



Oregon

COASTAL NOTES

January 20, 1989

Legislators Return to Salem.

A Fellow to Keep Us Informed

Like a rite of winter that only occurs during odd-number years, Oregon's solons have again assembled in Salem.

With crime and corrections, school finance, spending limitation and numerous human resources issues ahead, the 1989 Oregon Legislative session is underway with a few land use, fisheries, regulation and economic development items included in the mix. Some may even have a fairly distinct coastal flavor.

In order to be informed about what is happening, this newsletter will be produced weekly during the duration of the session and will be heavily devoted to legislative issues and activities. With the assistance of the Oregon State University Sea Grant Program, a full-time legislative fellowship effort will continue the fine work of Emily Toby during the last session.

Onno Husing is the OCZMA/Sea Grant Legislative Fellow and is attached to Senator John Brennehan's office. Onno's major tasks will be to monitor and research legislation and legislative issues affecting the Oregon coast and to write a weekly report on significant legislative issues and activities for publication by OCZMA. With this issue of *Coastal Notes*, he begins reporting on introduced bills and on legislative activities.

A recent graduate of the University of Oregon School of Law, Onno holds advanced degrees in city and regional planning (University of North

Carolina) and anthropology (University of New Brunswick) and a Bachelor's degree in anthropology from the State University of New York (Brockport). At the University of Oregon, he was a research assistant and participated in the preparation of the *Oregon Territorial Sea Management Study*.

As additions to his academic background, Onno served as a National Sea Grant Fellow in 1981-82 with the Merchant Marine and Fisheries Committee with the U.S. House of Representatives and was a commercial fisherman during the summers of 1976 and 1977 out of Provincetown, Massachusetts.

Our special appreciation to **Senator John Brennehan** for hosting the Fellowship and to Bill Wick of Sea Grant for his support of the effort.

—Jay L. Rasmussen, Director

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What's Happening...

Onno Husing, Legislative Fellow

Fishery Restoration Bill Has First Hearing

A measure to fund a fisheries restoration and enhancement program (Senate Bill 41), was one of the first bills to be heard in committee this session. The central features of this program, introduced by the Oregon Department of Fish and Wildlife, would be to:

- repair deteriorated hatcheries and fishways
- enhance natural habitats
- gather critical information on stream environments
- expand fishing opportunities and access
- increase natural and hatchery fish production

The program is expected to last six years (three biennial budget periods) with a total price tag of \$15-20 million. The bill proposes to raise \$12 million from increased recreation user fees, commercial permit changes and commercially-caught salmon poundage fees. The remainder of the income is expected to come from state lottery funds and from other sources.

During the first two years of the project, the Oregon Department of Fish and Wildlife anticipates spending \$4.7 million with approximately \$2 million of that going to hatcheries.

The proposed changes would increase sport resident combined fees from \$19 to \$21 and non-resident fees from \$30 to \$35 a year. Troll permits would increase from \$10 to \$100 annually and troll, gillnet and salmon ranching industries would have their ODFW poundage assessment doubled from \$.05 a pound to \$.10 a pound.

If enacted, this would represent the first angling license increase in eight years and the first commercial poundage fee increase since 1980. However, troll and gillnet salmon do have additional and existing non-ODFW poundage assessments of their own.

On Thursday afternoon, January 19, the Senate Committee on Agriculture and Natural Resources held a hearing on SB 41. Coastal legislators on that committee are Senators **Bill Bradbury** and **John Brenneman**. Several legislators began the

proceedings by testifying that they had received a great deal of feedback from their constituents—both good and bad. Senator **Joan Dukes** summarized her opinion of the bill by saying that while the concept of fisheries enhancement enjoys wide support, the mechanism to fund the project—user fees—should undergo more analysis before the Legislature acts on the bill. Dukes suggested the committee delay action on the bill for a month to give the legislators adequate time to communicate with their constituents.

Ron Phillips of the Oregon Coast Association testified that he was optimistic that a consensus on a fisheries enhancement bill will eventually be reached. However, Phillips stated that the Legislature should reach out to those most affected by the bill to evaluate what was the best way to approach the funding of these programs. In addition, he noted that an ongoing citizen committee should be formed to determine how such moneys should be spent.

A new member of the Pacific Fishery Management Council, Frank Warrens, testified that he thought SB 41 placed too much of a financial burden on the recreational fishing community. Warrens, representing charterboat fishermen, noted that if SB 41 was passed in its present form, Oregon's fishing fees would be substantially higher than the State of Washington.

Several members of Oregon Trout testified that they were concerned that too much emphasis would be placed on hatcheries and not enough resources would be committed to boosting natural production. Blanchard Smith of the Association of Northwest Steelheaders indicated that the Steelheaders were supportive of the overall concept of SB 41.

In addition, among those testifying on behalf of SB 41 were the Governor's Assistant for Natural Resources, Gail Achterman, as well as Ken Jernstedt, Chairman of the Fish and Wildlife Commission, and ODFW's Chief of Fisheries, Harry Wagner.

Senator **Bradbury** expressed concern that the bill provides little substance as to how such monies would be spent under the SB 41 process.

By the end of the hearing it seemed clear that the Committee will hold off on acting on the measure.

And Introducing...

Onno Husing, Legislative Fellow

Water, Land Use and Fishery Bills Filed

The following bills were introduced before the Oregon Legislature during the first week and a half of the session:

SB 41 (filed at the request of Oregon Department of Fish and Wildlife, [ODFW]) establishes a surcharge on the issuance of certain angling and commercial licenses and permits above current assessments. The purpose of these additional surcharges is to create a new fund within ODFW dedicated entirely to support a "Restoration and Enhancement Program" for Oregon fisheries. (See related article in this issue)

SB152 (filed at the request of the Water Resources Department) grants emergency powers to the Water Resources Commission for the management of waters during a severe drought. As part of these emergency powers, SB 152 would provide local governments, the Water Resources Commission, or a public corporation the option to buy water rights. Existing legislation only grants the Water Resources Commission emergency powers to undertake a water use curtailment program in the event of severe drought.

SB 154 (filed at the request of the Water Resources Department) establishes a procedure for defining the boundary of critical groundwater areas. The bill requires a contested case proceeding to limit or prohibit use of water under a water right. Under the current statutory framework, if the Department seeks to declare a critical groundwater area, public hearings must be held and an "order" must be made coupled with agency findings. Under the changes contemplated in SB 154, the Commission could accomplish the establishment of a groundwater critical area by rule rather than by order.

SB 175 (filed at the request of the Oregon Department of Land Conservation and Development [DLCD]) adds an Indian Tribal member and directors of the Departments of Economic Development and Agriculture to the Ocean Resources Management Task Force.

SB 176 (filed at the request of the DSL) Continues provision in existing law that allows a general exception from fill permit requirements for fills less than 50 cubic yards.

SB 177 (filed at the request of the Division of State Lands) eliminates requirement that the State Land Board approve a decision by the director of DSL as to whether fill or removal of material should be allowed within scenic waterways. Allows appeal of the director's decision to the State Land Board. The policy behind this change appears

to be that as a practical matter, it is difficult to get the State Land Board to meet. Therefore, by restricting the State Land Board's role in the the process to appeals of these determinations, advocates of SB 177 maintain that the approval process would be greatly expedited.

SB 178 (filed at the request of the DSL) modifies the manner in which the DSL manages state-owned lands created by fill. The bill removes the requirement for competitive bidding.

SB 179 (filed at the request of DSL) moves the archeological permit program from DSL to the Parks and Recreation Division of the Oregon Department of Transportation..

SB 204 (filed at the request of the Water Resources Department) would remove oversight authority of Water Resources Commission over irrigation, drainage and other districts.

SB 205 (filed at the request of the Water Resources Department) establishes a process that the Water Resources Commission must follow before approving application to appropriate water or transfer water use out-of-basin appropriation as necessary to protect existing and future development in basin of origin, and repeals the requirement that out-of-state water diversions be approved by the Legislative Assembly.

SB 261 (filed at the request of the Water Resources Department) subjects waste, spring or seepage water to laws governing the appropriation and use of water.

SB 264 (filed at the request of the DSL) proposes to increase the permit application fee for removal and fill of material.

SB 342 (filed at the request of the Joint Interim Committee on Sunset Review) proposes to increase the registration fee for outfitters and guides and increases the penalty for certain violations. In addition, the bill authorizes the imposition of a civil penalty and repeals the "sunset" date of the registration law.

SB 344 (filed at the request of the Joint Interim Committee on Environment and Hazardous Materials) requires labeling of plastic container products to facilitate recycling and imposes a civil penalty for violation of labeling requirements.

SB 345 (filed at the request of the Joint Interim Committee on Environment and Hazardous Materials) requires the Environmental Quality Commission to designate certain plastics as principal recyclable materials.

SB 347 (filed at the request of the Joint Interim Committee on Environment and Hazardous Materials) requires

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individuals disposing of solid waste generated out-of-state in Oregon in a land disposal site or a regional disposal site to pay a fee of \$2 for each ton of solid waste generated out-of-state and continuously appropriates moneys for administering a solid waste program.

HB 2283 (filed at the request of the Joint Legislative Committee on Land Use for 1000 Friends of Oregon) substitutes state for county administration of permits of dwellings, land divisions and other uses in farm, forest, coastal and Willamette Greenway zones. Provides for state administrators to review applications pursuant to existing state land use and approved plans. Provides deadlines for making decisions and establishes minimum procedural standards regarding notice, appeals, and hearings.

HB 2285 (filed at the request of the Joint Legislative Committee on Land Use for the Department of Revenue) disqualifies from special assessment for farm use any land that is excluded from a farm use zone under the built or committed exception from agricultural goal. HB 2285 also changes the income requirements for land not zoned exclusively for farm use for qualification for special assessment. In addition, this bill permits non-qualifying land to be removed from special assessment without penalty. Finally, HB 2285 requires a new farm use assessment application upon sale or transfer of ownership and allows late filing for special assessment upon payment of a late filing fee. HB 2285 would apply to 1990 and later assessment years.

HB 2288 (filed at the request of the Joint Legislative on Land Use for LCDC) clarifies the definition of a land use decision. This proposal establishes procedures for post-acknowledgment enforcement orders. In addition, the bill would clarify and streamline Land Use Board of Appeals [LUBA] procedures.

HB 2331 (filed at the request of the Joint Interim Committee on Environment and Hazardous Materials) establishes a funding mechanism for hazardous waste and emergency response programs in Oregon.

HB 2332 (filed at the request of the Joint Interim Committee on Environment and Hazardous Materials) requires the Department of Environmental Quality [DEQ] to establish programs relating to household hazardous waste collection and disposal. Under HB 2332, municipalities must receive approval from DEQ before it can operate a household hazardous waste collection and disposal program. Further, the bill establishes a Household Hazardous Waste Account and establishes funding for a program to assist local governments that collect such wastes. HB 2332 also requires the DEQ to report to the 66th and 67th Legislative Assemblies.

HB 2333 (filed at the request of the Joint Interim Committee on Environment and Hazardous Materials) would

prohibit disposal of lead-acid batteries in land disposal site or energy facility after January 1, 1990. The bill requires individuals engaged in selling lead-acid batteries at the retail level to accept used lead-acid batteries for trade-in for new lead-acid batteries.

HB 2334 (filed at the request of the Joint Interim Committee on Environment and Hazardous Materials for Oregon State Public Interest Research Group, [OSPIRG]) establishes a program for the reduction of toxic and hazardous substances. The bill calls for the creation of a Bureau of Toxics Use Reduction, a Toxics Use Reduction Institute and an Oregon Advisory Board on Toxics Use Reduction.

HB 2334 (cont.) compels the Environmental Quality Commission to adopt rules to carry out a toxic and a hazardous use reduction program, and requires all state agencies regulating toxics to coordinate regulatory and reporting programs. HB 2334 also requires user to establish a toxic use reduction program and allows a waiver from certain provisions of the toxic and hazardous substance use reduction program. The bill recognizes that confidentiality of information is a trade secret of the user. Finally, HB 2334 would appropriate moneys from the Oregon Hazardous Substance Fund.

HB 2337 (filed at the request of the Joint Interim Committee on Environment and the Hazardous Materials for Oregon Sanitary Service Institute) establishes requirements for collection, transportation, storage, treatment and disposal of infectious waste to be implemented beginning January 1, 1990 and specifies that infectious waste is a solid waste.

HB 2350 (sponsored by Representative Shiprack) provides an additional poundage fee, based on the wholesale value of fish, for commercial taking of salmon and dedicates the fee to the State Wildlife Fund for anadromous fish enhancement project. See SB 41 for comparative purposes.

Reminder...

The Coastal Caucus will meet at
7:00 am, Tuesday, January 24, 1989
at the Vikings Four Restaurant,
1275 NE State St., Salem

Coastal Potpourri

Nominations Requested. Rob Spooner, publisher and editor of the *Oregon Coast Magazine*, is looking for information on "delightful" out-of-the-way, little-known **places, activities and things** on the Oregon coast. This might include the least known cafe in town that serves the best foods or a scenic experience that few people may be aware of. If you have some nominations, please give OCZMA office a call (265-8918) and we'll pass them along to Rob.

Ocean Resources Management Task Force To Meet in Charleston. The Oregon Ocean Resources Management Task Force is scheduled to meet at the University of Oregon Institute of Marine Biology in Charleston on January 25-27, 1989. Items scheduled for deliberation include ocean pollution and local/state/federal management.

Since Senate Bill 630 essentially left the future role of local coastal governments in ocean resources to the Task Force's final plan, it is important that the elements of local involvement be determined. That might include:

- an elevated opportunity for coastal local jurisdictions for information and response to state initiatives or to state comment on proposed federal activities.
- a place for local governments within suggested state advisory review panels established for specific offshore issues, but excluding fishery management.
- the sharing by state and federal recipients of revenue generated from offshore activities with affected local government.
- the extension of local revenue producing mechanism to offshore developments.

For more information on the meeting, call the Task Force staff in Portland at 229-6068.

In Case You're Interested... Some upcoming meetings for your information are:

- Wildfish management options and guidelines public meetings by the Oregon Department of Fish and Wildlife—January 31, Bend; February 2, Newport; February 3, Portland.

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OCZMA Is:

The Oregon Coastal Zone Management Association, Inc. (OCZMA), is a voluntary association of coastal counties, cities, ports and soil & water conservation districts, established to provide a forum for the resolution of issues of particular concern to the local governments of the coast and the people they represent.

Association Officers:

Gordon Ross, Coos County Commissioner and Chairman

T.V. Skinner, Curry County Commissioner and Secretary-Treasurer

Association Staff:

Jay Rasmussen, Executive Director

Georgia York, Executive Assistant

Paul Benson, Land Use and Economic Development Specialist

Amy G.G. Rouske, Secretary

Onno Husing, OCZMA/Sea Grant Fellow

OCZMA Members:

City of Brookings	Port of Astoria
City of Coos Bay	Port of Bay City
City of Florence	Oregon International
City of Reedsport	Port of Coos Bay
City of Garibaldi	Port of Gold Beach
Clatsop County	Port of Newport
Clatsop S.W.C.D	Port of Nehalem
Coos County	Port of Port Orford
Coos S.W.C.D	Port of Siuslaw
Curry County	Port of Tillamook Bay
Curry S.W.C.D	Port of Umpqua
Douglas County	Siuslaw S.W.C.D
Lane County	Tillamook County
Lincoln County	Tillamook S.W.C.D
Port of Brookings	City of Depoe Bay

- Workshop on forestry and landslides in the Oregon coast range by the Coastal Oregon Productivity Enhancement (COPE) program—March 7-8, Newport.