



TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION
DFW 104-2022
CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED

08/02/2022 10:24 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Close Commercial Dive Gaper Clam Fishery in Tillamook Bay

EFFECTIVE DATE: 08/08/2022 THROUGH 12/09/2022

AGENCY APPROVED DATE: 08/02/2022

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Filed By:

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Rules Coordinator

NEED FOR THE RULE(S):

This amended rule is needed to close the Tillamook Bay commercial dive gaper clam fishery due to the attainment of the annual harvest quota.

JUSTIFICATION OF TEMPORARY FILING:

There is not adequate time to go through normal rulemaking proceedings prior to the close of this commercial clam fishery.

Failure to adopt these rules would cause serious prejudice to the public interest by allowing commercial clammers to overharvest gaper clams in Tillamook Bay, which could result in greater harvest restrictions for future fisheries.

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, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142. Contact Lisa Kingsley at 503-947-6233 or lisa.m.kingsley@odfw.oregon.gov to view by appointment between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

AMEND: 635-005-0355

SUSPEND: Temporary 635-005-0355 from DFW 98-2022

RULE TITLE: Catch Limits

RULE SUMMARY: This amended rule closes the Tillamook Bay commercial dive gaper clam fishery on August 8 as the fishery is projected to reach the 235,000-pound quota.

RULE TEXT:

(1) In Tillamook Bay, the annual commercial landing caps for clams harvested by the bay clam dive fishery are as follows:

(a) 185,000 pounds for cockles;

(b) 235,000 pounds for gaper clams; and

(c) 225,000 pounds for butter clams.

(2) In Yaquina Bay, the commercial annual landing cap for gaper clams harvested by the bay clam dive fishery is 20,000 pounds.

(3) When any of the annual commercial clam landing caps specified in section (1) or (2) of this rule are reached, the commercial clam fishery for that species in that particular estuary will close for the remainder of the calendar year.

(4) Effective June 22, the cockle fishery described in section (1)(a) is closed due to the attainment of the landing limit.

(5) Effective August 1, the butter clam fishery described in section (1)(c) is closed due to the attainment of the landing limit.

(6) Effective August 8, the gaper clam fishery described in section (1)(b) is closed due to the attainment of the landing limit.

STATUTORY/OTHER AUTHORITY: ORS 506.036, ORS 506.119

STATUTES/OTHER IMPLEMENTED: ORS 506.109, ORS 506.129