

**Attachment 2**

**Proposed Legislation: Permit Appeals for Developmental Fishery and  
Restricted (Limited Entry) Fisheries Established by Administrative  
Rule.**

# D R A F T

## SUMMARY

Expands membership of Commercial Fishery Permit Board to include representatives of developmental fisheries and representatives of certain restricted permit systems established by rule of State Fish and Wildlife Commission. Allows persons denied developmental fisheries permit or restricted permit, or denied renewal or transfer of developmental fisheries permit or restricted permit, to request review by board.

## A BILL FOR AN ACT

1  
2 Relating to commercial fisheries; creating new provisions; and amending  
3 ORS 508.755.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** Section 2 of this 2007 Act is added to and made a part  
6 of ORS 506.450 to 506.465.

7 **SECTION 2.** (1) A person whose application for a developmental  
8 fisheries permit or a restricted permit established under subsection (6)  
9 of this section, or for the renewal or transfer of a developmental  
10 fisheries permit or restricted permit, is denied by the State Fish and  
11 Wildlife Commission may make written request to the Commercial  
12 Fishery Permit Board for review of the denial. The review provided  
13 in this subsection is in lieu of any review by the State Department of  
14 Fish and Wildlife or the State Fish and Wildlife Commission. The re-  
15 quest shall be in such form and shall contain such information as the  
16 board considers appropriate. The request shall be accompanied by a  
17 nonrefundable fee of \$75. The fee shall apply toward any applicable  
18 permit fees resulting from an order of the board in favor of the re-

1 questing applicant.

2 (2) The board shall review a denial as a contested case under ORS  
3 chapter 183. Orders issued by the board are not subject to review by  
4 the commission, but may be appealed as provided in ORS 183.482.

5 (3) The board may waive requirements for renewal of a develop-  
6 mental fisheries permit or a restricted permit established under sub-  
7 section (6) of this section if the board finds that an individual  
8 applicant fails to meet the requirements as the result of illness, acci-  
9 dent or other circumstances beyond the individual's control.

10 (4) The board may delegate to the department the board's authority  
11 to waive requirements for renewal of developmental fisheries permits  
12 or restricted permits established under subsection (6) of this section.

13 (5) The board may adopt such rules as it determines necessary to  
14 carry out its duties, functions and powers under this section.

15 (6) Once the commission determines that a commercial harvest of  
16 a developmental fishery can be sustained, it may remove that fishery  
17 from the developmental fisheries list, and may, by rule, establish a  
18 restricted participation system or a restricted vessel permit system for  
19 that fishery. These restricted permit systems may include, but are not  
20 limited to, provisions relating to the following matters:

21 (a) Establishment of criteria for initial entry into the restricted  
22 permit system and criteria for annual qualification for continued par-  
23 ticipation in the system; and

24 (b) Establishment of terms and conditions for transferring partic-  
25 ipation rights.

26 **SECTION 3.** ORS 508.755 is amended to read:

27 508.755. (1) There is established within the State Department of Fish and  
28 Wildlife the Commercial Fishery Permit Board. The board shall consist of  
29 members appointed by the State Fish and Wildlife Commission as follows:

30 (a) Three members shall be chosen to represent the Columbia River gillnet  
31 salmon fishing industry.

1 (b) Three members shall be chosen to represent the ocean troll salmon  
2 fishing industry.

3 (c) Three members shall be chosen to represent the ocean pink shrimp  
4 fishing industry.

5 (d) Three members shall be chosen to represent the Yaquina Bay roe-  
6 herring fishing industry.

7 (e) Three members shall be chosen to represent the sea urchin commercial  
8 fishery.

9 (f) Three members shall be chosen to represent the ocean Dungeness crab  
10 fishing industry.

11 (g) Three members shall be chosen to represent the black rockfish and  
12 blue rockfish fishing industry and the nearshore fish fishing industry.

13 **(h) Three members shall be chosen to represent developmental**  
14 **fisheries as described in ORS 506.450 to 506.465.**

15 **(i) Three members shall be chosen to represent each restricted**  
16 **participation system or restricted vessel permit system established by**  
17 **rule of the commission under section 2 of this 2007 Act.**

18 ~~[(h)]~~ (j) Two members shall be chosen to represent the public.

19 (2) A member of the board shall receive no compensation for services as  
20 a member. However, subject to any applicable law regulating travel and  
21 other expenses of state officers and employees, a member shall be reimbursed  
22 for travel and other expenses incurred in the performance of official duties.

23 (3) The board shall select such officers, for such terms and with such  
24 duties and powers, as the board considers necessary for the performance of  
25 those offices.

26 (4) A majority of the members of the board constitutes a quorum for the  
27 transaction of business.

28 (5) The board shall meet at such times and places as may be determined  
29 by the chairperson or by a majority of the members of the board.

30 (6) Notwithstanding any other provision of law:

31 (a) Members of the board representing the Columbia River gillnet salmon

1 fishing industry shall participate in actions of the board only on matters  
2 arising under ORS 508.285, 508.470 and 508.775 to 508.796.

3 (b) Members of the board representing the ocean troll salmon fishing in-  
4 dustry shall participate in actions of the board only on matters arising under  
5 ORS 508.801 to 508.825.

6 (c) Members of the board representing the ocean pink shrimp fishing in-  
7 dustry shall participate in actions of the board only on matters arising under  
8 ORS 508.880, 508.883 and 508.889 to 508.910.

9 (d) Members of the board representing the Yaquina Bay roe-herring fish-  
10 ing industry shall participate in actions of the board only on matters arising  
11 under ORS 508.765.

12 (e) Members of the board representing the sea urchin commercial fishery  
13 shall participate in actions of the board only on matters arising under ORS  
14 508.760.

15 (f) Members of the board representing the ocean Dungeness crab fishing  
16 industry shall participate in actions of the board only on matters arising  
17 under ORS 508.921.

18 (g) Members of the board representing the black rockfish and blue  
19 rockfish fishing industry and the nearshore fish fishing industry shall par-  
20 ticipate in actions of the board only on matters arising under ORS 508.947,  
21 508.957 or 508.960.

22 **(h) Members of the board representing developmental fisheries shall**  
23 **participate in actions of the board only on matters arising under ORS**  
24 **506.450 to 506.465.**

25 **(i) Members of the board representing a restricted participation**  
26 **system or a restricted vessel permit system established by rule of the**  
27 **commission under section 2 of this 2007 Act shall participate in actions**  
28 **of the board only on matters related to that system.**

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