishing regulations would not be concurrent with the State of Idaho's regulations for this shared fishery. And, it would prevent Oregon's anglers from utilizing available harvest shares outlined in recently signed federal fisheries permits. These Rules also maintain concurrence with the states of Idaho in the Snake River.	10-11-19
9-18-19	135-2019	635-041-0075	Treaty Indian Fall Commercial Gillnet Fishery Modified		X		These rules are needed to authorize sales of fish caught in Treaty Indian fall commercial set and drift gillnet fisheries in Zone 6 of the Columbia River, beginning at 6:00 p.m. September 18, 2019.	There is insufficient time to initiate the permanent rulemaking process to establish these Tribal fisheries by the specified date and time. Failure to set this Tribal season would deny Tribal fishers the opportunity to sell their harvested fish in Oregon, causing economic hardship.	10-11-19
9-20-19	136-2019	635-016-0090	Illinois River Angling Regulations		X		This amended rule is needed to respond to public concern about illegal fishing when adult fall chinook are present in the upper Illinois River. Lower streamflow prevalent in the last five years is making fall chinook more susceptible to snagging. A permanent rule change is anticipated in 2020 for the 2021 angling regulations.	There is insufficient time to initiate the permanent rulemaking process. Failure to adopt this temporary rule would cause serious prejudice to the public interest in that it would result in an over harvest of the resource.	10-11-19
9-25-19	138-2019	635-041-0075	Treaty Indian Fall Commercial Gillnet Fishery Modified		X		These rules are needed to authorize sales of fish caught in Treaty Indian fall commercial set and drift gillnet fisheries in Zone 6 of the Columbia River, beginning at 6:00 p.m. September 25, 2019.	There is insufficient time to initiate the permanent rulemaking process to establish these Tribal fisheries by the specified date and time. Failure to set this Tribal season would deny Tribal fishers the opportunity to sell their harvested fish in Oregon, causing economic hardship.	10-11-19
9-25-19	139-2019	635-023-0130	Recreational Salmonid Fishery Closed on Mainstem Columbia River		X		The rule is needed to close the recreational salmonid fishery in the Columbia River upstream of Buoy 10 effective September 26, 2019.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled end of the fishery. Failure to adopt these rules would result in recreational salmonid fisheries further exceeding their allowed ESA take limits for Snake River wild fall Chinook.	10-11-19
9-26-19	140-2019	635-023-0134	Modify temporary fall Chinook bag limit to allow retention of one (1) wild adult per day.		X		This rule is needed to: (1) allow harvest of adipose intact fall Chinook salmon as allowed by recently signed federal permits (2) Maintain concurrent regulations with the State of Idaho's fishery on the Snake River	There is insufficient time to initiate the permanent rulemaking process. Failure to adopt this temporary rule could cause serious prejudice to the public interest in that Oregon's sport fishing regulations would not be concurrent with the State of Idaho's regulations for this shared fishery. And, it would prevent Oregon's anglers from utilizing available harvest shares outlined in recently signed federal fisheries permits.	10-11-19
9-26-19	141-2019	635-019-0090	Reduced salmon and hatchery steelhead bag limit on the Umatilla and Walla Walla River		X		This amended rule is needed due to lower than expected returns of fall Chinook, coho and summer steelhead returning to the Umatilla and the Walla Walla Rivers. Implementation of this rule will	There is insufficient time to initiate the permanent rulemaking process. Failure to adopt this temporary rule would cause serious prejudice to the public interest in that it	10-11-19

						protect wild steelhead and returning adults for hatchery broodstock from potential handling mortality.	could result in not meeting hatchery broodstock collection needs, and allowing for natural reproduction of steelhead.	
9-26-19	142-2019	635-019-0090	Reduced salmon and hatchery steelhead bag limit on the Umatilla and Walla Walla River		X	This amended rule is needed due to lower than expected returns of fall Chinook, coho and summer steelhead returning to the Umatilla and the Walla Walla Rivers. Implementation of this rule will protect wild steelhead and returning adults for hatchery broodstock from potential handling mortality	There is insufficient time to initiate the permanent rulemaking process. Failure to adopt this temporary rule would cause serious prejudice to the public interest in that it could result in not meeting hatchery broodstock collection needs, and allowing for natural reproduction of steelhead.	10-11-19
9-26-19	143-2019	635-019-0090	Reduced salmon and hatchery steelhead bag limit on the Umatilla and Walla Walla River		X	This amended rule is needed due to lower than expected returns of fall Chinook, coho and summer steelhead returning to the Umatilla and the Walla Walla Rivers. Implementation of this rule will protect wild steelhead and returning adults for hatchery broodstock from potential handling mortality.	There is insufficient time to initiate the permanent rulemaking process. Failure to adopt this temporary rule would cause serious prejudice to the public interest in that it could result in not meeting hatchery broodstock collection needs, and allowing for natural reproduction of steelhead.	10-11-19
9-27-19	146-2016	635-042-0032	Coho Tangle Net Season Set for the Mainstem Columbia River		X	This rule is needed to authorize seven tangle net fishing periods in Zones 1 through 3 of the Columbia River mainstem. The first fishing period is scheduled to begin at 6:00 a.m. Monday, September 30, 2019.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of the authorized fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that commercial fishers would not be allowed opportunity to harvest their allocation of this valuable resource.	10-11-19
10-2-19	150-2019	635-041-0075	Treaty Indian Fall Commercial Gillnet Fishery Modified		X	These rules are needed to authorize sales of fish caught in Treaty Indian fall commercial set and drift gillnet fisheries in Zone 6 of the Columbia River, beginning at 6:00 a.m. October 3, 2019.	There is insufficient time to initiate the permanent rulemaking process to establish these Tribal fisheries by the specified date and time. Failure to set this Tribal season would deny Tribal fishers the opportunity to sell their harvested fish in Oregon, causing economic hardship.	10-11-19
10-3-19	151-2019	635-023-0134	Modify Temporary Bag Limit to Restrict Retention of Wild Adult Fall Chinook		X	This rule is needed to: (1) reduce harvest impacts on wild fall Chinook (2) maintain adequate allowed impacts to continue fisheries for hatchery fall Chinook (2) Maintain concurrent regulations with the State of Idaho's fishery on the Snake River.	There is insufficient time to initiate the permanent rulemaking process. Failure to adopt this temporary rule could cause serious prejudice to the public interest in that Oregon's sport fishing regulations would not be concurrent with the State of Idaho's regulations for this shared fishery. And, it would prevent Oregon's anglers from utilizing available harvest shares outlined in recently signed federal fisheries permits. These Rules also maintain concurrence with the states of Idaho in the Snake River.	10-11-19
10-3-19	152-2019	635-023-0134	Modify Temporary Bag Limit to Restrict Retention of Wild Adult Fall Chinook		X	This rule is needed to: (1) reduce harvest impacts on wild fall Chinook (2) maintain adequate allowed impacts to continue fisheries for hatchery fall Chinook (2) Maintain concurrent regulations with the State of Idaho's fishery on the Snake River.	There is insufficient time to initiate the permanent rulemaking process. Failure to adopt this temporary rule could cause serious prejudice to the public interest in that Oregon's sport fishing regulations would not be concurrent with the State of Idaho's regulations for this shared fishery. And, it would prevent Oregon's anglers from utilizing available harvest shares outlined in recently signed federal fisheries permits.	10-11-19

								These Rules also maintain concurrence with the states of Idaho in the Snake River.	
10-8-19	153-2019	635-042-0060	Non-Treaty Commercial Zone 4-5 Gillnet Fisheries Adopted		X		This rule is needed to authorize a Zone 4 and 5 non-Treaty commercial gillnet fishery in the Columbia River.	There is insufficient time to initiate the permanent rulemaking process to establish the non-Treaty commercial gillnet fisheries by the specified date and time. Failure to set these seasons would deny fishers the opportunity to harvest their allocation of this resource, causing economic hardship.	10-11-19
10-8-19	154-2019	635-023-0095	2019 White Sturgeon Recreational Fishery Established in the Mainstem Columbia		X		This amended rule is needed to allow for retention of recreational white sturgeon in the Mainstem Columbia River, on October 12, 2019.	There is not adequate time to go through normal rulemaking proceedings to open these fisheries in a timely manner. Fishing seasons established must meet the Federal Endangered Species Act requirements, must reflect a federally mandated sharing formula between treaty and non-treaty fisherman, and must be consistent with sharing arrangements for non-Indian fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that recreational fishermen would not be allowed to access their allocation for this valuable resource.	10-11-19
10-10-19	155-2019	635-042-0060	Non-Treaty Commercial Zone 4-5 Gillnet Fisheries Modified		X	X	This rule is needed to close the Zone 4 and 5 non-Treaty commercial gillnet fishery in the Columbia River.	There is insufficient time to initiate the permanent rulemaking process to establish the non-Treaty commercial gillnet fisheries by the specified date and time. Failure to close this season would likely result in fishers exceeding their harvest allocation of ESA-listed Snake River fall Chinook.	10-11-19
10-16-19	157-2019	635-023-0134	Modify Temporary Bag Limit to Reduce Daily Bag Limit for Adult Hatchery Fall Chinook		X		At their October 11, 2019 hearing the Oregon Fish and Wildlife Commission directed ODFW to reduce the daily bag limit for hatchery Chinook in this area from six per day to two per day.	The Commission determined that emergency action was needed to reduce the daily bag limit in order to reduce catch-and-release mortality of ESA-listed salmonids encountered in this area.	12-6-19
10-16-19	158-2019	635-023-0134	Modify Temporary Bag Limit to Reduce Daily Bag Limit for Adult Hatchery Fall Chinook		X		At their October 11, 2019 hearing the Oregon Fish and Wildlife Commission directed ODFW to reduce the daily bag limit for hatchery Chinook in this area from six per day to two per day.	The Commission determined that emergency action was needed to reduce the daily bag limit in order to reduce catch-and-release mortality of ESA-listed salmonids encountered in this area.	12-6-19
10-17-19	159-2019	635-042-0032	Coho Tangle Net Season Modified for the Mainstem Columbia River		X		This rule is needed to authorize four tangle net fishing periods in Zones 1 through 3 of the Columbia River mainstem. The first fishing period is scheduled to begin at 5:00 a.m. Friday, October 18, 2019.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled start of the authorized fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that commercial fishers would not be allowed opportunity to harvest their allocation of this valuable resource.	12-6-19
10-17-19	160-2019	635-023-0095	2019 White Sturgeon Recreational Fishery Established in the Mainstem Columbia		X		This amended rule is needed to allow for retention of recreational white sturgeon in the Mainstem Columbia River, on October 19, and October 24, 2019.	There is not adequate time to go through normal rulemaking proceedings to open these fisheries in a timely manner. Fishing seasons established must meet the Federal Endangered Species Act requirements, must reflect a federally mandated sharing formula between treaty and non-treaty fisherman, and must be consistent with sharing arrangements for non-Indian fisheries. Failure to adopt this rule would cause serious prejudice to the public interest in that recreational fishermen would not be allowed to access their allocation for this valuable resource.	12-6-19

10-17-19	161-2019	635-023-0130	Recreational Salmonid Fishery Opens on the Mainstem Columbia River		X		The rule is needed to open the recreational coho fishery in the Columbia River effective October 18, 2019.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines. There is insufficient time to initiate the permanent rulemaking process prior to the scheduled end of the fishery. Failure to adopt these rules would result in recreational salmonid fisheries not being allowed access to harvestable coho returns.	12-6-19
10-21-19	164-2019	635-004-0275	Federal Actions and Management Measures Implemented for Commercial Groundfish Fisheries.		X		This rule is needed to adopt in-season actions previously adopted by the federal government for 2019-2020 Pacific Coast commercial groundfish fisheries, including but not limited to increased trip limits for sablefish in the Limited Entry Fixed Gear and Open Access fisheries.	The National Marine Fisheries Service (NMFS) announced in-season adjustments to Pacific Coast commercial groundfish management measures as noticed by means of the NMFS Final Rule published in the Federal Register Vol 84, No. 203, dated October 21, 2019 (84 FR 56142). There is not adequate time to go through normal rulemaking proceedings prior to the October 21, 2019 effective date of these rule amendments. Failure to adopt this temporary rule would cause serious prejudice to the public interest in that inconsistency between state and federal regulations would exist, which subsequently could result in enforcement issues and confusion within the commercial fishing industry.	12-6-19
11-13-19	166-2019	635-005-0465	Commercial Dungeness Crab Opening Delay		X		A rule is needed to delay the opening of the Oregon commercial Dungeness crab fishery in the Pacific ocean and Columbia River. Under the Tri-State Memorandum-of-Understanding Regarding Management of the Pacific Coast Dungeness Crab Fishery, the process for pre-season testing of crab condition and season-opening decision-making is specified through the Preseason Testing Protocol. Crab condition criteria to open the fishery on December 1, 2019 were not met in samples from California, Oregon and Washington. Accordingly, the season opening in Oregon needs to be delayed until crab quality improves.	Pre-season test results for crab condition off the California, Oregon and Washington coasts provided the basis for a delayed opening of the commercial Dungeness crab fishery in the Pacific Ocean. These tests were completed in recent days and therefore adequate time does not exist to go through normal rulemaking proceedings prior to the scheduled start of the Dungeness crab fishery on December 1, 2019. Oregon's Dungeness crab fishery is its most economically valuable commercial fishery. Failure to adopt this temporary rule will result in serious prejudice to the public interest and parties concerned in that conflicts could arise without an orderly opening to the fishery and landings of poor-condition crab (i.e., low meat content) are likely to occur, with impacts to marketability of crab and the industry.	12-6-19
11-13-19	167-2019	635-005-0465	Commercial Dungeness Crab Opening Delay		X		A rule is needed to delay the opening of the Oregon commercial Dungeness crab fishery in the Pacific ocean and Columbia River. Under the Tri-State Memorandum-of-Understanding Regarding Management of the Pacific Coast Dungeness Crab Fishery, the process for pre-season testing of crab condition and season-opening decision-making is specified through the Preseason Testing Protocol. Crab condition criteria to open the fishery on December 1, 2019 were not met in samples from California, Oregon and Washington. Accordingly, the season opening in Oregon needs to be delayed until crab quality improves.	Pre-season test results for crab condition off the California, Oregon and Washington coasts provided the basis for a delayed opening of the commercial Dungeness crab fishery in the Pacific Ocean. These tests were completed in recent days and therefore adequate time does not exist to go through normal rulemaking proceedings prior to the scheduled start of the Dungeness crab fishery on December 1, 2019. Oregon's Dungeness crab fishery is its most economically valuable commercial fishery. Failure to adopt this temporary rule will result in serious prejudice to the public interest and parties concerned in that conflicts could arise without an orderly opening to the fishery and landings of poor-condition crab (i.e., low meat content) are likely to occur, with impacts to marketability of crab and the industry.	12-6-19

12-4-19	168-2019	635-014-0090	Angling Modifications in the NW Zone for the Wilson River		X		The rule change is needed to protect surviving fall Chinook salmon in the Wilson River. With a below average run in progress, this die off will further reduce the available spawners.	North Coast fall Chinook runs have been well below average for the last couple of seasons. The 2019 run is also well below average, and the observed die off will further reduce the number of available spawners in the Wilson River. An angling closure will eliminate further harvest of Chinook, allowing those fish to reach spawning areas.	12-6-19
12-4-19	169-2019	635-019-0090	Emergency angling closures lifted in the Southwest Zone		X		These rules are needed to remove a subset of emergency fishing restrictions previously established for adult wild Chinook Salmon and apply to the period of December 07 through December 31, 2019.	Under the provisions of ODFW's Coastal Multi-Species Conservation and Management Plan (CMP), which is reflected by OAR 635-500-6775, and ODFW's Rogue Fall Chinook Conservation Plan, which is reflected by OAR 635-500-6650, reductions in estimates of returning adult wild fall-run Chinook Salmon are tied to management actions, including changes in bag limits and area closures, intended to reduce harvest impacts under conditions of low abundance. These management actions were implemented by emergency rule to apply from August 1 through December 31. Additional temporary angling closures were implemented with the intent of providing additional protection for fall chinook staging in lower river holes and these restrictions are no longer necessary as fall chinook have been able migrate with increased flows.	12-6-19
12-11-19	173-2019	635-004-0355	Commercial Nearshore Fishery In-Season Cabezon Daily Limit Implementation for Period 6		X		This rule is needed to slow landings of Cabezon in the commercial fishery so as not exceed the state harvest guideline while still providing landing opportunities for this species.	Harvest of Cabezon in the commercial nearshore fishery is running high. Allowable harvest levels for this species are expected to be attained before the end of the year at current harvest rates. By implementing a daily limit for Cabezon fishers will continue to have harvest opportunities for incidental Cabezon catch allowing for greater attainment while also slowing landings enough to likely keep the season open through year's end. There is not adequate time to go through normal rule making proceedings in order to implement this rule for Period 6.	1-17-20
12-11-19	174-2019	635-014-0090	North Coast Chinook Salmon Bag Limit Closures		X		This rule modification is needed to protect remaining spawners in North Coast streams by eliminating harvest impacts on wild fall Chinook Salmon for the period of December 13 through December 31.	This rule change is intended to reduce harvest impacts on fall Chinook in order to increase the number of spawners. The rule is justified due to a recent die off of fall Chinook due to heavy parasite loads for populations already under conditions of reduced abundance. Recent surveys in some areas have shown greater than half of the carcasses recovered are pre-spawn mortalities. Given likely continued mortality and projected below average returns, the rule change is justified to allow remaining fish to reach spawning grounds.	1-17-20
12-20-19	181-2019	635-005-0465	Commercial Dungeness Crab Season Opening		X		A rule is needed to open the 2019-2020 Oregon commercial Dungeness crab fishery in the Pacific Ocean and Columbia River. Under the Tri-State Memorandum-of-Understanding Regarding Management of the Pacific Coast Dungeness Crab Fishery, the process for pre-season testing of crab condition and season-opening decision-making is specified through the Preseason Testing Protocol. Crab condition criteria to open the fishery on December 31, 2019 have now been met in samples from all areas off Oregon.	Test results for crab condition off the California, Oregon and Washington coasts provided the basis for delaying the opening of the 2019-2020 commercial Dungeness crab fishery in the Pacific Ocean and Columbia River from December 1 to December 31, 2019. Additional tests were completed in recent days and showed that crab condition criteria have now been met for all areas off Oregon, providing the basis for opening the fishery on December 31, 2019. Adequate time does not exist to go through normal rulemaking proceedings prior to the scheduled start of the Dungeness crab fishery on December 31, 2019.	1-17-20

								Oregon's Dungeness crab fishery is its most economically valuable commercial fishery. Failure to adopt this temporary rule will result in serious prejudice to the public interest and parties concerned in that the state of Oregon would violate its agreement with the states of Washington and California per the Tri-State Protocol, the crab industry would be prohibited from harvesting and processing crab which have met quality standards, and conflicts could arise without an orderly opening to the fishery.	
12-23-19	182-2019	635-019-0090 635-023-0134	Reduced Bag Limit on Snake River and Tributaries		X		This rule is needed to: (1) to reduce consumptive harvest of summer steelhead in the Snake River and tributaries in response to low returns in 2019. Reducing harvest will ensure that enough hatchery steelhead escape recreational fisheries to meet broodstock production objectives, and may reduce impacts to wild steelhead that are also at low abundance. (3) Maintain concurrent regulations with the State of Idaho's fishery on the Snake River and the state of Washington on the Grande Ronde River.	There is insufficient time to initiate the permanent rulemaking process. Failure to adopt this temporary rule could cause serious prejudice to the public interest in that Oregon's sport fishing regulations would not be concurrent with the State of Idaho's regulations for this shared fishery. Observations of tagged hatchery and wild summer steelhead in the Snake River and tributaries indicate low returns in 2019 and winter 2020. Precautions are needed to ensure enough hatchery steelhead escape recreational fisheries to meet broodstock production objectives. In addition, reducing the bag limit for hatchery steelhead may also reduce the occurrence of incidental mortality of wild steelhead in recreational fisheries. These Rules also maintain concurrence with the states of Idaho and Washington on the Snake and Grande Ronde rivers, respectively.	1-17-20
12-23-19	183-2019	635-023-0090	Salmon and Steelhead Angling Restrictions in Effect on the Columbia River Mainstem		X		The rule is needed to close the recreational salmonid fishery in the Columbia River upstream of McNary Dam effective January 1 through March 31, 2020.	Fisheries are managed to provide opportunity to meet species or stock-specific allocations for each fishery while remaining within ESA guidelines and providing adequate escapement, including escapement to hatcheries for broodstock needs. There is insufficient time to initiate the permanent rulemaking process prior to the end of the current angling/retention closure for this area. Failure to adopt these rules would result in additional take of ESA-listed fish and jeopardize escapement to hatcheries.	1-17-20

WILDLIFE DIVISION

PERMANENT RULES

Adopted	Amended	Repealed	Total Permanent Rules Filed
13	110	2	125

TEMPORARY RULES

Adopted	Amended	Suspended	Total Temporary Rules Filed
0	10	0	10

Date Filed	SS-DFW	Rule #	Rule Caption	Adopted	Amended	Suspended	Statement of Need	Justification	Date Ratified
1-3-2019	1-2019	635-065-0011	Extend Mandatory Reporting Deadline for 2018-2019 Seasons to April 15, 2019		X		A temporary rule is needed to extend the reporting deadline date for hunts ending between April 1, 2018 and December 31, 2018 to April 15, 2019.	A temporary rule is needed to modify 635-065-0011 (1)(a) to extend the reporting deadline date for hunts ending between April 1 and December 31, 2018. Due to some components of the Oregon Department of Fish and Wildlife's new Electronic Licensing System (ELS) being unfamiliar to hunters, they are having difficulties trying to complete the Mandatory Reporting requirement. Extending the deadline to April 15, 2019 will provide customers more time to familiarize with the system and report.	1-18-19
1-11-19	3-2019	635-043-0150	Ceremonial Harvest of Deer, Elk and Pronghorn by the Burns Paiute Tribe of Oregon		X		Correct the season dates for Burns Paiute Tribe Ceremonial Harvest Permits for pronghorn antelope	A temporary rule is needed to modify 635-043-0150(3)(e) to correct the annual start date for the pronghorn season. The Department presentation to the Commission and discussions with the Burns Paiute Tribe outlined a season start date of January 1st for all authorized species. There is an error in that date in the adopted and filed OARs. There is not adequate time to go through the normal rulemaking process before the correct season start date and failure to adopt this temporary rule would result in serious prejudice to the Burns Paiute Tribe's authorization to harvest big game for ceremonial and cultural purposes.	1-18-19

2-19-19	21-2019	635-060-0009	Extend beginning date for spring bear tag sales to no later than March 1, 2019		X		A temporary rule is needed to extend the date for the beginning of the ability to purchase Spring Bear Controlled Hunt Tags associated with the February 2019 Spring Bear Controlled Hunt Draw	A temporary rule is needed to modify 635-060-0009 (1) to extend the date identifying when controlled hunt tags will be available to purchase. Due to as-of-yet unresolved computer issues, the Spring Bear Controlled Hunt Draw has been delayed until later in February 2019. As a result, the ability to purchase controlled hunt tags based on the draw needs to be extended to allow for the possibility tags would not be available to be purchased on the 20th of February.	3-15-19
6-18-19	79-2019	635-060-0009	A temporary rule is needed to extend the date for the beginning of the ability to purchase Controlled Hunt Tags associated with the June 2019 Controlled Hunt Draw		X		A temporary rule is needed to extend the date for the beginning of the ability to purchase Controlled Hunt Tags associated with the June 2019 Controlled Hunt Draw.	A temporary rule is needed to modify 635-060-0009 (2) to extend the date identifying when Controlled Hunt Tags will be available to purchase. Due to un-controllable computer issues and outcome verification processes, the June 2019 Controlled Hunt Draw has been delayed. Because of the unknown outcome at this time, the ability to purchase controlled hunt tags based on the draw had to be extended to allow for the possibility tags could not be purchased beginning June 20th.	8-2-19
6-21-19	80-2019	635-043-0175	Issuance of Roadkill Salvage Permits for Dispatched Deer and Elk by Enforcement Personnel		X		A temporary rule is needed to allow the issuance of Roadkill Salvage Permit by Department for dispatched deer and elk by enforcement personnel.	A temporary rule is needed to modify OAR 635-043-0175 to address the salvage of roadstruck deer and elk in circumstances when enforcement personnel respond to accidental vehicle collisions and dispatch the animal under their wildlife law authority. Statutory language from the 2017 Legislature precludes anyone who humanely euthanizes (under ORS 498.016) the roadstruck deer or elk, except the driver of the vehicle, from obtaining a salvage permit. In several recent circumstances, enforcement staff from local law enforcement, Oregon State Police, or Department have dispatched an animal after accidental vehicle collision and a secondary vehicle/person has wanted to obtain a Roadkill Salvage permit for the animal. Temporary rule will clarify the authority for persons with authority to enforce the wildlife laws to dispatch the roadstruck animal, and the opportunity for the Department to issue salvage permits in these situations to the public until a permanent rule amendment process can be completed. Immediate rulemaking action is necessary to avoid waste of wildlife consistent with the public policy of ORS 498.042 and to make use of a readily available and valuable food source.	8-2-19
6-28-19	92-2019	635-030-0000 635-060-0008	Delay date for sales of Leftover Controlled Hunt Tags; authorize purchase through ELS		X X		Temporary rules are needed to change the date for the beginning of the ability to purchase Leftover Controlled Hunt Tags associated with the June 2019 Controlled Hunt Draw and authorize online Department sales of leftover tags	A Temporary rule is needed to modify 635-060-0000 to change the date when Leftover Controlled Hunt Tags will be available to purchase. Due to implementation of a new online system, user testing, outcome verification processes, and the capability of informing the public of the new online only process must be completed which has delayed the sales of leftover tags. Because of the unknown outcome at this time, the ability to purchase Leftover Controlled Hunt Tags had to be extended to allow for the possibility tags could not be purchased beginning July 1. Failure to change the date would result in a lack of availability to purchase tags, which have been authorized by Commission	8-02-19

								for public hunter use. Page 29 of 54 A Temporary rule is needed to modify 635-060-0008 (4) to authorize the online sales of Leftover Controlled Hunt Tags through the new Electronic Licensing system, which has replaced the Point of Sale Licensing system which sold leftover tags through License Agents. Failure to act promptly will result in serious prejudice to the public interest because the tags would be otherwise unavailable.	
7-25-19	104-2019	635-053-0005	Adopt Controlled Hunt Permit Numbers for 2019 Oregon Sage Grouse Hunting Season		X		This rule amendment is needed to establish the maximum number of permits that may be issued for the purpose of hunting sage-grouse during the previously established September 07 - September 15, 2019 Oregon sage-grouse season.	Oregon's sage-grouse population is conservatively managed to harvest no more than 5% of the projected fall population in as many as 12 of 21 Wildlife Management Units where they are known to occur. The Oregon Fish and Wildlife Commission during their April 19, 2019 meeting adopted the dates of the 9-day sage-grouse hunting season and the season bag limit of 2 birds per hunter, but the maximum number of permits allowed per Wildlife Management Unit is dependent on the completion of biological surveys to estimate fall populations. Spring breeding population surveys are not completed until mid-May and require additional time for data entry and analysis. Failure to adopt this temporary rule will result in serious prejudice to the public interest and parties concerned because there would be no sage-grouse Page 33 of 54 hunting opportunities for upland game bird hunters due to lack of time to undertake permanent rule making before completion of the controlled draw with appropriate tag numbers and the start of the season. The sage-grouse hunting season is fully supported by the biological data, is in alignment with Department mission and would deprive Department biologists from acquiring important biological information from the wings of harvested birds useful for the management of sage-grouse populations.	8-02-19
9-26-19	145-2019	635-050-0045 635-050-0210	Amend trapping regulations in Siskiyou and Siuslaw National Forests and Oregon Dunes National Recreation Area.		X X		Temporary rules are needed to ban the use of traps or snares suspended in trees in the Siskiyou and Siuslaw National Forests and ban trapping in the Oregon Dunes National Recreation Area.	A Temporary Rule is needed to modify OAR 635-050-0045 to ban the use of traps or snares suspended in trees in the Siskiyou and Siuslaw National Forests. Traps suspended in trees is a method which can be used to target marten. Failure to restrict this trapping method will result in serious prejudice to the public interest because Commission action was to Page 46 of 54 reduce the risk of trapping mortality of coastal marten in general furbearer seasons. A Temporary Rule is needed to modify 635-050-0210 to close the Oregon Dunes National Recreation Area, which has a small but dense population of coastal marten, to trapping of furbearing and unprotected mammals. Failure to act promptly will result in serious prejudice to the public interest because trapping for other species in the Dunes creates the risk of incidentally trapping coastal marten.	10-11-19