

Senate Bill 1025

Sponsored by Senators JOHNSON, ROBLAN, Representative SMITH DB; Representatives GOMBERG, MITCHELL

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Limits actions of persons that take clams for commercial purposes.
Requires State Department of Fish and Wildlife to limit take of clams for commercial purposes.
Requires State Department of Fish and Wildlife to annually assess take of clams for commercial purposes in Oregon and produce certain surveys of clam populations every six years.
Establishes permit fees for resident and nonresident permits to take clams for commercial purposes.

A BILL FOR AN ACT

1
2 Relating to the commercial take of clams; creating new provisions; and amending ORS 508.116.

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

4 **SECTION 1. Sections 2, 3, 4 and 7 of this 2019 Act are added to and made a part of the**
5 **commercial fishing laws.**

6 **SECTION 2. A person that takes clams for commercial purposes:**

7 (1) **Shall retain all clams the person takes, regardless of the size or condition of the**
8 **clams; and**

9 (2) **May not take clams:**

10 (a) **By a method other than diving;**

11 (b) **With a mechanical item;**

12 (c) **On a sand bar; or**

13 (d) **In the Ghost Hole fishing area in Tillamook Bay.**

14 **SECTION 3. The State Department of Fish and Wildlife shall adopt rules to:**

15 (1) **Limit, to sustainable levels, the take of clams for commercial purposes;**

16 (2) **Limit the number of persons that take clams for commercial purposes in a single**
17 **estuary; and**

18 (3) **Ensure that no more than 50 percent of the total take of clams for commercial pur-**
19 **poses in Oregon occurs in a single estuary.**

20 **SECTION 4. (1) Each year, for every Oregon estuary in which clams were taken for**
21 **commercial purposes during the previous year, the State Department of Fish and Wildlife**
22 **shall assess the percentage of the total take of clams for commercial purposes in Oregon**
23 **that occurred in the estuary during the previous year.**

24 (2) **Based on the assessments required by subsection (1) of this section, every six years**
25 **the department shall produce a survey of the clam population in any estuary in which 45**
26 **percent or more of the total take of clams for commercial purposes in Oregon occurred**
27 **during three or more of the previous six years.**

28 (3) **The department shall use the assessments and surveys required by this section to**
29 **establish the allowable take of clams for commercial purposes in a single estuary.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **SECTION 5.** (1) In 2020, the State Department of Fish and Wildlife shall produce the first
2 assessment required by section 4 of this 2019 Act to assess the 2019 take of clams for com-
3 mercial purposes.

4 (2) In 2025, the department shall produce the first survey required by section 4 of this
5 2019 Act based on the department's assessments of the take of clams for commercial pur-
6 poses from 2019 through 2024.

7 **SECTION 6.** In addition to and not in lieu of the surveys required by sections 4 and 5 of
8 this 2019 Act, the State Department of Fish and Wildlife shall produce a survey of the clam
9 population in Tillamook Bay on or before September 15, 2020.

10 **SECTION 7.** (1) The State Fish and Wildlife Director may issue a person a permit to take
11 clams for commercial purposes.

12 (2) The annual fee for a resident permit issued under this section is \$375.

13 (3) The annual fee for a nonresident permit issued under this section is \$525.

14 (4) It is unlawful to take clams for commercial purposes under a permit issued under
15 subsection (1) of this section without first having obtained a license under ORS 508.035.

16 **SECTION 8.** ORS 508.116 is amended to read:

17 508.116. (1)[(a)] The State Fish and Wildlife Director may issue to any person a permit to take
18 animals living intertidally on the bottom.

19 **(2) Except as provided in section 7 of this 2019 Act:**

20 [(b)] (a) The annual fee for a resident permit issued under this section is \$125.

21 [(c)] (b) The annual fee for a nonresident permit issued under this section is \$175.

22 [(2)] (3) It is unlawful to take animals living intertidally on the bottom for commercial purposes
23 by a permit issued under subsection (1) of this section without first having obtained a license under
24 ORS 508.035.

25 **SECTION 9.** The fees established in section 7 of this 2019 Act apply to permits authoriz-
26 ing take of clams for commercial purposes on or after January 1, 2020.

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