

635-005-0047

Possession and Landing Limits

(1) It is *unlawful*, from the second Monday in June through August 14, for any permitted ocean Dungeness crab vessel to take, land or possess more than 1200 pounds of Dungeness crab per week from the Pacific Ocean and Columbia River, **except that an additional 1300 pounds of Dungeness crab per week may be landed at ports north of Cape Falcon during this period in 2005.**

(2) Commercial fishers must retain copies of fish landing receipts for a minimum of 90 days on board vessels landing Dungeness crab under the cumulative catch limit described in section (1) of this rule. The receipts must be available for inspection by authorized enforcement officials and by employees of Oregon Department of Fish and Wildlife (ODFW). Legal landing receipts are defined in section (3).

(3) For purposes of this rule, the following definitions apply:

(a) "Landing" and "Land" means to begin transfer of Dungeness crab from a fishing vessel. Once transfer begins, all Dungeness crab aboard the vessel are counted as part of the landing;

(b) "Landing receipt" means either an ODFW-issued Fish Receiving Ticket or a fish dealer dock ticket identified with a fish dealer's logo or letterhead and that must include the following:

(A) Fish dealer's name and dealer license number;

(B) Date of receipt of the Dungeness crab;

(C) Name of fisher from whom the Dungeness crab were purchased;

(D) Vessel name, vessel license number, and the federal document or State Marine Board number of the vessel from which catch was made;

(E) Port name of landing;

(F) Fishing gear used by the fisher;

(G) Gross pounds of Dungeness crab received and price paid per pound; and

(H) Signature of both the fisher making the landing and the individual preparing the dock ticket.

(c) "Week" means the period beginning 12:01 a.m. local time Monday through 12 midnight Sunday.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129

Hist.: Adopted 5-12-99, ef. upon filing

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on June 10, 2005 by the
Date prior to or same as filing date.

<u>Oregon Department of Fish and Wildlife (ODFW) - Fish Division</u>	<u>635</u>
Agency and Division	Administrative Rules Chapter Number
<u>Katie Thiel</u>	<u>(503) 947-6033</u>
Rules Coordinator	Telephone
<u>3406 Cherry Avenue NE, Salem , OR 97303</u>	
Address	

to become effective Upon Filing through August 15, 2005
Date upon filing or later A maximum of 180 days including the effective date.

RULEMAKING ACTION
List each rule number separately, 000-000-0000.

ADOPT:
Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND:

635-005-0047

SUSPEND:

ORS 506.119
Stat. Auth.:

Other Authority
ORS 506.109, ORS 506.129 and ORS 508.921
Stats. Implemented:

RULE SUMMARY

Amend rule in order to change summer crab season fishery trip limits.

June 10, 2005

Authorized Signer	Date
Marla Rae	

*Copies include a photocopy of this certificate with paper copy of each rule listed in the Rulemaking Action.

Secretary of State
STATEMENT OF NEED AND JUSTIFICATION
A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Department of Fish and Wildlife - Fish Division
Agency and Division

635
Administrative Rules Chapter Number

In the Matter of amendment of)	Statutory Authority,
OAR Chapter 635, Division 005)	Statutes Implemented,
relating to the ocean Dungeness)	Statement of Need,
crab fishery)	Principal Documents Relied Upon,
)	Statement of Emergency Justification

Statutory Authority: ORS 506.119

Other Authority:

Statutes Implemented: ORS 506.109, ORS 506.129 and ORS 508.921

Need for the Temporary Rule(s):

This rule is needed to adopt higher trip limits in the ocean Dungeness crab fishery.

Documents/Actions Relied Upon:

Petition for rulemaking received by Mr. Allan K Gann on May 13, 2005.
Oregon Commercial Dungeness Crab Landings summary.
Oregon Fish and Wildlife Commission Meeting Agenda Exhibit F, June 10, 2005.

The above documents are available for public inspection in the Department of Fish and Wildlife, Fish Division, Third Floor, 3406 Cherry Avenue NE, Salem, Oregon, between 8:00 a.m. and 4:30 p.m., on normal working days, Monday through Friday.

Justification of Temporary Rule(s):

The summer crab fishery begins before normal rulemaking would allow the Commission to change the rule prior to this summer season. The Administrative Procedures Act currently requires the Commission to seek public comment when it receives a rulemaking petition. There is insufficient time to initiate the permanent rulemaking process. Failure to adopt this rule would cause serious prejudice to the public interest in that if the current lower limits stay in place fishers will have a loss of harvest opportunity and may not be able to maintain a viable fishery on the lower currently allowed trip limits.

June 10, 2005

Authorized Signer and Date

Marla Rae