



Oregon

# COASTAL NOTES

January 27, 1989

## What's Happening...

by Onno Husing, Legislative Fellow

### ***SB 43: Still More Fee Increases on Anglers?***

In addition to SB 41, which proposes increase license fees for sport and commercial fishermen and poundage fee assessments for commercial fish landings (see *Coastal Notes* from last week), there is another bill before the Legislature—SB 43—that also seeks to raise fee increases for anglers. Unlike SB 41, however, monies generated from SB 43 would not be dedicated exclusively for fisheries enhancement. Rather, SB 43 is intended to supplement ODFW's overall budget.

The other principal difference between SB 41 and SB 43 is that SB 43 takes aim at certain classes of discounted residential anglers such as juvenile anglers, senior citizens, pioneer license holders, disabled war veterans, blind anglers, and handicapped anglers. As ODFW points out, over the years regular fishing and hunting fees have steadily increased. In contrast, fees for these discounted classes of hunters and anglers have remained largely unchanged. Therefore, as ODFW's statement of SB 43 declares, "The goal of Senate Bill 43 is to restore balance and equity to the license fee structure, without undue hardship to the citizens affected." ODFW is quick to acknowledge the importance of maintaining discounts for these classes of anglers and hunters—but not at what they perceive to be unrealistically low levels.

The following chart describes the limited scope of these increases:

<u>License Type</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Senior Citizens	\$ 0.00	\$ 4.50
Pioneer	\$ 1.00	\$ 4.50
Juvenile Angler	\$ 4.00	\$ 6.00
Disabled War Veteran	\$ 0.00	\$ 4.50
Blind Angler	\$ 0.00	\$ 6.00
Disabled Angler	\$ 5.00	\$ 6.00

According to ODFW's revenue projections based on these fee increases, the agency expects to raise \$23,400 from senior citizen licenses by 1990 and by the year 2000 they anticipate generating

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## Land Use Legislative Issues...

By Paul Benson, OCZMA

### A Quick Look at Early Bills

Although there may have been some wishful thinking that 1989 might produce a quiet legislative session on land use, it appears that this will not be the case. The heavily attended and highly vocal Land Conservation and Development Commission (LCDC) hearings on Goal 3, Goal 4 and secondary lands rule proposals, just before the beginning of the session, have once again established a high profile for land use issues.

Oregonians in Action, in its "Land Use Alert" Newsletter dated January 5, 1989, states that it "has launched an all out war against LCDC on all fronts." It will continue to oppose the goal and rule changes proposed for farm, forest and secondary lands; will submit an as yet unspecified group of legislative bills; is contemplating several lawsuits against LCDC; and will be circulating initiative petitions to once again attempt to remove LCDC's authority over land use planning in Oregon.

#### Bills in the Hopper

Meanwhile a major bill sponsored by 1000 Friends of Oregon (HB2283) has already been filed, as have important bills prepared by the Department of Land Conservation and Development (DLCD). This first group of bills contains both interesting and controversial proposals.

HB 2202 (introduced by DLCD) would add reporting requirements for land use decisions on lands zoned for forest use the same as now required on farm lands. Counties would report annually to the Department of Land Conservation and Development (DLCD) for inclusion in

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#### Quote of the week from the Legislature:

A Senate staffer jokingly says to a lobbyist requesting a meeting with their Senator—  
"Your here to appease and mollify, not consult!"

#### What's Happening, *continued from page one*

\$234,000. The reason this figure increases so dramatically is that according to demographic projections, there will be a steady increase in senior citizens by the year 2000 (from both current Oregonians entering this age group and future retirees coming into the state). For pioneer license fees, ODFW expects revenues to dip down to \$9,600 (from current levels of \$20,907) in 1990 but are expected to increase to \$96,000 by the year 2000. The contribution to ODFW's budget from juvenile anglers is currently at \$155,932 and the agency expects that \$217,525 will be accumulated by 1990 and stay steady at the level through the year 2000.

With respect to disabled war veterans with these fee increases, ODFW anticipates raising \$4,200 in 1990 and 42,000 by the year 2000. For blind anglers the Department expects only \$470 by 1990 and \$1,000 by the year 2000.

And finally, for disabled anglers (which currently contribute \$685), ODFW believes they will raise \$740 in 1990 and the year 2000.

Another motive for some of these fee increases—especially those increases from 0 to some dollar figure—is that federal aid revenues will increase due to the increase in the number of paid license holders. Based on their projections, the estimated annual increases by the year 2000 are \$ 129,000 from the Wallop-Breaux fish funds and \$ 92,000 from the Pittman-Robertson wildlife funds.

## And Introducing...

*by Onno Husing, Legislative Fellow*

The following bills and resolutions were introduced before the Legislature:

Senate Joint Memorial 1 (filed at the request of the Joint Interim Committee on Environment and Hazardous Materials) urges the U.S. Congress to amend the Outer Continental Shelf Lands Act (OCSLA) to give coastal states more control over outer continental shelf oil and gas leasing decisions. Currently, under section 19 of the OCSLA the Secretary of the Interior only has to "consider" comments from the Governors of coastal states. Past experience has led coastal states to believe their input into the federal outer continental shelf process has largely been ignored when environmental and other concerns interfere with Interior's agenda.

Senate Joint Memorial 2 (filed at the request of the Joint Interim Committee on Environment and Hazardous Materials) closely relates to Senate Joint Memorial 1. This memorial urges Congress to amend the federal Coastal Zone Management Act to require a consistency determination before the sale of oil and gas leases. This action would, in effect, overturn a landmark Supreme court ruling decided in 1984 in favor of the Department of Interior at the expense of coastal states. Advocates of this measure argue that once leases have been sold, irresistible pressure mounts on Interior to push for development of those leases regardless of their effect on the coastal zone.

Senate Joint Resolution 5 (filed at the request of the League of Oregon Cities by Senator Otto) proposes to establish a legislative task force to study the fiscal impact of state measures on local governments.

SB 43 (filed at the request of ODFW) increases fees for certain special hunting and angling licenses to one-half of resident license fees and eliminates the special elk tag. (See article in this issue for more details.)

SB 166 (filed at the request of the DEQ) directs the Environmental Quality Commission to adopt rules for the management of used oil, including a rule to prohibit the use of untested used oil for dust control. Exempts generators who use used oil for dust control on their own property or on immediately adjacent property. This bill also imposes civil penalties for persons violating used oil rules.

SB 171 (filed at the request of the Economic Development Department) requires the Oregon Tourism Council to review the annual marketing plan and recommend revision or approval. SB 171 also deletes provisions requiring three specific sections in the Tourism Division (the Marketing, Visitor Information, and the Historical Museum Section) and a description of their duties and furnishes a description of the duties of the Tourism Division.

SB 309 (filed at the request of the Joint Legislative Committee on Land Use for Roy Hearne, Doug and Dennis Hopper, Karen Eckis and Annie McCoy) proposes to modify the uses of land in exclusive farm use zones.

SB 312 (filed at the request of the Joint Legislative Committee on Trade and Economic Development for the Oregon Economic Development Districts) would create a Regional Business Development Fund as a separate fund in the State Treasury; appropriate moneys in the fund to the Economic Development Commission (EDC) for the purpose of making grants to specified local entities that loan money to small businesses; provides procedures for making grants to local entities; requires local entities receiving grants to submit quarterly and annual reports to the EDC describing the status of loans made and the general financial condition; directs EDC to evaluate the performance of grant recipients and to direct changes in policies and if necessary, allows EDC to require repayment of grants or other remedial action when a grant recipient violates this Act or agreement with the Commission; and proposes to allocate an unspecified amount of lottery dollars to the Regional Business Development Fund.

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## And Introducing *(continued from page three)*

SB 313 (filed at the request of the Joint Legislative Committee on Trade and Economic Development) removes the EDC's authority to make loans to counties and cities from the Oregon Business Development Fund; establishes that loans from the fund must be repaid at an interest rate not less than one percentage point above the U.S. Treasury bill rate; allows the EDC to make loans to service and retail businesses operated by women and minorities under specified circumstances; allows the director to approve loans for business development projects up to \$50,000; permits the Economic Department to purchase superior positions in the event of loan defaults to protect its equity; and, finally, creates a Small Business Loan Guarantee Account within the Oregon Business Development Fund.

SB 342 (filed at the request of the Joint Interim Committee on Sunset Review) increases the registration fee for outfitters and guides from \$50 to \$100. In addition, this makes failure to register a Class A misdemeanor rather than a Class B misdemeanor, 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.

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 351 (filed at the request of the Joint Interim Committee Environment and Hazardous Materials) requires the Governor's response to proposed outer continental shelf oil and gas leases to be consistent with the Oregon Ocean Resources Management Plan.

SB 352 (filed at the request of the Joint Interim Committee on Environment and Hazardous Materials) would prohibit the sale of beverage containers connected by the separate holding device of plastic rings unless the holding device is composed of materials that are degradable within 120 days after exposure to natural environmental conditions. As many from the coast know, these containers have caused a great deal of damage to marine life.

SB364 (filed at the request of the Joint Interim Committee on Environment and Hazardous Materials for the State Department of Geology and Mineral Industries [DOGAMI]) allows DOGAMI to require an additional bond to secure cleanup of a mining site if designated metals are present at the site and requires that DOGAMI designate metals subject to additional security requirements.

SB 392 (sponsored by the Committee on Agriculture and Natural Resources) requires charter fishing boats  
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to obtain an annual license from the State Fish and Wildlife Commission and further requires each license holder to maintain bodily injury and property damage liability (not less than \$250,000 per person for bodily injury liability coverage, to a total of \$1,000,000 per occurrence, and \$10,000 property damage per occurrence).

HB 2086 (filed at the request of DOGAMI) allows certain mineral exploration activities as an outright use on exclusive farm use land.

HB 2483 (filed at the request of DEQ) establishes priorities for the management of hazardous waste, directs the DEQ to implement a waste minimization process, and requires that DEQ provide advisory, technical and planning assistance to generators of hazardous waste in developing a waste minimization program.

## Land Use... *(continued from page two)*

LCDC's annual statewide report to the Joint Legislative Committee on Land Use. Actions on new and replacement dwellings, divisions of land and dwellings and land divisions approved for marginal lands would be included in the county's report. Once again counties would be faced with an increased work load for already over-burdened planning staffs, particularly in the smaller jurisdictions. DLCD's justification for the request needs to be carefully reviewed and evaluated.

HB 2283 (introduced by 1000 Friends) is a block buster bill that would place the administration of major county land use regulations directly in the hands of the state.

- Lawyers would be appointed as land use administrators in up to 20 regions established in the state by the Land Use Board of Appeals (LUBA) and would serve under the supervision of LUBA.

- The Administrator would have exclusive jurisdiction over issuance of permits relating to new or replacement dwellings on resource lands, resource land partitions, a continuation of non-conforming uses on resource lands, re-zoning of resource lands, golf courses, gravel extraction and mining and recreational vehicle parks.

- Detailed procedures are contained in the bill as to how the Administrator makes a decision on such permit applications. Appeals of the Administrator's decision are made to LUBA.

In essence what this bill says is that the counties are not doing a proper job in administering land use regulations and that their authority in this field should be transferred to the state. The implications of this bill are very great in scope and it will undoubtedly generate some heated testimony when brought up for hearing.

Further comment will be included in an upcoming issue of *Coastal Notes*, after most of the land use bills have been filed and the full range of all the proposals can be evaluated.

### Upcoming Reviews

Next week reviews of HB 2285, HB 2287 and HB 2288 will be included, as well as additional land use bills on hand by publication deadline. Also, a review will be forthcoming soon on the latest version of LCDC's Goal 3, Goal 4 and secondary lands rule proposals, expected to be out within the next few days.

## COASTAL LEGISLATORS

### Senate

**Senator Bill Bradbury:** District 24, Democrat representing Coos and Curry Counties and portions of Douglas County, Senate Majority Leader

**Office Address:** Oregon State Senate, Room S223, State Capitol, Salem, OR 97310, 378-8700

**Home Address:** 1930 Beach Loop Road, Bandon, OR 97411, 347-9614

**Legislative Assistant:** Doug Heiken,

**Secretary:** Diana Michaelson

**Senate Standing Committees:** Agriculture and Natural Resources 378-3640, T/Th 3:00 pm;

Rules, 378-5781, meets at the call of the chair;

Ways and Means, 378-8152, full committee meets at the call of the chair; subcommittee on Natural Resources/

Economic Development, Daily 1:30 pm; subcommittee on Human Resources, Daily 8:30 am

**Senator John Brenneman:** District 2, Republican representing Tillamook and Lincoln Counties and portions of Yamhill, Polk, Benton, Lane and Washington Counties

**Office Address:** Oregon State Senate, Room S319, State Capitol, Salem, OR 97310, 378-8842

**Home Address:** 2780 Jackson Place, Newport, OR 97365, 265-8029

**Legislative Assistant:** Dan Lavey

**Secretary:** Jan Brenneman

**OCZMA/Sea Grant Legislative Fellow:** Onno Husing

**Senate Standing Committee:** Agriculture and Natural Resources, 378-3640, T/Th 3:00 pm;

Judiciary, 378-5781, M/W/F 1:00 pm;

Trade and Economic Development, 378-8811, M/W/F/ 8:00 am

**Senator Joan Dukes:** District 1, Democrat representing Clatsop and Columbia Counties and a portion of Washington County

**Office Address:** Oregon State Senate, Room S210, State Capitol, Salem, OR 97310, 378-8027

**Home Address:** Route 2, Box 503, Astoria, OR 97103, 458-6746

**Legislative Assistant:** Deborah Boone

**Secretary:** Karen Weller

**Senate Standing Committees:** Education, 378-5050, M/W/F 8:00 am;

Revenue and School Finance, 378-8873 M/T/W/Th 1:00 pm;

Transportation, Chair, 378-5781, M/W/F 3:00 pm

### House of Representatives

**Rep. Tom Hanlon:** District 2, Democrat representing Clatsop County and portions of Columbia and Washington Counties

**Office Address:** Oregon House of Representatives, Room H487, Salem, OR 97310, 378-8824

**Home Address:** 595 N. Antler, PO Box 429, Cannon Beach, OR 97110, 436-1432

**Legislative Assistant:** Carolyn Adamson

**House Standing Committees:** Ways and Means, 378-8152, full committee meets at the call of the chair; subcommittee on Human Resources, Daily 8:30 am; subcommittee on Transportation and Regulation, Chair, Daily 1:30 pm

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## COASTAL LEGISLATORS

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### House of Representatives

**Rep. Paul Hanneman:** District 3, *Republican representing Tillamook County and portions of Lincoln, Polk, Washington, and Yamhill Counties*

**Office Address:** Oregon House of Representatives, Room H377, State Capitol, Salem, OR 97310, 378-8788

**Home Address:** 35010 Resort Drive, Cloverdale, OR 97171, 965-6004

**Legislative Assistant:** Mike Sims

**Secretary:** Georgia York

**House Standing Committees:** Ways and Means, 378-8152, Sub-committees meet daily;

Ways and Means Sub-committee on Natural Resources; 1:30 pm

Ways and Means Sub-committee on General Government, 8:30 am

**Rep. Hedy Rijken:** District 4, *Democrat representing portions of Benton, Lane and Lincoln Counties*

**Office Address:** Oregon House of Representatives, Room H287, State Capitol, Salem, OR 97310, 378-8050

**Home Address:** 1250 Northwest Lake Street, Newport OR 97365, 265-5536

**Legislative Assistants:** Larry Harvey, Kathleen Casey

**House Standing Committees:** Agriculture, Forestry and Natural Resources, 378-5183, T/Th 8:30 am;

Consumer and Business Affairs, 378-5781, T/Th 1:30 pm;

Human Resources 378-5107, M/W/F 1:30 pm

**Rep. Walt Schroeder:** District 48, *Republican representing Curry County and portion of Coos County*

**Office Address:** Oregon House of Representatives, Room H373, State Capitol, Salem, OR 97310, 378-8865

**Home Address:** 95102 Rogue River Heights, Gold Beach, OR 97444, 247-7660

**Legislative Assistants:** Larry Wells, Karen Wells

**House Standing Committees:** Agriculture, Forestry and Natural Resources, Vice Chair, 378-5183, T/Th 8:30 am;

Education, 378-5781, T/Th 1:30 pm

**Rep. James Whitty:** District 47, *Democrat representing portions of Douglas and Coos Counties*

**Office Address:** Oregon House of Representatives, Room H485, State Capitol, Salem, OR 97310, 378-8019

**Home Address:** HC52, Box 658, Coos Bay, OR 97420, 269-2458

**Legislative Assistant:** Ruth Kahn

**House Standing Committees:** Education, 378-5781, T/Th 1:30 pm;

Transportation, Chair, 378-5781, T/Th 8:30 am

*(This roster was prepared by Onno Husing, Legislative Fellow for readers of OCZMA's Coastal Notes)*

### **Coastal Newsmakers**

**Paul Vogel** has been named Manager of the International Port of Coos Bay. Previously, he served as Marketing Director for the Port.....Former Winchester Bay harbormaster **Bill Bradshaw** has been selected as new manager of the Port of Siuslaw.

**OCZMA welcomes the Port of Bandon as a new member of the Association.**