

HB 2499 STAFF MEASURE SUMMARY

House Committee On Agriculture and Natural Resources

Prepared By: Misty Freeman, LPRO Analyst

Meeting Dates: 3/23, 4/13

WHAT THE MEASURE DOES:

Allows seller of transferrable vessel permit for limited-entry fishery to continue to operate vessel in appropriate fishery when buyer has failed to fulfill one or more terms of sale and circuit court has issued preliminary injunction. Requires order granting preliminary injunction to include finding that allowing seller to continue to operate vessel will not cause excessive harvest pressure on fishery resource.

ISSUES DISCUSSED:

- Overview of limited-entry fisheries
- Sale of limited-entry fishery permit accompanying sale of vessel
- Recourse for seller in case of broken contract

EFFECT OF AMENDMENT:

BACKGROUND:

The Oregon Department of Fish and Wildlife (ODFW or Department) is authorized, by the state legislature in statute and the Oregon Fish and Wildlife Commission through administrative rule, to administer the regulation, harvest and management of commercial and sport fisheries in Oregon. The Department's management of commercial fisheries is done in close collaboration with the fishing industry and in accordance with regional, federal and international laws, including the Magnuson-Stevens Act (2006) and management bodies, including the Pacific Fisheries Management Council and the International Pacific Halibut Commission. In order to ensure fishing stocks are not depleted, ODFW offers limited-entry fishery permits for some species, including Dungeness crab, sea urchin and rockfish.

House Bill 2499 would establish a process for the seller of a vessel permit for a limited-entry fishery to obtain a preliminary injunction allowing the seller to continue to fish under the vessel permit while a claim against the buyer for not fulfilling terms of the sale is pending.