Review of Denials

(1) Except for bay clam dive fishery and sardine fishery permits, an individual whose application for issuance or renewal of a limited entry permit is denied by the Department may request review of the Department’s decision by doing so in writing to the Commercial Fishery Permit Board. The procedure for requesting review and the applicable standard of review shall be as follows:

(6) Sardine fishery permit:

(a) An individual whose application for issuance, renewal or transfer of a sardine fishery permit is denied by the Department may, within 60 days of receipt of denial, make written request, to the Commission, for a hearing for review of the denial. The request shall identify why the permit should be granted.

(b) In accordance with any applicable provisions of ORS 183.310 to 183.550 for conduct of contested cases, a hearings officer shall review the proposed denial by the Department of an application for issuance, renewal or transfer of a permit. The Sardine Advisory Board is designated as a party to the contested case.

(c) A party, including the Department, must petition for Commission review of the hearing officer’s proposed order within 30 days of service of the proposed order if the party wants to file an exception to the proposed order. A party must identify what parts of the proposed order it objects to, and refer to parts of the administrative record and legal authority supporting its position.

(d) The Sardine Advisory Group:

(A) Shall consist of members appointed by the Commission as follows:

(i) Three members shall be chosen to represent the sardine industry.

(ii) Two members shall be chosen to represent the public.

(B) Is subject to requirements of OAR 635-006-1200 sections (1) and (2).
Renewal of Permit
(1) An individual who obtained a limited entry permit may renew the permit as follows:
  (k) Sardine fishery: To renew a sardine permit:
    (A) Only the permittee may renew a limited entry sardine permit. To renew a sardine
        permit for the following year, the permittee must, by December 31 of the current year:
        (i) Submit a complete application to the Department;
        (ii) Submit the logbooks required under OAR 635-006-1110; and
        (iii) Must have lawfully landed into Oregon, during the current year, either (I)
            a minimum of 10 landings of sardines of a least 5 metric tons each, or (II)
            landings of sardines having an aggregate ex-vessel price of at least $40,000.
    (B) The Commission may waive the landing requirements of section (A)(iii) of this rule
        if it finds that the failure to meet these requirements is due to the permit holder's illness or
        injury, or to circumstances beyond the control of the permit holder. Final Orders shall be
        issued by the Commission and may be appealed as provided in ORS 183.480 through
        183.550.
    (C) The Commission may, at its discretion, waive the landing requirements of section
        (A)(iii) of this rule for all limited entry sardine permit holders due to unusual market
        conditions.
(2) An application for renewal in any limited entry fishery shall be considered complete if
    it is legible, has all information requested in the form, and is accompanied by the required
    fee in full. Any application which is not complete shall be returned, and unless it is
    thereafter resubmitted and deemed complete by January 31, the individual shall not be
    considered to have applied for renewal in a timely manner.
(3) It is the responsibility of the permittee to ensure that an application is complete and is
    filed in a timely manner. Failure of the Department to return an application for
    incompleteness or of an individual to receive a returned application shall not be grounds
    for treating the application as having been filed in a timely and complete manner.