Razor Clams
Exhibit C

Public Correspondence

Additional Public Correspondence received
as of July 13, 2007
The presentation at the Razor Clam meeting in Seaside last night was excellent. After Matt Hunter's presentation and the testimony of the commercial crabbers, I feel very differently about the situation.

Thank you for
inviting the public
to learn more about
narrow claims of their
harvest.

Margot Visher
June 28, 2007

John C. Amos
4925 S. E. Fieldcrest
Milwaukie, Or. 97222

Marla Rae, Chair
Oregon Fish and Wildlife Commission
3406 Cherry Ave. NE
Salem, Or. 97303

Subject: Razor Clams

Dear Marla Rae,

I previously corresponded in a letter dated February 20, 2007. In that letter I suggested that digging clams commercially for crab bait should be restricted South of Tillamook Head. Now however, I believe that commercial digging for crab bait should be eliminated along the entire Oregon Coast.

The reason for my change in attitude stems from a recent FOODday insert in the Oregonian Newspaper describing the Oregon razor clam as a delicacy surpassing (to some) the taste of fresh clams from Quinault or frozen from Alaska. It seems absurd to me therefore, to allow commercial use of the Oregon clams as crab bait, especially since Oregon clams are not readily available in local Portland restaurants or specialty food markets. I took a small sampling (6 or 7 total) of seafood restaurants and specialty markets in the Portland area and none of them had fresh Oregon clams available; their clams came fresh from Quinault or frozen from Alaska. And the friends and acquaintances I have spoken to about this practice of using fresh Oregon clams for crab bait have expressed surprise that it is allowed.

Eliminating the use of Oregon clams for crab bait would be more in keeping with the spirit of ORS 506.109 Food fish management policy. There must be other less valuable food fish that can be used as crab bait. I realize that clams are not fish, but assume that ORS 506.109 also applies to clams.

Sincerely,

[Signature]
To: Marla Rae (Chair)  
Oregon Fish and Wildlife Commission  
3406 Cherry Avenue NE  
Salem, Oregon 97303

Dear Chairperson Rae:

I am one of many coastal residents who were shocked to learn that all the clams harvested south of Tillamook Head by commercial harvesters cannot be sold for human consumption. I understand that the Oregon Department of Agriculture's limited resources preclude testing and certifying these clams as safe for human consumption, but am at a loss to understand why it would follow that the Oregon Department of Fish and Wildlife would then allow commercial harvesting of these clams to be sold as crab bait. It has been nearly thirty years since clams of an allowable size were to be found on this stretch of the beach, and overharvesting was very likely the cause of their demise in the first place. A case could be made that recreational clamming with a 15 clam limit would never deplete the stock of harvestable clams, but the present practice of commercial harvesting of hundreds of pounds at each low tide would soon make them again unavailable to the recreational clammers who actually eat their catch. Surely your commission can address this situation, and craft regulations that preserve the delicacy that these bivalves provide we mortals who agree that 15 are enough for anyone.

Respectfully yours,

Michael R. Capper  
PO Box 14  
Cannon Beach, Oregon 97110

February 15, 2006
Oregon Fish and Wildlife Commission  
c/o Marla Rae, Chair  
3406 Cherry Avenue N.E.  
Salem, OR 97303

Dear Commissioners:  

In a document entitled Commercial Razor Clam Harvesting South of Tillamook Head and dated November 3, 2006, Matthew Hunter included the following sentence in reference to ORS 506.109: “That means the ODFW must manage the resource in a fair and equitable manner that considers the needs of all user groups, including commercial razor clam bait harvesting.” Nowhere in ORS 506.109 can I find any mention of “bait fish.” ORS 506.109 is all about “food fish.” For your convenience I am including here a copy of ORS 506.109.

506.109 Food fish management policy. It is the policy of the State of Oregon that food fish shall be managed to provide the optimum economic, commercial, recreational and aesthetic benefits for present and future generations of the citizens of this state. In furtherance of this policy, the goals of food fish management are:

1. To maintain all species of food fish at optimum levels in all suitable waters of the state and prevent the extinction of any indigenous species.
2. To develop and manage the lands and waters of this state in a manner that will optimize the production, utilization and public enjoyment of food fish.
3. To permit an optimum and equitable utilization of available food fish.
4. To develop and maintain access to the lands and waters of the state and the food fish resources thereon.
5. To regulate food fish populations and the utilization and public enjoyment of food fish in a manner that is compatible with other uses of the lands and waters of the state and provides optimum commercial and public recreational benefits.
6. To preserve the economic contribution of the sports and commercial fishing industries in a manner consistent with sound food fish management practices.
7. To develop and implement a program for optimizing the return of Oregon food fish for Oregon's recreational and commercial fisheries. [1975 c.253 §15; 1985 c.529 §2]

As stated above, Food fish management policy is “to provide optimum economic, commercial, recreational and aesthetic benefits for present and future generations of citizens of this state.” I'm baffled by the inclusion of the word “aesthetic” unless, like the other terms, it leads to the concept of conservation.

When I submitted the petition, with 60 names attached, and subsequently withdrew it at the February 9, 2007, meeting of the Commission in Seaside, the intention was to ask that the wasteful practice of allowing razor clams to be commercially dug in unlimited quantities and sold exclusively for crab bait be stopped. Since our knowledge of practices south of Clatsop County was limited at the time, we confined the language to request that only beaches from south of Tillamook Head to the Clatsop County border be closed to commercial crab bait clammers. In the interest of compromise we were willing to allow the practice to continue on Clatsop beaches north of Tillamook Head. However, since that time, we have not found a person in the state of Oregon, except the commercial crab bait clammers themselves, who has not been shocked at the notion of using Oregon razor clams for crab bait.
The English philosopher Jeremy Bentham (1748-1832) is credited with creating the phrase, “the greatest good for the greatest number.” But it was the USDA Forest Service’s Gifford Pinchot, in 1905, who extended Bentham’s idea to, “Where conflicting interests must be reconciled, the question shall always be answered from the standpoint of the greatest good of the greatest number in the long run.” Pinchot added, “in the long run.” And I hope it is in the long run that you will see the wisdom of revisiting shellfish management and abolishing the “razor clams for crab bait” policy at your July 13, 2007, meeting in Lincoln City.

Those of us who have been involved in this razor clam discussion for nine months have failed to find anyone who is in favor of the practice of using clams for crab bait. There is overwhelming agreement that allowing the use of one high-end delicacy, the razor clam, to harvest another high-end delicacy, the Dungeness crab, is absurd and misguided, especially since most crab bait already comes from Alaska and from Washington state’s Quinault Reservation. And, since Oregon razor clams are considered to be the tastiest clams in the world, we are not against commercial clamming for human consumption. I am enclosing an article from the FOODday section of the Tuesday, June 19, 2007, Oregonian which explains why Oregon chefs prefer Oregon razor clams.

In the end, all of us concerned about this controversy trust the ODFW Commissioners to determine what “the greatest good for the greatest number” is, in the long run, both for the clammers and the clams.

Sincerely,

Rex Amos

Rex Amos
By JEFF KEECHE
SPECIAL TO THE OREGONIAN

When recalling the treasured flavors of his Oregon childhood in his memoir "Delights and Prejudices," the first food that James Beard, the father of modern American cuisine, named was "the great razor clams."

It's a shame Beard isn't around to enjoy this razor clam season, when the succulent bivalves are thronging in the sands of the northern Oregon coast.

While state biologists say this year's harvest isn't expected to approach the record 2.1 million clams set in 2002, it could be half again as high as the 10-year average of 850,000.

"There are a lot of clams on the beach," says Curt Melcher of Oregon Department of Fish and Wildlife. "May, June and July are the biggest harvest months, but the digging has been exceptionally good so far. It's a healthy and stable population — and a seafood people can feel good about eating."

Anyone who has ever tasted an impeccably fresh and well-prepared Oregon razor clam would likely agree: sweet, meaty-tender, with a crunchy crust of fried bread crumbs and served with a creamy, piquant tartar sauce, remoulade or lemony pan sauce. But with the prospect of such a healthy harvest, the question becomes: How many ways are there to cook razor clams?

Roger Jesperen, assistant manager of Ocean Beauty.

Please see RAZOR CLAMS, Page F14

Dear Commissioners,

This Oregonian article drives the point home about how foolish it is to allow unlimited mining of razor clams to be sold solely for crab bait.

Sincerely,

Rex Amor
July 3, 2007

Marla Rae, Chair
Oregon Dept. of Fish & Wildlife
3406 Cherry Avenue, NE
Salem, OR 97303

Madam Chair and members of the Commission:

Please include this letter as testimony at your July 13th hearing in Lincoln City regarding the harvest of razor clams.

We are writing regarding the razor clam fishery in Oregon. We wish to express our opposition to the commercial harvest of razor clams for use as bait. While we support the commercial harvest for human consumption, we feel very strongly that bait harvest wastes a valuable resource. Some of the reasons for our position are:

1. The majority of clams used as bait for the crab fishery are harvested from Canadian and Alaskan beaches. The tiny fraction from Oregon beaches is economically insignificant according to your own statistics. The cessation of the commercial bait harvest of razor clams in Oregon would not pose an economic hardship on any individual or group.

2. The ODF&W's biologist, Mr. Matt Hunter, has supported maintaining the status quo because (in part) he sees the bait harvest as being statistically insignificant. We look at the same insignificance as a perfect reason to halt the practice. We have drawn a different conclusion from the same data.

3. In addition to the biologic data, the commissioners should also consider the political ramifications of allowing the harvest of razor clams for crab bait to continue. As more and more members of the public become aware that a few individuals are hauling wheelbarrow loads of delicious razor clams off Oregon beaches for use as crab bait, the outcry from a few coastal residents will likely become a roar that will be difficult to ignore.

4. Mr. Hunter's own information shows the dollar amount of the bait harvest in Oregon to be very small. We contend that the same number of clams dug by recreational clam diggers or commercially harvested for human consumption will provide a far greater economic benefit to coastal communities and the ripple effect will bring benefit to inland restaurants as well.
5. The mission statement of ODF&W talks of protecting and enhancing the fish and wildlife of the state and the habitat for use by present and future generations. Mr. Hunter contends the razor clams found south of Tillamook Head do not regularly propagate and should, therefore, be depleted (harvested) as soon as possible; before reaching the end of their natural life cycle. He has cited the reproductive statistics of the clam to justify his position. While we have no credentials to argue the biology of the issue, it goes against the grain to "over fish" a population of clams without providing every opportunity for reproduction to take place.

In conclusion, we ask the commission to ban the commercial harvest of razor clams for use as bait on the entire Oregon coast. If the commission lacks the political will for such a change, please consider banning the bait harvest of razor clams on all beaches south of Tillamook Head. Our third choice of positions would be the banning of commercial bait harvesting on Clatsop County beaches south of Tillamook Head. Mr. Hunter's recommendation to maintain the current rules is not acceptable in our view.

We would like to repeat that we do not oppose the commercial harvest of razor clams for human consumption, but we strongly oppose the harvest of this resource for use as bait.

Thank you for considering our opinion as you debate this issue.

Respectfully,

Cleve & Marilyn Rooper
PO Box 652
Cannon Beach, OR 97110
Can you make 30 copies and bring with you.

-----Original Message-----
From: Lois DuPey [mailto:integrityworks@hotmail.com]
Sent: Thursday, July 12, 2007 9:57 AM
To: ODFW Commission; ODFW Info
Subject: FW: Testimony re Lincoln City Meeting Friday 13 July

>From: "Lois DuPey" <integrityworks@hotmail.com>
>To: integrityworks@hotmail.com
>Date: Thu, 12 Jul 2007 16:47:01 +0000
>
>July 12, 2007
>
>Executive Director/Administrator
>Oregon Dept. of Fish and Wildlife
>
>Editor/ The Daily Astorian
>
>Cannon Beach City Council
>
>Louis Pitt Jr./ Government Affairs Director Warm Springs Confederated
>Tribes
>
>Senator Ron Wyden
>
>-------------------------------
>---
>RE: PUBLIC RIGHTS IN RESOURCES AND BEACH ACCESS
>-------------------------------
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>
>Dear Fellow Americans,
>
>I am a member of the public, and long-time property holder of Cannon
>Beach, Oregon. I represent many like-minded citizens who are truly
>sickened by the lies and slander surrounding Rex Amos' advocacy of
>barring the public from access to the public's beaches.
>
>This is testimony for the public record; regarding the dangerous and
>illegal precedent that will be established in Lincoln City tomorrow,
>should the Oregon Department of Fish and Wildlife accept Mr. Amos'
>absurd petition
>to close the beach south of Tillamook Head to commercial users in
>favor of an elite group of local residents.
>
>Let us rebutt his arguments based on logic, rather than emotion:
>
>(1) Where has it been proven that commercial use of the public razor
>clam resource is more wasteful than the actual take and wanton
>destruction by untold thousands of inexperienced dilettantes engaging in "sport" clamming?
>
>(2) In what body of law is it decreed that an elite user group's "rights"
in a public resource for sporting purposes supercede that of the folks
>who earn their living or subsistence from the use of that same resource?
>
>(3) Where in Oregon law does ODF&G or the Cannon Beach City Council
>obtain a right to close a public beach to a particular user group,
>who's traditional rights to access and use of both the beach and the
>resources its contains are well-enshrined in Oregon history and legislation?
>
>Moreover, Mr. Amos' wife Dinny was quoted in the Cannon Beach Gazette
>recently by the Editor of that same rag as saying: "Why feed an $18.00
>a pound clam to a $24.00 a pound crab?" Now is this the kind of logic
>that we will allow to over-run our State government, folks? (Perhaps
>Mr. and Mrs. Amos plan to run for public office.)
>
>Indeed, if a few pounds of clams contribute to the capture of millions
>of dollars of commercial crabs and Oregon's seafood industry's
>survival, isn't that a good thing for the public?
>
>Or should we just fold it all up right now, and give permanent
>exclusive rights to all of the public's fishery resource to the elite
>group of Cannon Beach residents who seek to privatize the beach around
>Chapman Point? Does this perhaps have any relationship to the
>phenomenon of the six million dollar houses (in front of which Mr.
>Amos posed for the gazette,) being built there for certain wealthy war contractors?

>Let's get our priorities straight people! In Washington State there
>was a landmark court decision in 1974 reapportioning 50% of the total
>fishery resources -including all shellfish- to the native Americans.
>Perhaps this is the way to solve Oregon's problems also. After all, it
>is a fact of history that the title to the lands and fishery in Cannon
>Beach and south to Tillamook Bay were never extinguished- and so are
>still the property of the Tillamook Indians. What more precedent do we
>need, given that the social contract is being destroyed?
>
>I guess we can always take it directly from Abraham Lincoln, if
>necessary, on this same count. He said (in his first inaugural
>address):
>
>"This country, with its institutions, belongs to the people who inhabit it.
>Whenever they shall grow weary of the existing government, they can
>exercise their constitutional right to amend it, OR their revolutionary
>right to dismember, or overthrow it." (!!!)
>
>Figure it out folks! The public has had it with big lies and little
>lies of the likes of Mr. Amos, who seems so unnaturally enamoured of
>quoting German philosophy. Vive La Revolution!

>Sincerely,
>Lois J. DuPey
>163 E. Gower St.,
>Cannon Beach, OR 97110
>
>(on behalf of the White Buffalo Society)

>http://liveearth.msn.com
July 10, 2007

Dear Oregon Fish & Wildlife Commissioners,

Please adopt the proposed ban on commercial clam digging south of Tillamook Head, at least from Cannon Beach to the Clatsop County border.

Since razor clams have not been seen in significant numbers for about 25 years, we are especially grateful they've returned & would like to give them a chance to make a sustainable comeback.

Thank you for your time & consideration.

Sincerely,

War & Dan Wahrman
P.O. Box 778
Cannon Beach, Oregon
97110
Comment regarding razor clam harvesting in Clatsop County.

I am a resident of Arch Cape, Oregon, located at the south end of Clatsop County. In the late 1960s and early 1970s I used to dig clams here with my grandfather and the clamming was quite good.

This changed, and for many years we did not have clams on the Arch Cape beach. They have made a bit of return so some digging is again possible.

The closure to clamming should be for ALL of the Clatsop County beaches, not simply the north end. If the point of the closure is to preserve and expand the clam harvest please show this consideration to those of us in Arch Cape that wish to see a return of good clamming to the area.

Sincerely,
Dale Mosby
31897 Oceanview, Ln
Arch Cape, Oregon 97102
dale@archcape.com