

ADMINISTRATIVE RULES

(d) Act in "good faith" during the facilitated dialogue process, and accept and follow the facilitators' direction over the course of the facilitated dialogue process.

(e) Refrain from engaging in inappropriate personal relationships with the participants or facilitators of a facilitated dialogue process.

(2) Inmate Participants Subject to Department Rules: Inmates remain subject to all applicable Department rules and facility procedures pertaining to inmates in Department of Corrections facilities, while participating in the Facilitated Dialogue Program, including but not limited to Mail (Inmate) (OAR 291-137), Visiting (291-127), Facility Access (291-016), and these rules.

(3) Sentence, Reward, or Status Gain from Participation: An inmate's participation in the Facilitated Dialogue Program will not affect the inmate's sentence or status within the correctional facility.

(a) Participation in the FDP will not be assigned or evaluated as part of the inmate's Corrections Plan for purposes of the Performance Recognition and Awards System (OAR 291-077) or any earned good time. However, at the voluntary request of an inmate, the inmate's counselor may assign them to work on the facilitated dialogue process as part of their Oregon Corrections Plan to help them reduce their risk of future offending upon release and learn how to live a more productive life.

(b) Inmates will not receive any benefit because of their participation in the FDP other than any benefits that are inherent to their participation.

(4) Inmate Support Person: The FDP encourages, but does not require, that an inmate participating in a facilitated dialogue process choose a support person. All support persons chosen by the inmate must be ODOC staff or ODOC volunteers and will be required to disclose to the program the nature of the support person's relationship to the inmate, if any.

(5) Inmate and Support Person(s) Subject to Department Rules: Facilitated dialogues take place inside Department of Corrections facilities. Consequently, the support person(s) are and remain subject to all applicable Department rules and facility procedures pertaining to the public and visitors in Department of Corrections facilities, while participating in the Facilitated Dialogue Program, including but not limited to Mail (Inmate) (OAR 291-137), Visiting (291-127), Facility Access (291-016), and these rules.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075

Hist.: DOC 12-2008(Temp). F. & cert. ef. 5-15-08 thru 11-10-08; DOC 26-2008, f. & cert. ef. 10-6-08

291-205-0080

Facilitator Participation

(1) Facilitator Qualification, Selection, Assignment, Supervision and Termination:

(a) The Administrator of Religious Services and his/her designee maintain sole discretion over the qualifications, selection, assignment and termination of dialogue facilitators who participate in the Facilitated Dialogue Program.

(b) The FDP staff will assign facilitators to a specific facilitated dialogue process as needed.

(c) The FDP will provide direction and supervision of all facilitators assigned to cases and instruction as to appropriate intervals for debriefings.

(d) The FDP staff may terminate a facilitator's participation in a specific facilitated dialogue process for any reason.

(2) Volunteer Requirements: Volunteer facilitators must meet the requirements for volunteer service in the rule on Volunteer Services/Student Interns (OAR 291-015). Facilitators must report any violation or failure to abide by the Facilitated Dialogue Program rules or agreements for any reason by any participant to the FDP.

(3) Inappropriate Relationships with Participants: Facilitators are prohibited from engaging in sexual or other inappropriate personal relationships with the participants of a Facilitated Dialogue Process.

(4) Legal Advice: Facilitators must not give legal advice to any crime victim or survivor or inmate.

(5) Facilitators Subject to Department Rules: Facilitated dialogues take place inside Department of Corrections facilities. Consequently, facilitators are and remain subject to all applicable Department rules and facility procedures pertaining to the public and visitors in Department of Corrections facilities, while participating in the Facilitated Dialogue Program, including but not limited to Volunteer Services/Student Interns (OAR 291-015), Mail (Inmate) (291-137), Visiting (291-127), Facility Access (291-016), and these rules.

(6) Training: Facilitators will attend any required training provided by the ODOC for process facilitators. Other training through other programs may provide support for applicants but will not automatically substitute for ODOC training. The FDP will offer on-going training and program updates that facilitators are expected to make every effort to attend.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075

Hist.: DOC 12-2008(Temp). F. & cert. ef. 5-15-08 thru 11-10-08; DOC 26-2008, f. & cert. ef. 10-6-08

291-205-0090

Intake Assessment

(1) Intake Evaluation: Upon receiving a crime victim or survivor's request to participate in the Facilitated Dialogue Program, the FDP will evaluate the request and determine whether the Facilitated Dialogue Program is appropriate for the crime victim or survivor and the inmate.

(2) Minimum Content of Evaluation: When conducting the intake assessment, the FDP through its staff or volunteers will, at a minimum, do the following:

(a) Interview the crime victim or survivor to describe the process, determine the nature of the crime, time elapsed since the crime, and other factors that address the past and present impacts of the crime on the crime victim or survivor and why the crime victim or survivor wants to participate in the Facilitated Dialogue Program. The interview is also used to explain the process to the crime victim or survivor.

(b) Contact appropriate staff at the institution in which the inmate is incarcerated to determine if the inmate is eligible to participate. Program staff or volunteers designated by the VSP will conduct a preliminary interview with the inmate.

(c) Provide the inmate and the crime victim or survivor with copies of the Confidentiality Agreement and Agreements to Participate. Execution of these agreements is necessary before the facilitated dialogue process will continue.

(3) FDP Decision Final: The decision whether to grant a crime victim or survivor's request to participate in the Facilitated Dialogue Program is committed to the discretion of the FDP. The FDP decision is final, and not subject to further review by the crime victim or survivor or by the inmate.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075

Hist.: DOC 12-2008(Temp). F. & cert. ef. 5-15-08 thru 11-10-08; DOC 26-2008, f. & cert. ef. 10-6-08

291-205-0100

Facilitated Dialogue Meeting

(1) Several Meetings Possible: A facilitated dialogue process may include one or more facilitated dialogue meetings. A facilitated dialogue meeting offers the crime victim or survivor and the inmate the opportunity to discuss the crime and its impacts.

(2) FDP Decision Final: The decision whether to hold a facilitated dialogue meeting is committed to the discretion of the FDP. The FDP decision is final, and not subject to further review by the crime victim or survivor or by the inmate.

(3) Facilitated Dialogue Meeting as Exception to General Department Prohibition Against Visits Between Inmates and their Crime Victims: When the FDP has authorized a facilitated dialogue meeting from a program perspective, the facility Superintendent or designee may, in his/her discretion, approve a special visit or visits between the crime victim or survivor and the inmate for the purpose of the facilitated dialogue meeting as an exception to the Department's general rule prohibiting visits between an inmate and his/her crime victim, OAR 291-127-0230.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075

Hist.: DOC 12-2008(Temp). F. & cert. ef. 5-15-08 thru 11-10-08; DOC 26-2008, f. & cert. ef. 10-6-08

291-205-0110

Post-Dialogue Process

(1) Post Meeting Contact: After the facilitated dialogue meeting, the facilitators will contact the crime victim or survivor and the inmate to discuss the meeting and evaluate the process. The contacts should take place within 72 hours after the facilitated dialogue meeting and thereafter as approved by the FDP.

(2) Post Meeting Report: After the facilitated dialogue meeting, the facilitators will report to the FDP and the FDP will evaluate the facilitated dialogue process.

(3) Conclusion of Dialogue Process: Upon conclusion of the post-dialogue contacts, the facilitated dialogue process is terminated.

Stat. Auth.: ORS 179.040, 423.020, 423.030, 423.075

Stats. Implemented: ORS 179.040, 423.020, 423.030, 423.075

Hist.: DOC 12-2008(Temp). F. & cert. ef. 5-15-08 thru 11-10-08; DOC 26-2008, f. & cert. ef. 10-6-08

Department of Environmental Quality Chapter 340

Rule Caption: Authorizing the Environmental Quality Commission to implement the Clean Air Act requirements for agriculture in Oregon.

ADMINISTRATIVE RULES

Adm. Order No.: DEQ 12-2008
Filed with Sec. of State: 9-17-2008
Certified to be Effective: 9-17-08
Notice Publication Date: 5-1-2008
Rules Amended: 340-200-0030, 340-200-0040, 340-210-0205, 340-264-0040

Subject: This rulemaking amends the above OARs, in accordance with ORS 468A.020, to allow the Environmental Quality Commission (EQC) to limit emissions from agricultural sources of needed to meet federal CAA requirements, such as National Ambient Air Quality Standards (NAAQS), federal air toxic requirements, or regional haze issues. This rulemaking also amends Oregon's State Implementation Plan.

Rules Coordinator: Larry McAllister—(503) 229-6412

340-200-0030

Exceptions

(1) Except as provided in section (2) of this rule, OAR Chapter 340, divisions 200 through 268 do not apply to:

(a) Agricultural operations, including but not limited to:

- (A) Growing or harvesting crops;
- (B) Raising fowl or animals;
- (C) Clearing or grading agricultural land;
- (D) Propagating and raising nursery stock;
- (E) Propane flaming of mint stubble; and
- (F) Stack or pile burning of residue from Christmas trees, as defined in ORS 571.505, during the period beginning October 1 and ending May 31 of the following year.

(b) Equipment used in agricultural operations, except boilers used in connection with propagating and raising nursery stock.

(c) Barbecue equipment used in connection with any residence.

(d) Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families, except woodstoves which shall be subject to regulation under this section, ORS 468A.460 to 468A.480, 468A.490 and 468A.515.

(e) Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or instruction of employees in the methods of fire fighting, which in the opinion of the agency is necessary.

(f) Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction.

(2) Section (1) of this rule does not apply to the extent:

(a) Otherwise provided in ORS 468A.555 to 468A.620, 468A.790, 468A.992, 476.380 and 478.960;

(b) Necessary to implement the federal Clean Air Act (P.L. 88-206 as amended) under ORS 468A.025, 468A.030, 468A.035, 468A.040, 468A.045 and 468A.300 to 468A.330; or

(c) Necessary for the Environmental Quality Commission, in the commission's discretion, to implement a recommendation of the Task Force on Dairy Air Quality created under section 3, chapter 799, Oregon Laws 2007, for the regulation of dairy air contaminant emissions.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as Adopted by the Environmental Quality Commission under OAR 340-200-0040.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468A.025

Hist.: DEQ 15, f. 6-12-70, ef. 9-1-70; DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0003; DEQ 12-2008, f. & cert. ef. 9-17-08

340-200-0040

State of Oregon Clean Air Act Implementation Plan

(1) This implementation plan, consisting of Volumes 2 and 3 of the State of Oregon Air Quality Control Program, contains control strategies, rules and standards prepared by the Department of Environmental Quality and is adopted as the state implementation plan (SIP) of the State of Oregon pursuant to the federal Clean Air Act, 42 U.S.C.A 7401 to 7671q.

(2) Except as provided in section (3), revisions to the SIP will be made pursuant to the Commission's rulemaking procedures in division 11 of this chapter and any other requirements contained in the SIP and will be submitted to the United States Environmental Protection Agency for approval. The State Implementation Plan was last modified by the Commission on August 21, 2008.

(3) Notwithstanding any other requirement contained in the SIP, the Department may:

(a) Submit to the Environmental Protection Agency any permit condition implementing a rule that is part of the federally-approved SIP as a source-specific SIP revision after the Department has complied with the public hearings provisions of 40 CFR 51.102 (July 1, 2002); and

(b) Approve the standards submitted by a regional authority if the regional authority adopts verbatim any standard that the Commission has adopted, and submit the standards to EPA for approval as a SIP revision.

NOTE: Revisions to the State of Oregon Clean Air Act Implementation Plan become federally enforceable upon approval by the United States Environmental Protection Agency. If any provision of the federally approved Implementation Plan conflicts with any provision adopted by the Commission, the Department shall enforce the more stringent provision.

Stat. Auth.: ORS 468.020

Stats. Implemented: ORS 468A.035

Hist.: DEQ 35, f. 2-3-72, ef. 2-15-72; DEQ 54, f. 6-21-73, ef. 7-1-73; DEQ 19-1979, f. & ef. 6-25-79; DEQ 21-1979, f. & ef. 7-2-79; DEQ 22-1980, f. & ef. 9-26-80; DEQ 11-1981, f. & ef. 3-26-81; DEQ 14-1982, f. & ef. 7-21-82; DEQ 21-1982, f. & ef. 10-27-82; DEQ 1-1983, f. & ef. 1-21-83; DEQ 6-1983, f. & ef. 4-18-83; DEQ 18-1984, f. & ef. 10-16-84; DEQ 25-1984, f. & ef. 11-27-84; DEQ 3-1985, f. & ef. 2-1-85; DEQ 12-1985, f. & ef. 9-30-85; DEQ 5-1986, f. & ef. 2-21-86; DEQ 10-1986, f. & ef. 5-9-86; DEQ 20-1986, f. & ef. 11-7-86; DEQ 21-1986, f. & ef. 11-7-86; DEQ 4-1987, f. & ef. 3-2-87; DEQ 5-1987, f. & ef. 3-2-87; DEQ 8-1987, f. & ef. 4-23-87; DEQ 21-1987, f. & ef. 12-16-87; DEQ 31-1988, f. 12-20-88, cert. ef. 12-23-88; DEQ 2-1991, f. & cert. ef. 2-14-91; DEQ 19-1991, f. & cert. ef. 11-13-91; DEQ 20-1991, f. & cert. ef. 11-13-91; DEQ 21-1991, f. & cert. ef. 11-13-91; DEQ 22-1991, f. & cert. ef. 11-13-91; DEQ 23-1991, f. & cert. ef. 11-13-91; DEQ 24-1991, f. & cert. ef. 11-13-91; DEQ 25-1991, f. & cert. ef. 11-13-91; DEQ 1-1992, f. & cert. ef. 2-4-92; DEQ 3-1992, f. & cert. ef. 2-4-92; DEQ 7-1992, f. & cert. ef. 3-30-92; DEQ 19-1992, f. & cert. ef. 8-11-92; DEQ 20-1992, f. & cert. ef. 8-11-92; DEQ 25-1992, f. & cert. ef. 11-1-92; DEQ 26-1992, f. & cert. ef. 11-2-92; DEQ 27-1992, f. & cert. ef. 11-12-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 8-1993, f. & cert. ef. 5-11-93; DEQ 12-1993, f. & cert. ef. 9-24-93; DEQ 15-1993, f. & cert. ef. 11-4-93; DEQ 16-1993, f. & cert. ef. 11-4-93; DEQ 17-1993, f. & cert. ef. 11-4-93; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 1-1994, f. & cert. ef. 1-3-94; DEQ 5-1994, f. & cert. ef. 3-21-94; DEQ 14-1994, f. & cert. ef. 5-31-94; DEQ 15-1994, f. 6-8-94, cert. ef. 7-1-94; DEQ 25-1994, f. & cert. ef. 11-2-94; DEQ 9-1995, f. & cert. ef. 5-1-95; DEQ 10-1995, f. & cert. ef. 5-1-95; DEQ 14-1995, f. & cert. ef. 5-25-95; DEQ 17-1995, f. & cert. ef. 7-12-95; DEQ 19-1995, f. & cert. ef. 9-1-95; DEQ 20-1995 (Temp), f. & cert. ef. 9-14-95; DEQ 8-1996 (Temp), f. & cert. ef. 6-3-96; DEQ 15-1996, f. & cert. ef. 8-14-96; DEQ 19-1996, f. & cert. ef. 9-24-96; DEQ 22-1996, f. & cert. ef. 10-22-96; DEQ 23-1996, f. & cert. ef. 11-4-96; DEQ 24-1996, f. & cert. ef. 11-26-96; DEQ 10-1998, f. & cert. ef. 6-22-98; DEQ 15-1998, f. & cert. ef. 9-23-98; DEQ 16-1998, f. & cert. ef. 9-23-98; DEQ 17-1998, f. & cert. ef. 9-23-98; DEQ 20-1998, f. & cert. ef. 10-12-98; DEQ 21-1998, f. & cert. ef. 10-12-98; DEQ 1-1999, f. & cert. ef. 1-25-99; DEQ 5-1999, f. & cert. ef. 3-25-99; DEQ 6-1999, f. & cert. ef. 5-21-99; DEQ 10-1999, f. & cert. ef. 7-1-99; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-020-0047; DEQ 15-1999, f. & cert. ef. 10-22-99; DEQ 2-2000, f. 2-17-00, cert. ef. 6-1-01; DEQ 6-2000, f. & cert. ef. 5-22-00; DEQ 8-2000, f. & cert. ef. 6-6-00; DEQ 13-2000, f. & cert. ef. 7-28-00; DEQ 16-2000, f. & cert. ef. 10-25-00; DEQ 17-2000, f. & cert. ef. 10-25-00; DEQ 20-2000 f. & cert. ef. 12-15-00; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 2-2001, f. & cert. ef. 2-5-01; DEQ 4-2001, f. & cert. ef. 3-27-01; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01; DEQ 15-2001, f. & cert. ef. 12-26-01; DEQ 16-2001, f. & cert. ef. 12-26-01; DEQ 17-2001, f. & cert. ef. 12-28-01; DEQ 4-2002, f. & cert. ef. 3-14-02; DEQ 5-2002, f. & cert. ef. 5-3-02; DEQ 11-2002, f. & cert. ef. 10-8-02; DEQ 5-2003, f. & cert. ef. 2-6-03; DEQ 14-2003, f. & cert. ef. 10-24-03; DEQ 19-2003, f. & cert. ef. 12-12-03; DEQ 1-2004, f. & cert. ef. 4-14-04; DEQ 10-2004, f. & cert. ef. 12-15-04; DEQ 1-2005, f. & cert. ef. 1-4-05; DEQ 2-2005, f. & cert. ef. 2-10-05; DEQ 4-2005, f. 5-13-05, cert. ef. 6-1-05; DEQ 7-2005, f. & cert. ef. 7-12-05; DEQ 9-2005, f. & cert. ef. 9-9-05; DEQ 2-2006, f. & cert. ef. 3-14-06; DEQ 4-2006, f. 3-29-06, cert. ef. 3-31-06; DEQ 3-2007, f. & cert. ef. 4-12-07; DEQ 4-2007, f. & cert. ef. 6-28-07; DEQ 8-2007, f. & cert. ef. 11-8-07; DEQ 5-2008, f. & cert. ef. 3-20-08; DEQ 11-2008, f. & cert. ef. 8-29-08; DEQ 12-2008, f. & cert. ef. 9-17-08

340-210-0205

Applicability

(1) Except as provided in section (2) of this rule, OAR 340-210-0200 through 340-210-0250 apply to

(a) All stationary sources; and

(b) All air pollution control equipment used to comply with emissions limits or used to avoid Oregon Title V Operating Permits (OAR 340 division 218) or New Source Review (OAR 340 division 224) requirements, or MACT standards (OAR 340 division 244).

(2) OAR 340-210-0200 through 340-210-0250 do not apply to the following stationary sources:

(a) Agricultural operations or equipment that is exempted by OAR 340-200-030

(b) Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families;

(c) Other activities associated with residences used exclusively as dwellings for not more than four families, including, but not limit to barbecues, house painting, maintenance, and groundskeeping; and

(d) Categorically insignificant activities as defined in OAR 340-200-0020 that are not subject to NESHAP or NSPS requirements. This exemption applies to all categorically insignificant activities whether or not they are located at major or non-major sources.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the EQC under OAR 340-200-0040.

Stat. Auth.: ORS 468 & 468A

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 15, f. 6-12-70, ef. 9-1-70; DEQ 37, f. 2-15-72, ef. 3-1-72; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 12-1993, f. & cert. ef. 9-24-93, Renumbered from 340-020-0025; DEQ 19-1993, f. & cert. ef. 11-4-93; DEQ 22-1995, f. & cert. ef. 10-6-95; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-028-0810; DEQ 6-2001, f. 6-18-01, cert. ef. 7-1-01, Renumbered from 340-210-0210; DEQ 12-2008, f. & cert. ef. 9-17-08

ADMINISTRATIVE RULES

340-264-0040

Exemptions, Statewide

Except for the provisions contained in OAR 340-264-0050 and 340-264-0060, this Division does not apply to:

- (1) Recreational fires and ceremonial fires, for which a fire is appropriate.
- (2) Barbecue equipment used in connection with any residence
- (3) Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or a hazard to public health or safety, or for instruction of employees in the methods of fire fighting, which in the opinion of the public agency is necessary. Open burning fires otherwise exempt from the requirements of this division are still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (4) Agricultural open burning pursuant to ORS 468A.020. Agricultural open burning is still subject to the requirements and prohibitions of local jurisdictions and the State Fire Marshal.
- (5) Open field burning, propane flaming, and stack and pile burning in the Willamette Valley between the crests of the Cascade and Coast Ranges pursuant to OAR chapter 340, division 266, Rules for Field Burning.
- (6) Slash burning on forest land or within one-eighth mile of forest land permitted under the Oregon Smoke Management Program regulated by the Department of Forestry pursuant to ORS 477.515.
- (7) Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction.
- (8) Fires set for the purpose of disposal of dry tumbleweed plants (typically Russian Thistle and Tumbleweed Mustard plants) that have been broken off, and rolled about, by the wind.
- (9) Agricultural burning for disease or pest control when the fire is set or authorized in writing by the Department of Agriculture.
- (10) When caused by an authorized representative of the Department of Agriculture, open burning of carcasses of animals that have died or been destroyed because of an animal disease emergency.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan as adopted by the Environmental Quality Commission under OAR 340-200-0040.

Stat. Auth.: ORS 468, 468A & 477

Stats. Implemented: ORS 468A.555

Hist.: DEQ 123, f. & ef. 10-20-76; DEQ 23-1979, f. & ef. 7-5-79; DEQ 27-1981, f. & ef. 9-8-81; DEQ 10-1984, f. 5-29-84, ef. 6-16-84; DEQ 6-1992, f. & cert. ef. 3-11-92; DEQ 4-1993, f. & cert. ef. 3-10-93; DEQ 14-1999, f. & cert. ef. 10-14-99, Renumbered from 340-023-0035; DEQ 21-2000, f. & cert. ef. 12-15-00; DEQ 12-2008, f. & cert. ef. 9-17-08

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Department of Fish and Wildlife Chapter 635

Rule Caption: Pacific halibut all-depth sport fishery re-opens from Cape Falcon to Humbug Mt.

Adm. Order No.: DFW 111-2008(Temp)

Filed with Sec. of State: 9-16-2008

Certified to be Effective: 9-16-08 thru 12-31-08

Notice Publication Date:

Rules Amended: 635-039-0085

Rules Suspended: 635-039-0085(T)

Subject: Amended rule re-opens the Pacific sport halibut all-depth fishery in the area between Cape Falcon and Humbug Mt. effective 12:01 a.m. Saturday, September 20 through 11:59 p.m. Sunday, September 21, 2008 with a daily bag limit of two fish. Revisions are consistent with regulations implemented by the federal government and the International Pacific Halibut Commission for the 2008 Oregon recreational fishery for Pacific halibut.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-039-0085

Halibut Seasons

(1) The Pacific halibut sport fishery in Oregon is regulated by the federal government and the International Pacific Halibut Commission (IPHC). OAR chapter 635, division 039 incorporates into Oregon Administrative Rules, by reference, modifications or additions to provisions determined by the IPHC and to the extent they are consistent with Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996) Volume 73, Number 46, dated March 7, 2008 and as amended by Federal Regulations.

(2) Effective 11:59 p.m., Sunday August 2, 2008 the Columbia River sub-area (Cape Falcon, OR to Leadbetter Pt., WA) is closed to the retention of Pacific halibut.

(3) Effective 12:01 a.m. Friday, August 22 through 11:59 p.m. Saturday, August 23, 2008 the Columbia River sub-area (Cape Falcon, OR to Leadbetter Pt., WA) re-opens to the retention of Pacific halibut.

(4) Effective 12:01 a.m. Friday, August 29 through 11:59 p.m. Friday, August 29, 2008 the Columbia River sub-area (Cape Falcon, OR to Leadbetter Pt., WA) re-opens to the retention of Pacific halibut.

(5) Effective 11:59 p.m. Sunday, September 7, 2008 the area between Cape Falcon and Humbug Mountain, Oregon is closed to the retention of Pacific halibut.

(6) Effective 12:01 a.m. Saturday, September 13, 2008 through 11:59 p.m. Sunday, September 14, 2008 the area between Cape Falcon and Humbug Mountain, Oregon, re-opens to the retention of Pacific halibut with a daily bag limit of two fish.

(7) Effective 12:01 a.m. Saturday, September 20, 2008 through 11:59 p.m. Sunday, September 21, 2008 the area between Cape Falcon and Humbug Mountain, Oregon, re-opens to the retention of Pacific halibut with a daily bag limit of two fish.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 496.162 & 506.129

Hist.: DFW 56-2005, f. 6-21-05, cert. ef. 7-1-05; DFW 89-2005(Temp), f. & cert. ef. 8-12-05 thru 12-12-05; DFW 107-2005(Temp), f. 9-14-05, cert. ef. 9-15-05 thru 10-31-05; DFW 121-2005(Temp), f. 10-12-05, cert. ef. 10-18-05 thru 12-31-05; Administrative correction 1-19-06; DFW 34-2006(Temp), f. 5-25-06, cert. ef. 5-27-06 thru 8-3-06; Administrative correction 8-22-06; DFW 3-2007, f. & cert. ef. 1-12-07; DFW 35-2007(Temp), f. 5-25-07, cert. ef. 5-26-07 thru 8-2-07; DFW 67-2007(Temp), f. 8-9-07, cert. ef. 8-12-07 thru 9-30-07; DFW 76-2007(Temp), f. 8-17-07, cert. ef. 8-24-07 thru 9-30-07; DFW 84-2007(Temp), f. 9-5-07, cert. ef. 9-15-07 thru 9-30-07; DFW 87-2007(Temp), f. 9-10-07, cert. ef. 9-14-07 thru 10-28-07; DFW 90-2007(Temp), f. 9-19-07, cert. ef. 9-20-07 thru 10-31-07; Administrative correction 11-17-07; DFW 57-2008(Temp), f. 5-30-08, cert. ef. 6-1-08 thru 7-31-08; DFW 81-2008(Temp), f. 7-11-08, cert. ef. 8-2-08 thru 9-30-08; DFW 92-2008(Temp), f. & cert. ef. 8-11-08 thru 9-30-08; DFW 101-2008(Temp), f. 8-25-08, cert. ef. 8-29-08 thru 9-30-08; DFW 107-2008(Temp), f. 9-5-08, cert. ef. 9-7-08 thru 12-31-08; DFW 111-2008(Temp), f. & cert. ef. 9-16-08 thru 12-31-08

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Rule Caption: Treaty Indian Fall Salmon Season In the Columbia River and Tributaries Extended.

Adm. Order No.: DFW 112-2008(Temp)

Filed with Sec. of State: 9-17-2008

Certified to be Effective: 9-18-08 thru 10-31-08

Notice Publication Date:

Rules Amended: 635-041-0075

Rules Suspended: 635-041-0075(T)

Subject: Amended rule extends the Tribal Indian fall commercial gill net salmon season in the Columbia River and tributaries with an additional 24-hour fishing period from 6:00 p.m. Thursday, September 18 through 6:00 p.m. Friday, September 19, 2008. Modifications are consistent with action taken September 16, 2008 by the Columbia River Compact agencies of Oregon and Washington in concert with the Columbia River Inter-Tribal Fish Commission.

Rules Coordinator: Therese Kucera—(503) 947-6033

635-041-0075

Fall Salmon Season

(1) Chinook, coho, sockeye, steelhead, walleye, carp, and shad may be taken by gill net for commercial purposes from the mainstem Columbia River, Zone 6 during the following periods:

6:00 a.m. Tuesday, September 9 through 6:00 p.m. Friday, September 12, 2008 (84 hours);

6:00 a.m. Tuesday, September 16 through 6:00 p.m. Friday, September 19, 2008 (84 hours).

(a) An 8-inch minimum mesh size restriction is in effect.

(b) Allowable sales include Chinook, coho, sockeye, steelhead, walleye, carp, and shad.

(c) Sturgeon may not be sold. However, white sturgeon between 48 and 60 inches in length taken from The Dalles and John Day pools may be kept for subsistence use. White sturgeon between 42 and 60 inches in length taken from the Bonneville Pool may be kept for subsistence use. White sturgeon caught in subsistence fisheries downstream of Bonneville Dam must be released immediately unharmed.

(d) Closed areas are set forth in OAR 635-041-0045, including the closure at the mouth of Spring Creek are in effect.

(2) Sales of fish caught in Yakama Nation tributary fisheries in the Klickitat River; Wind River; Drano Lake/Little White Salmon River; and Big White Salmon River, including the Yakama Nation subsistence fishery on the Washington shore downstream of Bonneville Dam, are allowed during those days and hours when the tributaries are open under lawfully enacted tribal fishing periods, subject to restrictions as specified in section 1 above.

Stat. Auth.: ORS 496.118 & 506.119

Stats. Implemented: ORS 506.109, 506.129 & 507.030