

## Agenda Item Summary

### BACKGROUND

In November 2005, the Commission removed bay clams from the developmental fisheries list and adopted a limited entry system for the dive fishery. At the time, the Commission expressed concerns regarding unrestricted transfers of limited entry permits in general (with specific concerns with sardine permits which were discussed in December 2005) and asked for a general review of permit transfers to be heard at a later date. Also, as an interim measure, until after the review, the Commission restricted transfers of bay clam limited entry dive permits to replacement vessels only. Since November, the Commission resolved their concerns and dropped the general review of permit transfers. This agenda item is to reconsider allowing unrestricted transfers of bay clam dive permits as originally recommended by staff in November 2005.

### PUBLIC INVOLVEMENT

At the November 2005 Commission meeting, members of the bay clam industry expressed support for unrestricted transfers of permits as soon as possible. Since November, ODFW staff has consulted through personal conversations with members of the bay clam limited entry dive fishery regarding proposed rule changes.

### ISSUE 1

Amend rules allowing unrestricted transfers of bay clam limited entry dive permits up to two times per year (OAR 635-006-1095).

### ANALYSIS

Oregon has a variety of restrictions on transferring limited entry permits depending on the fishery; from having no restrictions, to limiting the number of transfers per year, to landing requirements, to vessels under the same ownership, to restrictions on the length of the vessel to which the permit can be transferred (Table 1).

The purpose for limitations or restrictions on transfers also varies. The limit on number of transfers reduces permit "hopping" or purchases for speculation. Landing requirements are used to reduce the number of permits or to prevent purchases for speculation. Restrictions on the length of vessel to which a permit can be transferred are meant to keep the overall capacity of the fleet from increasing.

In general, allowing transfers provides greater flexibility for permit holders and their businesses. When a low number of permits are available, it is also desirable to have flexibility with regard to transfers to allow for new entrants into the fishery.

Under the current limited entry system for the bay clam dive fishery, there are ten permits available for the entire coast and five restricted to the south coast (south of Heceta Head, near Florence). Landing requirements are in place to renew permits (five landings of at least 100 pounds each or an annual total of 2,500 lb). The landing requirements help keep the permits in the hands of active divers.

Bay clam dive permits are issued to either vessels or individuals.

Individual permit holders have the flexibility to dive from shore or off any vessel they wish. Vessel permit holders have the flexibility to hire an unpermitted diver to work off that particular vessel. Currently, five of the ten coast-wide permits are issued to vessels and five to individuals. Four of the five south-coast permits are also issued to vessels.

With the current restriction on transfers to replacement vessels only, no permit can be transferred to a different person making it difficult for new individuals to obtain a permit. As originally proposed in November, staff recommends allowing unrestricted transfers of limited entry bay clam dive permits up to two times per year.

Table 1. Oregon limited entry systems and transfer restrictions

Fishery	LE system created by	Transfers established by	Permits issued to	Restrictions
Col Rvr Gillnet Salmon	Legislature	Legislature	Vessel	- none
Ocean Troll Salmon	Legislature	Legislature	Vessel	- vessel length restriction
Pink Shrimp	Legislature	Legislature	Vessel	- 1 per year - vessel length restriction
Scallop	Legislature	Legislature	Vessel	- 1 per year - vessel length restriction - land 5,000 lb food fish annually for 3 years
Yaq Bay Roe Herring	Legislature	Commission	Vessel	- none
Sea Urchin	Legislature	Commission	Individual	- 1 per year - after 20,000 lb landed
Ocean Dungeness Crab	Legislature	Commission	Vessel	- 500 lb in 2 of last 5 years - new vessel $\leq$ 10 ft longer - 1 per 60 months
Developmental Fisheries	Legislature	Commission	Individual	- only to vessel under same ownership
Brine Shrimp	Commission	Commission	Individual	- 5,000 lbs/year
B&B Rockfish	Legislature	Legislature	Vessel	- vessel length restrictions
B&B Rockfish w/ Nearshore	Legislature	Legislature	Vessel	- 5 renewals - 5 landings of 15 lb rockfish - 1/year to replacement vessel - vessel length restrictions
Bay Clam Dive	Commission	Commission	Individual or vessel	- replacement vessel only
Sardine	Commission	Commission	Individual or Vessel	- 2 per year

## OPTIONS

Option 1: Amend rules to allow unrestricted transfers of bay clam limited

entry dive permits up to two times per year.

Option 2: Status quo. Transfers of bay clam limited entry dive permits remain restricted to replacement vessels of the permit holder.

**STAFF**

**RECOMMENDATION** Option 1

**DRAFT MOTION**

I move to amend OAR 635-006-1095 to allow unrestricted transfers of bay clam limited entry dive permits up to two times per year as shown in attachment 4.

**EFFECTIVE DATE**

Upon Filing