



AGENDA ITEM SUMMARY

BACKGROUND

The Oregon Department of Fish and Wildlife (ODFW) has worked with the Confederated Tribes of Grand Ronde (Tribe) to create a Memorandum of Understanding (MOU) which would allow documented individual members of the Tribe to harvest shellfish in a specified area under a Special Gathering Permit instead of a recreational shellfish license. If the commission approves the MOU, it will be implemented by the Chair's signature and by adoption of an administrative rule, OAR 635-041-0620.

PUBLIC INVOLVEMENT

This issue has been developed through direct consultations between the Tribe and ODFW. The public received notice of the draft MOU and proposed administrative rule by notice in the Secretary of State's Bulletin (Attachments 2, 3). Members of the public may provide written and oral comment for the commission's consideration.

ISSUE

Memorandum of Understanding Between the Commission and the Confederated Tribes of Grand Ronde Regarding Shellfish Licensing

ANALYSIS

Leadership of the Tribe approached ODFW with the request to work together to implement a regulatory approach to amend shellfish licensing requirements for tribal members in a specific area, while continuing to adhere to harvest regulations as outlined in the Oregon Sport Fishing Regulations. Over the last two years, ODFW and tribal representatives exchanged several drafts and held multiple discussions resulting in the attached draft MOU (Attachment 4).

The MOU is focused on three main points. First, the area in which the MOU applies is the Trask Wildlife Management Unit (Attachment 5), including Tillamook Bay and ocean areas adjacent to the Trask Unit. Second, the regulatory action in the MOU is the conveyance to the Tribe of an annual Special Gathering Permit for Shellfish (at no cost), which the Tribe can pass to individual documented tribal members using permits or other documents issued by the Tribe. Lastly, and as originally proposed by the Tribe, tribal members operating under the terms of the MOU are limited to the species, daily catch limits, sizes, harvest methods, seasons, and other specifications as stipulated in annual Oregon Sport Fishing Regulations.

The MOU does not alter or create any treaty rights of the Tribe (or any other tribe), nor does it alter the State's authority to regulate or manage harvest. The MOU does not create any additional take of shellfish species beyond what is already authorized in State regulations.

OPTIONS

1. Adopt OAR 635-041-0620 (Attachment 3) to adopt the Memorandum of Understanding between the Confederated Tribes of Grand Ronde and the Commission (Attachment 4).
2. Status quo (no action).

STAFF RECOMMENDATION

1. Option 1.

DRAFT MOTION

I move to adopt new OAR 635-041-0620 as proposed by staff and shown in Attachment 3.

EFFECTIVE DATE: Upon filing.