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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DFW 107-2020

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED

08/27/2020 5:22 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Increase Commercial Nearshore Trip Limits for Black Rockfish and Cabezon

EFFECTIVE DATE: 08/27/2020 THROUGH 12/31/2020

AGENCY APPROVED DATE: 08/27/2020

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Filed By:

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Rules Coordinator

NEED FOR THE RULE(S):

This rule is needed to increase opportunity for attaining a larger proportion of black rockfish and cabezon commercial harvest guidelines.

JUSTIFICATION OF TEMPORARY FILING:

There is not adequate time to go through normal rule making proceedings to increase cumulative trip limits by periods 5 and 6 (September through December, 2020). During periods 1-4, commercial nearshore fishery harvest of black rockfish and cabezon is running low. Commercial harvest guidelines for black rockfish and cabezon are not expected to be attained by the end of the year at current harvest rates. By increasing cumulative trip limits, fishers will have increased opportunities allowing for greater attainment.

Failure to adopt this rule would cause serious prejudice to the public interest in that commercial fishers would be denied the opportunity to access harvestable fish, causing economic hardship.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] are available from the Oregon Department of Fish and Wildlife, Fish Division, Second Floor, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142, between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

AMEND: 635-004-0355

SUSPEND: Temporary 635-004-0355 from DFW 74-2020

RULE TITLE: Trip Limits

RULE SUMMARY: This amended rule increases in-season trip limits for the commercial Black Rockfish and Cabezon fisheries for periods 5 and 6 (September through December, 2020). The trip limits for periods 5 and 6 would increase for black rockfish from 2,100 to 2,700 pounds and for cabezon from 1,000 to 2,000.

RULE TEXT:

(1) The trip limits outlined in this rule are set at the beginning of each calendar year based on commercial harvest caps and projected fishing effort, and are subject to in-season adjustments and closures. Fishers should refer to Nearshore Commercial Fishery Industry Notices on the Marine Resources Program Commercial Fishing Rules and Regulations webpage for the most up-to-date information regarding trip limits and other regulations affecting the Nearshore Commercial Fishery.

(2) Effective July 5, 2020 through December 31, 2020, vessels with a Black Rockfish / Blue Rockfish / Nearshore Fishery Permit, with or without a Nearshore Endorsement, may land no more than the following bi-monthly cumulative trip limits:

(a) Black rockfish:

(A) 1500 pounds in period 1;

(B) 1500 pounds in period 2;

(C) 1800 pounds in period 3;

(D) 2400 pounds in period 4;

(E) 2700 pounds in period 5;

(F) 2700 pounds in period 6; and

(b) 1500 pounds of blue rockfish and deacon rockfish combined in each period.

(3) For all other nearshore species, vessels with a Black Rockfish / Blue Rockfish / Nearshore Fishery Permit with Nearshore Endorsement may land no more than the following bi-monthly cumulative trip limits:

(a) 450 pounds of other nearshore rockfish combined in each period;

(b) 2000 pounds of cabezon in each period; and

(c) 1000 pounds of greenling species in each period.

STATUTORY/OTHER AUTHORITY: ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129

STATUTES/OTHER IMPLEMENTED: ORS 506.109, ORS 506.129