

MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE PORT ORFORD OCEAN RESOURCE TEAM AND THE OREGON DEPARTMENT OF
FISH AND WILDLIFE**

I. Summary of the Memorandum of Understanding

The Parties, the Port Orford Ocean Resource Team and the Oregon Department of Fish and Wildlife (more fully described below) hereby enter into this Memorandum of Understanding in order to:

- A. Recognize the Port Orford Stewardship Area and Plan as an innovative framework for enhanced science and management of local marine resources; and
- B. Create a joint pilot project in the Port Orford area that will:
 - 1. Provide a model for implementing the recommendations of the Oregon Nearshore Strategy;
 - 2. Provide a model for implementing community¹ and ecosystem-based management in the nearshore area on a local scale;
 - 3. Advance the priorities of the West Coast Governors' Agreement on Ocean Health and the Ocean Action Plan;
 - 4. Enable the parties to cooperate on fisheries research, monitoring and management;
 - 5. Set forth the understanding of the Parties with respect to data management.

It is understood by the parties that the provisions of this Memorandum of Understanding (MOU) are subject to the availability of funding and applicable law. Both parties will strive to

¹ Community-based fisheries management, as used herein, seeks to develop and implement practices of sustainable fisheries management that are responsive to the scale of communities, their fisheries, and their social and economic structures and dynamics.

work on as many aspects of the MOU as possible and will work to acquire funding to support activities needed to execute the MOU. This MOU does not preclude the Port Orford Ocean Resource Team or the Oregon Department of Fish and Wildlife from collaboration and coordination with others interested in the fish and wildlife resources found within the Port Orford Stewardship Area.

II. Description of the Parties

A. The Oregon Department of Fish and Wildlife

The Oregon Department of Fish and Wildlife (hereinafter referred to as the Department) is the state agency responsible for management of fisheries and wildlife resources in the State of Oregon.

B. The Port Orford Ocean Resource Team

The Port Orford Ocean Resource Team (hereafter referred to as POORT) is a community-initiated and inclusive 501(c) (3) organization founded in 2001.

III. The Oregon Nearshore Strategy

The Department developed the Oregon Nearshore Strategy to promote actions that will conserve ecological functions and nearshore marine resources to provide long-term ecological, economic, and social benefits for current and future generations of Oregonians. The Oregon Fish and Wildlife Commission adopted the Oregon Nearshore Strategy in December 2005. Implementation of the Nearshore Strategy is a high priority for the Department.

The Strategy contains a series of goals, objectives, and research needs along with specific recommendations for achieving those. The Port Orford pilot project will provide a model for implementing those recommendations on a local scale that may then be later applied to other areas of the Oregon coast.

IV. The Port Orford Stewardship Area and Plan

The Port Orford Stewardship Plan², developed by POORT through an extensive consensus-building process, provides a vision for community involvement in ocean management

² The Port Orford Stewardship Plan, developed and adopted by POORT, includes the following principles:

Fundamental Principles:

- Science should drive management
- Rules must provide the community a secure future
- Management decisions should reflect local needs
- Management decisions must maintain economic and ecological sustainability
- Recognition comes with participation

and science in the Port Orford Stewardship Area. The Stewardship Area is 1,320 square miles, and includes 385 square miles of terrestrial habitat and 935 square miles of ocean habitat. The area is 30 miles long (north to south), extends 18 miles offshore (west), and encompasses the uplands watersheds. The Stewardship Area includes portions of both the Oregon Territorial Sea as well as federal waters.

The Port Orford Stewardship Plan is a significant accomplishment that required extensive consensus-building, collaboration and public input efforts within the community. The Department commends POORT and the community of Port Orford for this achievement. Elements of the Stewardship Plan will provide guidance for implementing Nearshore Strategy objectives through the Port Orford Pilot Project.

V. Elements of the Port Orford Pilot Project

A. Cooperative Fisheries Research, Monitoring, and Management

Through a pilot project approach, POORT and the Department will cooperate on fisheries research, monitoring and management within the marine component of the Stewardship Area. Pilot Project activities carried out by POORT and the Department will be informed by the mission, vision, and goals of the Port Orford Stewardship Area Plan, consistent with the Department's Nearshore Strategy Recommendations.

The Parties will:

1. Identify a Pilot Project area including resources of interest and linkages to federally managed species;

Operating Principles:

- Protect reproduction (e.g., egg-bearing females)
- Protect juvenile fish
- Maintain food chain relationships
- Maintain critical habitat
- Protect local stocks
- Abide by fishing effort controls and limits
- Diversify fishing livelihoods
- Promote owner-operator fisheries
- Retain fish as a public resource
- Protect water quality
- Recognize/ respond to threats and opportunities
- Engage the scientific community and facilitate research
- Have a market before you harvest (don't waste)
- Prevent bycatch and discards

2. Identify and prioritize collaborative research and monitoring projects needed to support resource management goals, including aspects of fish management that can be effectively influenced by local area conditions, interests and fish status. Collaboration may include shared expertise for project design and execution, shared funding, and shared personnel and equipment for data collection, processing, and analysis;
3. Identify research and monitoring necessary for environmental, social and economic data to support resource management relevant to the Pilot Project, and which will provide for local involvement;
4. Identify resource management tools and methods that could potentially be used to address issues;
5. Recommend actions to implement the Pilot Project;
6. POORT and the Department shall establish a set of performance standards for data quality assurance including review of statistical adequacy of sampling design, establishing procedures to minimize error during data collection, verification procedures for data entry and processing, and appropriate review of data analyses and project conclusions.
7. Identify needed funding and funding sources to implement the Project;
8. Conduct an annual review of the Pilot Project, including review of research, monitoring, fishery access, collaborative projects, critical fisheries issues and fisheries management options, and then develop appropriate regulations for consideration by the Fish and Wildlife Commission, if required;
9. Act consistent with this MOU in any actions and recommendations in other bodies, including but not limited to the Pacific Fishery Management Council, subject to the Department's responsibilities to collaborate and coordinate with other interests.

POORT may, if requested by the Department, assist by hosting the public process and/or providing white paper analyses of options to be evaluated by Department staff in a manner similar to the Scientific and Statistical Committee of the Pacific Fishery Management Council when it reviews information produced by the groundfish stock assessment teams and Groundfish Management Team.

B. Data Management

In the interest of data integrity and data availability, and in the public interest, POORT and the Department will seek to implement this MOU according to the following guidelines:

1. The Department and POORT shall agree on general and project-specific guidelines for data use, data sharing, third-party data requests, and presentation of project results:
2. The Department and POORT shall have free access to data collected under collaborative projects, consistent with the state public records law.
3. Data supplied by POORT or the fishermen of Port Orford shall be subject to the following understanding:
 - i. The Department shall keep data confidential as permitted by the Oregon public records law;
 - ii. Data requiring confidentiality shall be identified prior to providing the data to the Department;
 - iii. The Department understands that pre-identified confidential data are provided based on that understanding and has obliged itself in good faith not to disclose the data consistent with the Oregon public records law;
 - iv. The parties acknowledge that disclosure of this information would discourage community members and fishermen from freely providing it, thereby resulting in the loss of important and useful information.
4. POORT and the Department shall jointly review formats for presenting summarized or analyzed data to ensure data presentation is consistent with this MOU and the Oregon public records law.

VI. Effective Date

This MOU shall be effective after both parties have signed.

VII. Term

This MOU shall be in effective for a period of five years from its effective date and may be extended upon written mutual agreement. It shall be reviewed annually to ensure that it is fulfilling its purpose and to make any necessary revisions. Either party may terminate this MOU upon thirty (30) days written notice to the other party.

SIGNED ON BEHALF OF THE PARTIES BY:



Director, Oregon Department of Fish and Wildlife

9/17/08

Date



President, Port Orford Ocean Resource Team

9/17/08

Date