



Developmental Fisheries Board



DEVELOPMENTAL FISHERIES BOARD MEETING

Hatfield Marine Science Center (Rooms 30-32)

Newport, Oregon

June 30, 2004

Draft Meeting Minutes

In Attendance:

Board Members, Ex-Officio Members and Staff:

Scott Adams, Hallmark Fisheries, Charleston (Board Member)

Patty Burke, Manager, Marine Resources Program, Oregon Department of Fish & Wildlife, Newport (Board Member)

Leesa Cobb, Recreational Fishery Representative for Nearshore Fishery), Port Orford (Ex-Officio Member)

Janice Green, Recreational Fisheries on Nearshore Fishery, Umpqua (Ex-Officio Member)

Dalton Hobbs, Oregon Department of Agriculture, Portland (Board Member)

Keith Matteson, Oregon Department of Fish & Wildlife, Newport

Jean McCrae, Oregon Department of Fish & Wildlife, Newport

Heather Munro Mann, West Coast Seafood Processors Association—WCSPA, Newport (Board Member), **Chair, DFB**

Brad Pettinger, Administrator, Oregon Trawl Commission, Astoria (Ex-Officio Member)

Jeff Princehouse, Bay Ocean Seafood (Board Member), Garibaldi, **Vice Chair, DFB**

Stan Schones, Fisherman, Siletz (Board Member)

Georgia York, Executive Assistant, OCZMA, Newport (Administrative Staff to Board)

Board Members, Ex-Officio Members Absent:

Nick Furman, Administrator, Oregon Dungeness Crab Commission & Albacore Commission, Coos Bay (Ex-Officio Member)

Jerome Grant, Fisherman, Siletz (Board Member)

Paul Heikkila, OSU Extension Sea Grant Program, Coquille (Ex-Officio Member)

Bob Jacobson, Fisherman, Newport (Board Member)

Others In Attendance:

Candi Alm, Garibaldi (wife of Doug Alm)

Doug Alm, Doug's Diving, Garibaldi

Eric Alm, Garibaldi (son of Doug Alm)

Scott Groth, Shellfish Biologist, Oregon Department of Fish & Wildlife, Coos Bay

Kevin Hiersche, Fisherman, Gold Beach

Matt Hunter, Shellfish Project Leader, Oregon Department of Fish & Wildlife, Astoria

Eugene Law, Fisherman, Toledo

Eric Woelfel, Fisherman, Eugene

Sans A. Miles, Clam Harvester, Nehalem

Tim Morrison, Fisherman, Garibaldi

Mike Popovich, Fisherman, Depoe Bay

Tasha Watson (friend of Eric Alm)

I. Welcome; Introduction of DFB Members and Guests—Heather Munro Mann, DFB Chair:

DFB Vice Chair Jeff Princehouse opened the June 30, 2004 meeting with a welcome and introductions of DFB Board Members, Ex-Officio Members and others in attendance. DFB Chair Heather Mann

Munro was in attendance, but indicated she was not feeling well, and advised that once a quorum was present for action purposes, she would leave the meeting.

II. Review and Approval of Past Minutes—Georgia York, Executive Assistant, OCZMA:

The March 23, 2004 and April 28, 2004 DFB minutes were unanimously approved with the following corrections (Patty Burke/Stan Schones):

March 23, 2004 Minutes

Page 1—Attendance Record, Dalton Hobbs was in attendance by conference call and Brad Pettinger was not in attendance at meeting;

Page 2—Report from Finance Committee, Fourth Line, sentence beginning with “The”, Patty Burke requested that the following language be added to the sentence at the end so the sentence would read “The program is funded through general fund money and 75% of the ex-vessel landings go into the DFB fund” instead of “The program is funded through general fund money.”;

Page 2—Report from Finance Committee, Eighth Line, sentence, Patty Burke requested that the following sentence should be deleted” There is \$2.5 million from the commercial fish fund, and it is being spent on developmental fish activities”;

Page 2— Report from Finance Committee, Fourth Line from bottom of first paragraph, Patty Burke requested that the sentence should read “The new limited entry statute says that nearshore rockfish landing fees should go for nearshore research.” (the word nearshore added before rockfish);

Page 2—Report from Finance Committee, Third Line from bottom of First paragraph, Patty Burke requested that the sentence “Jean McCrae’s program is just general fund money” be deleted;

Page 7—Top of Page, additional dialogue between Sans Miles & Jerome Grant added regarding clam discussion as requested by Jerome Grant at the April 28, 2004 meeting.

April 28, 2004 Minutes

Page 5—Top of page, first comment by Heather Munro Mann, last sentence, Heather Munro Mann requested the sentence should read “She personally will not want to have a battle with the people opposing the petition in front of the Commission” instead of “She personally will not want to battle with the Commission.”

Additional discussion ensued regarding transcription of future DFB minutes in verbatim form as opposed to a summary only. It was noted that a summary would suffice as the minutes are taped, and if a dispute arises about a particular conversation on an issue at a certain meeting, the tape could always be referred to for clarification. It was the consensus of members present to try doing a real time summary and see how that works for this meeting.

III. Permit Transfer Provisions

Jean McCrae stated that the purpose of the current transfer provisions are to allow someone that owns/leases a second boat to transfer their permit to that boat and still be active in the fishery. What is actually occurring is that people are leasing their permits to someone else and that permit holder is not active in the fishery. It is occurring mostly in the sardine fishery, but it could occur in any of the fisheries. Need to add wording to strengthen the actual intent of the permit transfer provision, or change the actual intent.

Concerned expressed that if have a sardine vessel and decide to lease, would be okay, but if leased to a person who has no vessel, don’t think that is the intent of the permit process. Most of the problem started when the fishery started, and people applied for permits and they got them, but they weren’t intended to fish sardines, for example, and those people have spent a period of 4-5 years now sitting on those permits, lease them out, and either have someone make a paper landing or actually lease them to another vessel, and they do not have control of the vessel. Need to stop this kind of abuse.

Hagfish was used as a pilot program to eliminate speculating. DFB was issuing 15 permits and only two of them were being fished; the others were just being held and not used. With hagfish, DFB said that unless you meet the renewal criteria, you have to apply by completing a form comprised of questions, and then had a specific time limit attached to it. So far it seems to be working as far as

nipping speculation in the bud. You still have a chance to speculate, but if you don't perform, that permit goes back into the pot, and it could go out to someone else. This is just for hagfish only now.

Brad Pettinger stated there are three scenarios involved here: 1) boat owner has permit the permit in his name and he fishes it; 2) the boat owner has the permit, and has someone on the boat fishing for him; 3) the person who doesn't own a boat is leasing a boat with a permit that he owns. Anything outside those three realms is dealing in speculation in his mind.

ODFW does not now require ownership papers for the boat that makes the landings or a written lease agreement for the boat that makes the landings—that is part of the regulation that you either own the boat or you control the boat and you interpret control as being a lease.

Motion was made by Dalton Hobbs to take a look at the Brad Pettinger three-scenario approach to reapply for permits for legitimacy for the DFB purposes, but the motion died for a lack of a second, and further discussion ensued. Dalton further added he didn't feel it worked any undue hardships on the fleet or the people who are legitimately trying to develop a fishery.

Stan Schones noted there is one situation that needs to be discussed and that is the half dozen or so fishermen who have permits for both Oregon and Washington. It would be a shame to penalize those vessels. For example—there are only two markets basically and say they are in Oregon or Washington; if you have a Oregon and Washington permit and your market moves from Oregon to Washington and you can't make a landing in Oregon the way the law reads, you would not be eligible for a permit next year, but you were active in the fishery because you fished in Washington. There needs to be some consideration there. A lot of times the vessel doesn't have a choice to fish Oregon or Washington. For example, Pacific Seafood bought all their fish in Washington in 2003; this year they are buying all their fish in Oregon. Those vessels, if they don't lease or have a permit in both states, they can't continue to fish in Oregon.

Eugene Law stated that marketing is major in the sardine fishery. Don't need to make it so hard that you can't transfer a vessel. Understand that a new market has just opened up, so potentially there will be some room there. There are more boats than markets available; that's a lot of the problem right now. Don't think should lock this transfer thing up tight as you need as much flexibility as possible. Trying to promote the industry, not stifle it.

Jeff Princehouse shared that he knows of one situation in this fishery that was cut and dried of a person who wasn't, never was, and had no hopes of being a seiner, sold the boats in the buyback, yet the permit is still active, and he is leasing the permit to someone else (told it was still viable), and now doesn't have a boat either.

Patty Burke stated that is one of the issues—it's not clear and should be whether the permit is going to the boat or to the person. The language is very ambiguous. Ran into that as a problem when ODFW was trying to convert over to the limited entry program for the nearshore fishery. The DFB needs to decide which way it should be; it shouldn't be both as that leaves too much ambiguity. Not saying there shouldn't be permit transfer provisions, but DFB should just say whether the permit goes to the person or to the vessel.

Stan Schones advised that he has a permit in both Oregon and Washington, but he finds himself in a position sometimes that he is required to fish in one state or the other because of the market situation. Questioned Jean McCrae if the permit was with the person. If a person is active in the fishery and he has two permits and if it's on his boat, then he is locked into one state or the other; in this case it would be Oregon. If he was fishing in Washington, he couldn't lease his permit in Oregon to save his permit because he wouldn't make the landing requirements if it's on the vessel is the way he sees it, but if it is on the person, he could lease it to another boat. But then again if it is on the person, you don't have to have a purse seiner to lease the permit; it's like a two edged sword.

Jean McCrae responded clarifying that it is unclear at this time.

Patty Burke stated that a person can lease it to another person, but you can also take a permit that is on one vessel and transfer it to another vessel. Think intent was the vessel.

Stan Schones agreed probably would be better if it was with the vessel.

Jean McCrae added that other limited entry permits are with the vessel. The drawback provision to the vessel is that if the vessel is sold, the developmental fisheries permit does not go with the vessel, it stays with the person. However, if the permit is with the person, and a person owns two boats, how do they get a permit on each boat because a person can't have two permits.

Stan Schones indicated think there should be a Permit Board established that could sort these kinds of issues out, as it is a complicated issue.

Patty Burke stated that the function of permit review lies with the Oregon Fish & Wildlife Commission. The Commission supports having a separate Permit Review Board for developmental fisheries permits. ODFW has legislation that will lead us in that direction; it's not there now, but either way, need to clarify that language.

Kevin Hiersche stated that he has an abalone permit with the boat, but there is a quota. If there were more permits issued at some point, and someone got one and wanted to fish on my boat with me, but have their own quota on their permit, would that be something that would be permissible?

Sans Miles questioned if someone had a permit and it was put on a vessel owned by them, does the owner have to be on the boat every time it goes out?

Jeff Princehouse answered that there have been permits like that at times in the past in Alaska, but not in Oregon. Trying to sort through the issue of where do we attach a developmental fishery permit in the sardine fishery—does the individual own the permit or does the permit ride on the vessel? Both scenarios have their own nuances on how to be transferred if the boat gets sold.

Brad Pettinger stated that the crab permits in Oregon is in a person's name, but it is assigned to a vessel.

Stan Schones noted that in Washington in the sardine fishery think it is 48 hours before you start fishing, you have to designate that permit to a vessel.

Kevin Hiersche stated that's what they do to in Alaska for dive fisheries.

Patty Burke recommended that Jean McCrae develop some language listing alternatives pro and con on the transfer of permits for development of a decision making document for Board members review at the next Developmental Fisheries Board meeting. That would deal not only with the transfer issue, but also the location of the permit issue. Could be tailored around some of Brad Pettinger's ideas and try to keep these permits on serious viable fishing operations. Could also do some case histories on abuse situations for the Board members review. Developmental Fisheries Board members present were in consensus with Patty Burke's recommendations.

IV. Abalone Fishery Review

Jean McCrae provided DFB members with summary information on the life history and fishery information on flat abalone, along with flat abalone surveys done in the 2001 fishery. There is currently one permit; the permit holder is collecting information for ODFW, although the information is not getting summarized in a timely fashion. There is a quota on the fishery, and quota is being met. Question for discussion at this time is where do we go from here.

Heather Munro added that Dan Webb contacted her about wanting to get involved in the abalone fishery, wanted ODFW to analyze the data collected, and then make a decision to open the fishery up for more permits or close the fishery to additional permits. At this point in the meeting, Heather Munro excused herself.

Jean McCrae stated that information was collected on density and size in the first year from four different areas on the southern Oregon coast—Rogue Reef, Mack Arch, Nellies Cove, and Goat Island. Dock sampling included length, weight and sex data from three landings. Maturity samples (12) were collected and given to OSU to analyze. All were larger than 4 inches. Minimum size seems to be adequate to insure flat abalone have spawned at least once before harvested. Additional samples of very small individuals would be helpful to determine size maturity. There is no biomass estimate.

Leesa Cobb stated that Kevin Hiersche has done his part and worked with ODFW on gathering information on the fishery, but her understanding is that there will not be any staff resources available to do additional work on this. Are several years into harvesting the species now and don't have any useful biological information that would indicate whether this could be a viable fishery. Feels it is getting more and more risky to continue.

Kevin Hiersche gave a general overview of his involvement in the flat abalone fishery. Has been pretty easy to obtain landings. Worked in Charleston, Gold Beach, Port Orford and Brookings areas. No trouble finding enough to harvest. Harvesting somewhere in the neighborhood of 100 lbs. a day on full days worked. Getting about \$16 a lb. in the shell live. Finding quite a few small ones specifically in Orford reef, but it is a very productive area. Fourth year of fishing at 100 lbs. a day is still a problem, but feel that 10 years out, and with a couple more permits, would reach a sustainable fishing level.

Think that somewhere in the neighborhood of 40 lbs. a day harvest would be about average after 10 years. Think 3 permits with a quota of 3,000 per permit would be the allowable number the fishery could handle, and that would be regardless of how it's fished. There are some abalone in the Depoe Bay area, but haven't worked or surveyed that area yet. Hoping to do that sometime this summer. As far as know, that's as far north as the abalone go; there's not much rocky reef north of Depoe Bay to speak of. Generally speaking, long-term would be Orford and Rogue reefs (best recruitment areas), and Simpson's Reed in Coos Bay (smaller area). Majority of fishery would be in those two reefs. Would be mainly

going over new grounds most of the time, but have gone over same grounds more than once, but that depends on weather, etc. There is not abalone fishery in California. Oregon only state on west coast with an abalone fishery. Several reasons abalone fisheries in other states have been shut down—main reason is they were wide-open fisheries—they issued too many permits. California fishery lasted 200 years, but that finally shut down, partly because of overharvest, but specifically at the end it was a disease that wiped the species out. May never reopen again.

Question was asked if there was an abalone sport fishery. Jean McCrae responded a little bit, But it's mostly on the red abalone, which is larger (8" size limit).

Janice Green expressed some concerns regarding harvest of flat abalone on a long-term basis and recreational interests. Abalone is a sport species and there are a lot of attractions to them. It would be one thing to allow for 1 commercial permit for research purposes, but another to start structuring a commercial fishery when it is a sport fishery without any sport fishery plan. Would be very advisable to get an analysis of the situation regarding the species, an assessment and a whole lot of other things before start structuring a commercial fishery. The recreational industry would take that position very strongly. It should not just be considered a commercial fishery only; the sport fishermen might be interested in this particular species as well.

Leesa Cobb stated that we still don't have the biological baseline data needed to continue this fishery and questioned if there are other fisheries out there that we don't have baseline information on but are still fishing and indicated that's an interesting way of doing business.

Patty Burke answered that the design of the developmental fisheries program is that the fishermen's data would go hand-in-glove with state scientific efforts to get comprehensive information on the species. Have real serious concerns about the premise of the developmental fisheries board, given the capacity we don't have, to shore up the data on the flat abalone fishery. All the other fisheries are doing the same thing, keeping logbooks and providing data, and anything that ODFW wants to put into the permit. Since a year ago, the OFWC passed its Native Fish Conservation Policy (NFCP). The DFB is in conflict with that policy with a lot of our developmental fishery species. One resolution is that ODFW gets resources so that they can do its part relating to developmental fisheries, or figure out, as Heather is trying to do, creative ways to get industry-non profit partnerships to get the work done. Absent that, if we were to have all of our fisheries go up before the Commission regarding compliance with the NFCP, would probably be told that we can't have these fisheries. It's a serious situation. Know that she is running the program and should be doing something about it, and trying to figure out how we can deal with this, but to go ahead and expand the fishery is really not an option. Need to keep fishing, obtaining and analyzing the data to legitimizing the case before the Commission.

Jeff Princehouse agreed that the DFB couldn't move ahead without analyzing the data. Could very well be there is enough to share, but we don't know that now. Question is are we going to continue at this level and clean off product in certain areas. Sounds like Kevin is moving around a lot and perhaps that wouldn't be an issue.

Stan Schones questioned if some of this research couldn't be turned over to OSU to do?

Kevin Hiersche questioned if the Pacific States Marine Fisheries Commission (PSMFC) could be tapped for some cooperative research money?

Patty Burke answered that perhaps that money could be used and would be a very good idea, but the request would have to come from industry and it's a one-year only funding. If successful in getting some funding, would need an ODFW employee or OSU scientist to work with Hiersche. ODFW would have no one to assist as Jean McCrae will be working on a class starting soon. That doesn't prohibit ODFW looking to OSU for some assistance, and ODFW would be happy to facilitate that.

Janice Green added that perhaps the legislature could earmark some of the shellfish license revenues for various things and she is sure that sport fishermen would be glad to assist the efforts

for research purposes.

Patty Burke stated hopefully that would change as the revenues are beginning to come in now. To follow up on legislation, the context is that ODFW has legislation in that the DFB recommended to do a few things: 1) Create Permit Review Board; 2) Dedicating 100% of the landing fees to the research program (from 75%); 3) Also in the mix is basically looking at the whole program and what should we be doing with it; this is the time and opportunity to look at how we can do things differently because we will otherwise be in a position where we either have to reduce or even eliminate the program depending on how the budget looks next year. Definitely need to get any legislative changes to the program on the table now for the 2005 legislative session.

Leesa Cobb questioned how long do you fish when have no biological data. Think this fishery has gone on as long as it should without any biological data, and if can't get some concrete information on biological data; perhaps the DFB needs to seriously consider whether or not the permit should be continued next year. Reality is don't have the revenues available to work up the data, thus we can't just keep going along like we have been without that information.

Scott Adams added that this decision to give Kevin Hiersche a permit wasn't unanimous all of a sudden. Best thing is that ODFW is getting information from Kevin. Agree need to know what the biological data is. Kevin has done everything he's supposed to do. Information has to go to somebody to be analyzed to help the Board make a decision. Wouldn't want to see 4-5 fishermen out there fishing because we don't know what the biological data is, but then there might be 40 recreational divers who would love to go down there and get 2-3 a day. There's a lot of issues that need to be addressed here.

Brad Pettinger stated that you could have an issue with the sport fishermen also if you had a 100 sport fishermen out diving with no restraints.

Dalton Hobbs added that he feels this is a win-win situation for both the state and Kevin Hiersche as well. There are very tight constraints in terms of the quota and there doesn't appear to be any kind of mass destruction. There is plenty of small abalone. Benefits the state to get this data because otherwise wouldn't be able to get the data. The tradeoff is that Kevin can make a fairly decent living as a result of the situation. Feel this is the best spirit of the developmental fishery concept is that we gather information, at the same time we have some kind of rational development or lack thereof. We may get to the point where this fishery can only sustain one diver in Oregon. If data tells us that 2-3 guys could be added to the fishery that produces a family wage job, helps the rural economies of Oregon, and at the same time provides a sustainability of the fishery in good conscience, that would be good. Maybe could even allow some type of sport fishery to occur.

Leesa Cobb stated that the information is still sitting on the shelf, the fishery is still continuing, The information about stocks is anecdotal and not scientific, and Kevin's observations are trustworthy but the DFB cannot and should not be operating on that information. Maybe need to think about putting a timeframe in place to do something about this. Need to get the information analyzed, and if it's not doable, then the Board needs to make a decision one way or the other about continued harvesting.

Dalton Hobbs questioned what is the researchable question here?

Patty Burke answered biomass. Lisa's comments give her the first breath of hope that we may have an approach with the timeframe concept that we could use to focus our efforts efficiently on. Need to think about how long a permit should be active, absent any processing of the data, and maybe Need criteria at the same time for all our permits. Example the sardine—that's going on for "x" number of years—is there some sort of trigger the DFB should consider for a limited entry system? Need to think about trigger mechanisms that can help us revisit these permits. Maybe we need sunset dates for the permits, and triggers for getting out of the system and into a real fishery that is more objective, and than an evaluation can be done on an annual basis of all these fisheries. Feel that is a really good idea.

Brad Pettinger stated he would like to see an expansion of the research work that Kevin Hiersche is doing.

Patty Burke advised that the person that ODFW could make contact with to work with Kevin Hiersche is Dave Sampson, a professor at OSU who does stock assessments on groundfish. ODFW pays half of his salary. He would know what resources OSU would have to put there to do something under one of those grants. Perhaps could take 10% of whatever Kevin would harvest and those revenues would be put it into research.

Jeff Princehouse stated that the DFB needs to discuss how do we move from a developmental fisheries status by either setting policy that we are taking the permit back after a certain timeframe

because the data has failed, or turn it into a normal permitted fishery. Should not be a fishery for 20 years. Biggest battle is with the data.

Patty Burke recommended that the ODFW staff come back to the next DFB meeting with some sunset and triggering mechanisms for discussion and for revisiting the permit. It was the consensus of DFB members present that this would be a good idea.

V. Bay Clam Fishery—Move to Limited Entry?

Jean McCrae distributed a graph listing the activity of the bay clam fishery for the period 1998-2003 and advised that the DFB has been asked to move bay clam fishery from a developmental fishery status to a limited entry status. This activity chart lists the year and type of permit, number of years with permit, year with individual licenses, and pounds and landings for the period 1998-2003 for each permit holder. The vessel has a permit and it is allowed two divers off that vessel. A permit can go either way—sometimes a person has gotten a vessel permit and sometimes it is switched over to an individual. There are a total of 10 permits coastwide; five south and five north. Any of those 10 permits could be an individual permit or a vessel permit, and each year it's a mix. Data would be found in the logbooks of the boats, and ODFW will be trying to get some surveys done this summer.

Patty Burke added that ODFW will be doing a concentrated effort this summer, look at the data, and do some field work, and get something to base a decision on.

Jean McCrae continued that the straw proposal brought forth is in the Tillamook Bay system because 90-95% of the harvest now occurs in that Bay. Suggestion is to establish a limited entry for dive fishing in Tillamook Bay only. The other bays would remain under a developmental fishery status. Permits would be on the vessel rather than individual permits. Maybe 4-6 permits for Tillamook Bay. Set up some sort of requirement that in order to transfer a permit to somebody else, a certain amount of landings in a certain amount of years would be required—in other words, permit would have to be used in order to transfer it. Right now have quotas on the species—suggested to divide those quotas into monthly quotas so that the harvest is spread out for the whole year. Suggested that the hand harvest permits be raised from \$25 to \$75.

Dalton Hobbs noted that Doug Alm has been coming to the DFB for many years and feels that this may be one of our graduates and would like to give him a diploma and wish him well.

Janice Green expressed concerns with how this fishery would impact the sport fishery in Tillamook Bay. There is a big sport harvest in that Bay, and don't think that impact has been explored. Guessing there is no mechanical harvest involved here.

Jean McCrae answered that a small water jet device is being used.

Janice Green continued stating that there is a watershed estuary health issue here that needs to be examined when it involves a mechanical harvest of any kind. Assume that there is an estuary assessment and don't know where that stands in Tillamook Bay, but it should be part of the assessment of the overall ecology of the Bay. Don't think we are in a situation at this time to ahead on this proposal. Very concerned that we would legalize perpetuity a type of harvest when we don't know the effects of the ecology or the sport harvest in the Bay. Understand that this fishery takes place on 20 acres and has for a long time. No problem with that, but don't think this is the way to proceed without having adequate information about the effect of the fishery on the world around it.

Doug Alm responded that he had asked for mechanical harvest 14 years ago. Don't use a mechanical harvest for cockles. It doesn't make any sense. Digging down for the gapers and the butter clams going to make a bigger hole doing it by hand. Use of the water jet is a better use than digging the holes by hand.

Janice Green stated that when you are churning up the bottom of the bay, it is somewhat different from dragging a hook through the water. It is more impactful. Bays are extremely important for many species. It's something to consider. Hesitant to think that we should put into perpetuity a fishery that does turn up the bottom of the Bay without looking at what the effects might be, and whether or not we find that desirable. Would like to see an Environmental Impact Statement (EIS).

Mike Popovich noted that he pumped gouducks up on Puget Sound years ago. You do less damage with a pump than you do by hand. What Doug is saying is right, you create a lot of turmoil down there when you are digging 12-15-18 inches deep with your hands.

Jeff Princehouse questioned how does the DFB disengage a particular species from the developmental fishery status and move it into a limited entry status? Need the proper protocol to do that since we have the sardine and clam fishery at the point of serious discussion on changing their status.

Jean McCrae stated that the DFB would need to identify recommendations for a system. That recommendation then goes to the industry and the public for review, and the DFB would then make a final determination, which would then go to the OFWC for approval.

Leesa Cobb added that the criteria would include review of biological data and any other data pertinent to the ecosystem.

Janice Green stated that Doug Alm's concern would be that someone will move in and start fishing his 10 acres that he has been fishing for years, and we will have allowed that to happen. It's almost like the DFB is an allocation mechanism at that point—it's quite a sticky situation.

Doug alms responded that is what the monthly quota was going to try to help.

Brad Pettinger stated that this is not a new fishery; we would only be moving out of this process into another process. There is a commercial-sport dynamic here. Questioned if there was a sport diving fishery for cockle clams.

Jeff Princehouse answered there is a sport cockle fishery, but not a sport diving fishery.

Janice Green questioned if there is a sport clam fishery plan.

Scott Adams questioned if Coos Bay doesn't have information on this already. They have brought clams to Eureka Fisheries for years. The same grounds outside of his office people have been digging clams for 20 some years since he has lived there. They are there every day digging clams. The divers go where the people can't go. There are a lot of areas in Coos Bay and a lot of clams there. Don't know anything about Tillamook Bay.

Brad Pettinger questioned if there is a quota for sports.

Patty Burke responded that there is a 90,000 lb. limit for the commercial rakers. If you look at the intertidal versus subtidal, the subtidal orders of magnitude are higher in the biological biomass than the intertidal. The intertidal is insignificant almost, so there is no quota there for that reason.

Brad Pettinger stated that then as an example a billion sport clammers could come in and get their bag limit and leave, and questioned if there is no control over that?

Janice Green advised that theoretically ODFW should be in control or monitoring that.

Dalton Hobbs stated that it sounds like it self limits itself. In other words, it's like the old Yogi Berra line "People don't go there anymore because it's too crowded". The thing is that the intertidal area is really insignificant from a biological standpoint to the dynamics of the estuary.

Scott Adams questioned if Tillamook Bay could be used as a model.

Jeff Princehouse answered perhaps. Would suspect that every bay will have its own recreational impacts. Does that mean we can't dig clams commercially if there are no recreational diggers? Folks should be able to, but if a bay is heavily dependent on recreational, then maybe there shouldn't be any commercial fishery. Need to look at each bay fishery-by-fishery.

Patty Burke questioned what about the number of permits.

Leesa Cobb stated that if we are just going to discuss the Tillamook Bay fishery without addressing all these other areas not being harvested, when the effort that might be put in there that could be, and questioned how come it hasn't gone any bigger than it is right now.

Doug Alm stated that in 1990-91 there were just a few clam diggers diving on the east side when he got into clamming and they didn't think there were any clams on the west side. Then he started clamming on the west side near Buoy 12, and then the clam diggers digging on the west side came over and saw how great the clamming was on the west side. Are happy clamming where we are at on the west side as know the bottom of the terrain, know where the butter and horsenecks are.

Leesa Cobb questioned further that if there is this whole vast area, why isn't anybody doing it as it appears it is economically productive.

Jeff Princehouse answered there is a 90,000 lb. quota on the harvest. It's all about surveys. They are expensive; it takes a lot of money to do surveys. No difference between the flat abalone and the cockle clam fishery. Small safe number, but in a small area. Could it go beyond where it is at now. Thinks it could.

Patty Burke questioned how does the DFB decide how many permits there should be, as well as what criteria should be used to determine the number of permits. We have a cap that was established at

90,000 lbs. and questioned if that cap would be dependent on how many people could make money at that quota.

There was additional discussion on moving the bay clam fishery from a developmental fisheries status to a limited entry status. The discussion involved whether it should be Tillamook Bay only or would the limited entry status be coastwide for the fishery. There was also discussion on how many permits would be allowed, as well as what would be a quota cap if limited to Tillamook Bay only or on a coastwide basis. There was discussion that if a person gets a permit this year under developmental fisheries, that doesn't necessarily qualify him for a limited entry permit. Discussion also occurred on long permit could be held before it could be transferred and what the conditions would be if that was allowed. It was felt that should review the activity level provided by ODFW for the period 1998 through 2003 and use that as a basis for a straw proposal.

It was the consensus of the Board present that ODFW staff should draft a straw proposal for a bay clam limited entry system only for Tillamook Bay to bring back before the Board at its next meeting for review and further discussion. The straw proposal will include looking at 4-6 permits issued which will be to the vessels. The qualifying landing information to be considered will be from ODFW records on the fishery for the period 1998 through 2003. Renewal requirements to be considered will consist of three years of landings with a 3,000 to 5,000 annual average with the annual quota divided into monthly quotas. Once the straw proposal is approved by the DFB, notification would then go out for input from the public on the straw proposal.

Other Fishery Issues Discussion:

Jeff Princehouse stated that Bay Ocean Seafoods wants to try to harvest soft shells in Tillamook Bay and perhaps in the other bays, but are looking at Tillamook Bay first. Ran into same problem and found that there is no data. Probably a lot there, but don't know for sure. Will be working with ODFW to do some survey work and would be looking at potentially a 50 acre bed and the harvest would be intertidal rather than subtidal. Would have all the same issues related to the commercial versus the recreational conflicts. Believe will find out that there is a lot of biomass out there. There are established markets for them. Would be very labor intensive as would be hand harvest. This would be industry-financed work. Looking forward to it and pretty excited about it. Will keep Board apprised of progress as move forward on this.

Next Meeting Date:

The next meeting for the Developmental Fisheries Board was set for Wednesday September 1, 2004 in the afternoon from 1:00 – 4:00 p.m. with a location to be determined.

There being no further business, the meeting was adjourned at 4:00 p.m.

PREPARED BY:

Georgia York, Executive Assistant, OCZMA