

Agenda Item Summary

BACKGROUND

This item presents the annual review of the Developmental Fisheries Program for 2006 and a summary of a legislative concept for 2007. Also, Department staff and the Developmental Fisheries Board (DFB) are conducting an evaluation of the Developmental Fisheries Program. This briefing will include information on implementation of the first phase of the review recommendations. The OFWC was briefed in 2005 regarding initial recommendations, some of which the OFWC has implemented (removing some species from the list of active fisheries, evaluating the membership and filling vacancies on the Board, and establishing a trial flexible permit program in the hagfish fishery). One of the major recommendations from the Phase 1 program review was to move two fisheries considered “developed” to limited entry programs: sardine and bay clams. In addition, the DFB recommended a change in the process of permit appeals for Developmental Fisheries and for those fisheries that are converted to limited entry. Attachment 2 details the 2007 legislative concept to adopt this change in statute.

This briefing also includes information on Phase 2 of the program review.

In addition staff is providing the Commission with a general overview of the current Developmental Fisheries Program and permits. Attachment 3 is a summary of the 2006 activities report.

PUBLIC INVOLVEMENT

Significant public involvement and multiple Developmental Fisheries Board meetings were conducted throughout 2005 and 2006. Board subcommittees with the addition of industry members were established. They developed recommendations to the DFB on the removal of sardines and bay clams from the Developmental Fisheries Program to limited entry permit programs.

Additionally, the DFB met to discuss a program evaluation for the Developmental Fisheries Program, and staff has had meetings with members of the public that were involved in the initial drafting of the enabling legislation.

ISSUE 1

Developmental Fisheries Program Evaluation: Phase 2

ANALYSIS

Currently, ODFW staff are continuing an evaluation of the Developmental Fisheries Program. This is occurring in two phases. The first phase focused on the need for more flexibility in permitting, removal of developed species from the program, and systematic deficiencies in meeting the statutory design of the program. With the changes

implemented over the past two years, there is a need to focus this effort on the original legislative vision for the program. One goal of the legislation was that the program would generate sufficient revenue through landings tax to conduct stock assessments and management analysis of fishery performance. From the outset, the revenue has not been sufficient to support a full time equivalent staff person. Absent funding, the data collected from these fisheries is generally not analyzed and is not useable for stock assessments or research on the fisheries. In addition, the program was designed to be a partnership between ODFW and the Oregon Department of Agriculture (ODA). The fishery regulations would be developed by ODFW and but the assistance in fishery design, business planning and marketing of new species was to be done by ODA. Absent program funding, the Department of Agriculture has not been able to build adequate capacity to fill this role. Phase 2 of the program review will develop options for either revising the enabling legislation or revising the scope of the existing program to meet goals that are achievable with minimal funding.

Phase 2 will include a review of other state developmental fishery programs to seek approaches that may be beneficial to the Oregon program.

The next steps include discussions with ODA, the DFB, and individuals involved in the original statute design to determine what program elements can be modified in order to better focus limited resources on an effective program outcome. Recommendations will be brought back to the OFWC in 2007 for consideration and guidance.

OPTIONS

NA

STAFF RECOMMENDATION

NA

ISSUE 2

2007 Legislative Concept

ANALYSIS

A legislative concept for 2007 has been developed to amend the statutes related to the Developmental Fisheries Program. The proposed legislation (Attachment 2) is drafted to address the change in the appeals process related to fisheries that are developed and moved to a limited entry program (such as the recent sardine and bay clam fisheries). Currently, the OFWC must review permit appeals for these fisheries and there is no authority to move appeals to a system similar to that of other statutory limited entry fisheries. This legislation will allow persons denied

developmental fisheries permit or a limited entry permit, or denied renewal or transfer of developmental fisheries permit or limited entry permit, to request review by the Commercial Fishery Permit Board.

This legislation will also expand the membership of the Commercial Fishery Permit Board to include representatives of developmental fisheries and representatives of restricted permit systems established by administrative rule.

Two Policy Option Proposals (budget request) have also been approved (to utilize remaining dedicated funding for Developmental Fishery landing tax) by the governor to fund program evaluation and some one-time targeted research on two developmental fishery species (Abalone and Spot Prawn).

OPTIONS

NA

STAFF

NA

RECOMMENDATION

DRAFT MOTION

NA

EFFECTIVE DATE