

Staff Report Developmental Fisheries Program

Outline of Staff Report

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Option A: *(preferred)* Adopt rules changing brine shrimp from category B to category A.

- Option B: No action.

- **Issue 2. Issue bay clam dive permits to vessels Page 4**
Option A: *(preferred)* Adopt rules reducing the number of permits for bay clam harvest and allowing a permit to be issued to vessel.

- Option B: No action.

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I. Introduction

During their meeting on November 1, 1996, the Fish and Wildlife Commission delayed making a decision on two recommendations by the Developmental Fisheries Board. The Commission felt additional input was need from other interested parties. This staff report summarizes the additional information.

II. Staff Analysis of Issues and Options - Recommendations

The following discusses staff and Board recommendations. The full text of proposed rule changes is attached beginning on Page 5.

• *Issue 1. Reclassify brine shrimp from category B to category A.*

Background: The Developmental Fisheries Board and ODFW staff recommended to reclassify brine shrimp from category B to category A. Testimony was presented at the Fish and Wildlife Commission hearing on November 1 indicating some interested participants did not receive the notice of the Developmental Fisheries Board meeting until the day of the meeting, could not attend, and disagreed with the recommendation of the Board. The Commission chose to delay a decision on this issue until the December meeting to allow time to receive input from other individuals.

The Developmental Fisheries Board held a second meeting, via conference call, on November 25th to allow additional testimony. The Board expressed concern about allowing harvest of eggs with no information on the biomass of eggs or the effect of harvest of eggs on adult populations. They also realized, gathering the needed information with no harvest taking place would be difficult. The Board was willing to recommend limited egg harvest with the understanding the harvest is experimental, with the purpose of gathering information to determine the feasibility of future egg harvest and understanding it will be necessary for ODFW staff to closely monitor the harvest. They therefore chose to change their recommendation; adding one permit for the harvest of brine shrimp eggs.

Option A: (Preferred) Staff and the Developmental Fisheries Board recommend the Commission adopt rules changing brine shrimp from category B to category A on the developmental species list with a harvest program.

Option B: No action.

Harvest Program

The following outlines the harvest program recommended by the Developmental Fisheries Board and staff.

A. *Numbers of permits.*

The Developmental Fisheries Board and staff recommend issuing 3 permits to harvest brine shrimp adults and one permit to harvest brine shrimp eggs.

B. Qualification and renewal requirements.

The Developmental Fisheries Board and staff recommend an annual renewal requirement of 5000 lb.

Renewal requirements have also been used to determine initial qualification for permits; a preference given to those who have meet the renewal requirements in at least one year in the past.

C. Other requirements.

Harvest of brine shrimp eggs would be allowed from January through March and harvest of adults would be allowed from May through August. Closed periods will be established to protect nesting and migration seasons for bird populations.

Harvest areas would be restricted to the south half of the lake to reduce disturbances to bird populations.

Landings will be limited to 50,000 lb annually, per vessel, for adults and 25,000 lb annually for eggs until biomass and sustainable yield data can be collected.

As with other developmental fishery permits, if there are more applicants than available permits, permits would be issued through a lottery.

• *Issue 2. Issue bay clam dive permits to vessels.*

Background: The harvest program for bay clams presently allows for a maximum of 20 permits issued to individual divers.

Five commercial clam divers signed a petition requesting a change in the structure of the bay clam dive permits. They requested the permits be issued to vessels allowing them to hire another diver to work off their vessel if they are unable to dive. They also requested to allow up to two divers to work off one vessel permit.

The Developmental Fisheries Board recommended: 1) The permits be issued to either a vessel or an individual; 2) The maximum number of permits be reduced to 10; and 3) Allow up to two divers to work off one vessel at a time.

Since the issue was brought before the Board at the meeting on October 28, it was not on the agenda that was mailed to all permit holders and other interested parties. The Commission chose to delay a decision on this issue until the December meeting to allow time to receive input from other individuals.

Staff sent a letter to all bay clam dive permit holders outlining the recommendations of the Board. We received a reply from seven individuals; five were against issuing permits to vessels. All want to keep the number of participants at 20. Most were concerned that, if few permits are issued to vessels, the number of individual permits is significantly reduced. One of the major concerns was that the responsibility of the permit should be with the individual doing the harvesting. Issuing a permit to a vessel allows the "power of the permit" to someone who may not be a diver. Some individuals felt vessel permits will favor larger producers and may create disadvantages for smaller producers. One person would like the flexibility to have other divers work off his boat in one bay, but dive as an individual in another bay on a different day.

A summary of the survey was presented to the Developmental Fisheries Board during the conference call meeting on 11-25-96. The Board thought since so few people made enough landings to renew their permits, the drop in the maximum number was justified and the additional flexibility of a vessel permit would benefit the people who are using the permits. The Board did not change their recommendation.

Option A: (Preferred) Staff and the Developmental Fisheries Board recommend the Commission adopt rules reducing the number of permits for bay clam harvest and allowing a permit to be issued to a vessel or to an individual.

Option B: No action



OREGON ADMINISTRATIVE RULES

OREGON DEPARTMENT OF FISH AND WILDLIFE

Developmental Fisheries Species List

635-06-850 (1) The Developmental Fisheries Species List, Category "A," is as follows:

(Category A con't)		Renewal	No. of	Restrictions
Common and Scientific Name		Req. (landings/lb)	Permits	
cockle clams	<i>Clinocardium nuttallii</i>	5/100	5-ocean only	I, G
cockle clams	<i>Clinocardium nuttallii</i>	none	unlimited other	M,N
butter clams	<i>Saxidomus giganteus</i>	qualifying	10 dive (individual or vessel permit)	O
gaper clams	<i>Tresus capax, nuttallii</i>	5/200 or 2500		
native littleneck clams	<i>Protothaca staminea</i>	annual		
softshell clams	<i>Mya arenaria</i>	renewal - 5/100 or 2500 annual		
giant octopus	<i>Octopus dofleini</i>	5/100	10	octopus pots only
Market squid & other squid spp.	<i>Loligo opalescens</i> several spp.	5/500 or 1/5000	30 trawl & 30 other	I, J
fragile urchin	<i>Allocentrotus fragilis</i>	5/500	6 trawl & 6 other	I, J
sea cucumber	<i>Parastichopus</i> spp.	5/100	6 trawl & 10 diver & 10 other	I, J
marine snails	various spp.	5/100	10	subtidal only
brine shrimp	<i>Artemia</i> spp.	5000 lb	3 adults 1 eggs	

Restrictions

- A - No high seas drift net permits.
- B - No large mesh gill net permits.
- C - No dredging permits.
- D - May have to have a federal "A" permit.
- E - Area specific permits.
- F - Specially adapted small mesh drift/gill net may be permitted.
- G - No permit needed for hand lines or hand harvest.
- H - Specially adapted drift/gill net may be permitted.
- I - Experimental gear permits may be required.



OREGON ADMINISTRATIVE RULES

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- J - Permits are issued geographically, split at Heceta Head, 50% N/50% S.
 - K - Five single-delivery permits will be issued to those who applied by annual filing date, but did not receive a Developmental Fishery Permit.
 - L - Gill net gear must conform to California gear restrictions.
 - M - Hand harvest only
 - N - \$25 fee
 - O - Qualifying period of January 1, 1990 through October 16, 1995.
- FOOTNOTE - limited numbers of experimental gear permits may be issued for trawl harvest.

(2) The Developmental Fisheries Species List, Category "B," is as follows:

Common and Scientific Name		Common and Scientific Name	
<u>Fish</u>			
salmon shark	<i>Lamna ditropis</i>	carp	<i>Cyprinus carpio</i>
black hagfish	<i>Eptatretus deani</i>	yellow perch	<i>Perca flavescens</i>
Eelpouts	family Zoarcidae	brown bullhead	<i>Ameiurus nebulosus</i>
skilfish	<i>Erilepis zonifer</i>	northern squawfish	<i>Ptychocheilus oregonensis</i>
<u>Invertebrates</u>			
euphausiids (krill)	family Euphausiidae	freshwater mussels	families Margaritifera, Anodonta, Gonidea, and Corbicula
Pacific sand crab	<i>Emerita analoga</i>		
[brine shrimp	<i>Artemia salina]</i>		