

Agenda Item Summary

BACKGROUND

The Oregon Department of Fish and Wildlife (Department) has worked with the Confederated Tribes of the Siletz Indians of Oregon (Siletz Tribe) for many years (since 1980) to provide opportunity for tribal harvest of mussels, rock oysters, and sea anemones through a Special Gathering Permit for ceremonial and subsistence purposes. Tribal clam harvest has not been part of the Special Gathering Permit process because until recently, no state permit for anyone was required to harvest clams. Rules are proposed to adopt a new Memorandum of Understanding (MOU) between the Siletz Tribe and the Commission, to provide for tribal harvest of clams for non-commercial purposes. The MOU is the result of discussions between the Siletz Tribe, the Department, the United States Attorney's Office and the Department of Interior and the Governor of Oregon, which have occurred on a government to government basis.

PUBLIC INVOLVEMENT

No public hearings or public meetings have been held regarding this issue.

ISSUE 1

SPECIAL GATHERING PERMIT FOR CLAMS, FOR SILETZ TRIBE CLAM HARVEST

ANALYSIS

The Siletz Tribe and the Commission recognize a mutual interest in sustainable harvest of Clams and the value of non-commercial clam harvest to the Tribe. Through a series of discussions, the Siletz Tribe and Department staff have developed a MOU (Attachment 2) that provides for Siletz Tribe harvest through a Special Gathering Permit for Clams issued to the Siletz Tribe annually by the Department.

For the purposes of this MOU, "Clams" includes 7 species: razor, butter, gaper, cockle, native littleneck, softshell and purple varnish clams. The MOU outlines a common view of management goals including: no wastage of the Clam resource, a requirement that harvesters carry a harvest license, harvesters use only hand or hand tool harvest methods, and that harvest information is shared with officials in the field (peace officers and Department staff) and through annual data reporting. In addition, the MOU is limited to non-commercial Clam harvest (in areas and during seasons when non-commercial harvest is allowed), and is limited to harvest in Lincoln County.

The MOU does not alter the consent decree relating to the Siletz Tribe, but does alter the consent decree mechanisms and permitting process to accomplish this management program.

OPTIONS

1. Adopt OAR 635-041-0525 (Attachment 4) to adopt the Memorandum of Understanding between the Siletz Tribe and the Commission.
2. No action (status quo).

STAFF RECOMMENDATION

1. Option 1.

DRAFT MOTION

Move to adopt draft OAR 635-041-0525 as shown in Attachment 4 incorporating the Memorandum of Understanding between the Siletz Tribe and the Oregon Department of Fish and Wildlife by reference.

EFFECTIVE DATE

January 1, 2015.