



Oregon

# COASTAL NOTES

February 24, 1989

## High Seas Slaughter!!!— *An Editorial by Onno Husing*

Each night of the year a nightmare of staggering dimensions takes place on the high seas of the Pacific.

Within the past ten years the Japanese, Koreans and Taiwanese have sponsored high seas driftnet/gillnet fisheries that place in the ocean approximately 20,000 miles of gillnet EACH DAY! Enough net to cross the continental U.S. four times! These barely visible nets are part of an insidious fishery aimed ostensibly at squid. However, these curtains of death indiscriminately entangle everything and anything unfortunate enough to swim into them. Their victims include whales, porpoises, bill fish, sea birds, marine mammals of all kinds, and Oregon's salmon and steelhead.

They all fall prey to these new monsters of the deep.

The effect on Oregon and the Northwest is becoming clearer. Not only are our salmon and steelhead intercepted at sea, but those illegally taken fish are sold on the world market and compete with legally taken fish from our fishermen. That means lower prices, reduced market possibilities, and less fish!

The evidence is uncontrovertible. Within the last few years there have been "mysterious" declines in some salmon runs. Pirated salmon is appearing in overseas markets. In addition, those few fish lucky enough to survive an encounter with these high seas drift nets returning to the Northwest are showing ugly scars from their struggle to free themselves. It is believed these scars also result from squid— that in their own

struggle to free themselves from these nets attach themselves to salmon and steelhead and rake these fish with their beaks. Before the extent of these high seas fisheries were discovered, many attributed these scars to encounters with seals and sea lions. Due to this new information, fishery biologists now have to re-evaluate their previously held beliefs that the decline in salmon populations result exclusively from seals, sea birds raiding hatcheries, overfishing, and habitat deterioration.

In addition, while it is easy to get worked up about murdering friendly dolphins, awe-inspiring whales, and our own anadromous fish, we should all be equally concerned about the effect such activity has on the high seas squid populations. These squid constitute a major link in the food chain. If this unbridled fishery is allowed to continue, the bottom could really fall out of the food chain causing irreversible impacts.

What's being done to stop this unconscionable activity? Right now not nearly enough. However, a ray of hope has emerged with the formation of a group called "SEACOPS" based in Ketchikan, Alaska. SEACOPS is devoted to exposing this murderous behavior with the intention of halting this deadly business once and for all BEFORE the Pacific is swept clean of life.

The obstacles to stopping this are formidable. Congress did act in 1987 when it passed a driftnet bill which requires the State Department to enter into negotiations with the Koreans,

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## Rural Gas Stations: *A Thing of the Past?* by Onno Husing, Legislative Fellow

Over the last several weeks the Senate Agriculture and Natural Resources Committee has held hearings on a new program to allow local governments to assume an inspection program for underground storage tanks. For the most part (unless a community has an industrial base) this program is directed at inspecting gas station tanks for leaks. While the proposals are relatively uncontroversial (a modest increase in fees for gas station owners to help pay for these inspections), these hearings have served to underscore a problem of growing and significant dimensions— the disappearance of rural gas stations.

For those living on the Coast this dilemma could have a devastating impact on their quality of life as lines on existing gas stations mount and other changes in lifestyle to accommodate an endless search for gas. Moreover, the lack of available gas stations on the Coast could also have a detrimental impact on the coastal tourism industry. Legislators have joked that if present trends continue unabated, those Oregonians not living in Portland or on I-5 will have to install several hundred-gallon gas tanks on their cars to get around the state.

As the gasoline dealers are quick to point out, their profits are measured in pennies. Therefore, they claim their industry is especially vulnerable to increased operating costs. As stated above, the real

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threat to the industry is not the increased fees from inspection. Rather, the dark cloud looming on the horizon for the industry is the federal statutory deadline of October 24, 1990. At that time gas stations will be required to have insurance for their operations to pay for cleanup costs in the event of groundwater contamination.

The central problem is that insurance companies are reluctant to underwrite older gas stations with older tanks. Replacement costs for such facilities are substantial. For instance, the average "Ma and Pa" small gas station usually has about four tanks. The cost to dig these old tanks up, check for contamination and to install new "double lined" tanks is estimated to be about \$75,000 per facility. In addition, this figure can rise dramatically if any blasting or other subterranean complications occur. Then, once the new tanks are in place, a gas station operator still faces an insurance premium of at least \$2,000 a year. Naturally, for larger stations cost will escalate proportionally.

During the previous legislative session the Oregon Legislature gave DEQ the discretionary authority to undertake some kind of insurance program. According to DEQ's testimony, negotiations have taken place in an advisory committee but no solutions have emerged. The likely solution will be a gas tax or other product tax to start a state insurance fund modelled after the federal superfund for cleanup of hazardous wastes. Unless some other very creative solution to this problem evolves, it's hard to imagine how smaller gas station operators can shoulder the financial burden at a time when they are already being forced out of business.

## And Introducing...by Onno Husing, Legislative Fellow

*The Following Bills Were Introduced This Week Before the Oregon Legislature:*

•**SB 593** (sponsored by the Committee on Business, Housing and Finance) expands enterprise zone provisions to include housing development and substantial rehabilitation of housing as activities which may receive enterprise zone benefits.

•**SB 616** (sponsored by Senators Timms, Thorne, Brenneman, Brockman, Bunn, Fawbush, Hannon, J. Hill, Kintigh, Otto, Phillips; Representatives Agrons, Baum, Hanneman D.E. Jones, Nelson, Norris, Repine, Whitty, Young) requires the State Fish and Wildlife Commission to establish a system providing for preference of local residents for issuance of special deer and elk hunting permits.

•**SB 619** (sponsored by Senator Hamby, Representatives Brian, Senator Brenneman (at the request of the Washington County Board of Commissioners, Special Districts Association of Oregon) allows the county court to authorize county service districts established to provide sewage works to provide drainage works also. In addition, the bill spells out a few housekeeping administrative measures and allows a county service district to adopt management plans and regulations relating to drainage works.

•**SB 625** (sponsored by Senator McCoy, Representative Burton— at the request of Pamela Hulse, Coordinator, Welcome Navy Committee) would provide specified benefits to spouses and dependent children of members of the Armed Forces stationed in Oregon, serving on ships that have Oregon "home ports" or that are in Oregon ports for repair, maintenance and overhaul. In addition, this measure requires such spouses and dependent children to be

considered residents for obtaining hunting and fishing licenses, tags and permits and for admission to community colleges and other institutions of higher education.

•**House Joint Memorial 4** (sponsored by Representatives Dominy, Brian, Calhoun, Carter, Markham, Nelson, Repine, Roberts, Sayler, Stein, Senators L. Hill, McCoy, Representative Dwyer) memorializes federal agencies to close federal forest lands adjoining state lands when closed for fire danger.

•**House Concurrent Resolution 9** (sponsored by Representatives Ford, Agrons, Hanlon; Senator Phillips— at the request of Margaret Teskey, Librarian, Oregon Society of Conchologists) declares the Oregon Triton to be the state shell.

•**House Joint Resolution 19** (sponsored by Representatives Hanlon, Burton, Hanneman, Scroeder, Whitty; Senators Bradbury, Brenneman, Dukes) calls for the adoption of a policy to recognize the importance of historic salmon fisheries and fish resource enhancement.

•**House Joint Resolution 22** (sponsored by Representatives Markham, Repine, Vanleeuwen) would amend the Oregon Constitution, upon voter approval at the next state-wide general election to require state government to reimburse local governments for full costs of programs required to be provided by local by law or by an administrative rule or order. This measure also defines "local government" and "program" and exempts certain criminal statutes and programs enacted prior to 1989 from the scope of the amendment.

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Taiwanese, and the Japanese. These negotiations are supposed to force these nations to accept observers aboard their vessels and share information about their high seas gillnet fisheries. In addition, the legislation requires: (1) the State Department to enter cooperative enforcement agreements with other Pacific nations (especially Canada), and (2) the Commerce Department to produce a high seas driftnet impact report. So far, however, these negotiations have been fruitless. In fact, these fisheries are expanding in scope (new vessels are currently being built)—not declining!

There are several other tools available to put pressure on these nations. Among these include the "Pelly" amendments of the Fishermen's Protection Act of 1967. The Pelly amendments authorize the President of the United States to "certify" foreign nations that harm American fisheries. This highly discretionary certification process allows the President to place an embargo on the importation of fishery and other aquatic products from offending nations. The problem has been that since the Pelly amendments have been in force, Presidents have been highly reluctant to use this tool because they fear they will start a trade war.

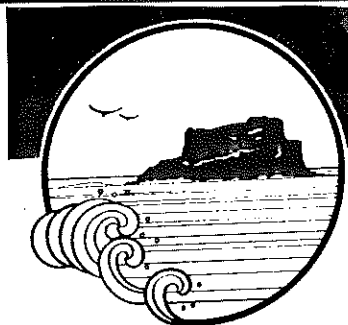
Another means to stop this activity is the Magnuson Act which permits the executive branch to put a stop to foreign fishing within our nation's exclusive economic zone. The problem with this measure is that since we have phased out foreign fishing from our waters, this leverage has evaporated.

So where do we go from here? Join SEACOPS. Write and call your U.S. Congressmen and Senators. Put pressure on them. Tell them not to worry about offending these countries because we are interested in their

investing in Oregon. If it is profitable for these countries to do business in Oregon, they will come here anyway. Write and call the White House. Consider boycotting goods from Japan, Taiwan, and Korea. We have to act now. If half of what SEACOPS and others say is true, on this one, time is really of the essence.

On a more optimistic note, the Pacific Fisheries Legislative Task Force recently passed a resolution condemning this activity. As a result, similar resolutions are expected to appear before the Alaska, Washington, Oregon and California legislatures. Reportedly, Washington has already passed their measure and there is a Joint Memorial before the Oregon Legislature exhorting the Congress to get tough on this issue.

\* Please note that the opinions expressed above are those of the author, they do not necessarily reflect the views of Sea Grant, OCZMA, or any office in the Oregon Legislature. (the address for SEACOPS is SEACOPS, 700 Water Street-Upper, Ketchikan, Alaska, 99901. Telephone 907-225-8004)



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•HB 2673 (sponsored by the Committee on Trade and Economic Development— at the request of Oregon Public Ports Association) would allow ports, including the Port of Portland, to levy special assessments for local improvements against property specially benefited by improvements. In addition, the bill provides that the

Bancroft Act applies to special assessments levied by ports and provides that laws relating to issuance of special assessment improvement bonds and warrants by cities also apply to ports. Finally, the bill maintains the existing limitation on the amount of a port's outstanding general obligation bonded indebtedness.

•HB 2674 (sponsored by the Committee on Trade and Economic Development) proposes to enact a Pacific Northwest Interstate Compact on International Trade and provides that this state enter into a compact with all other states which adopt the compact.

•HB 2740 (sponsored by Representatives Kotulski, Burton, Calhoon, Derfler, Hosticka, Hugo, Peterson, Roberts, Sowa, Whitty, Senators L. Hill, Kerans, Otto, Roberts, Representatives Dominy, Dwyer— at the request of Charlie Welin, Oregon Manufactured Housing; Oregon State Tennants Association) would increase amount of payment to tennants on the closure of a mobile home park under certain circumstances.

•HB 2743 (sponsored by Representatives Ford, Calouri, D.Jones, Oakley, Roberts) allows annexation of territory to the city to be initiated by: (1) City council upon receiving written consent to annex from all owners of uninhabited land in affected territory; (2) petition signed by all owners of land in the affected territory; (3) petition signed by 10 percent of electors and all owners of uninhabited land in the affected territory; (4) petition from the county governing body and all owners of uninhabited land in the affected territory as well as a few other election-related provisions.

•HB 2767 (sponsored by the Committee on Business and Consumer

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Affairs— at the request of the Oregonians for Self-Service) repeals prohibition on self-service gasoline and requires the sale of fuel from full service island to persons with disabled person parking permit at the lowest price available at that station for that grade of fuel. Those criticizing this proposal argue that where self-service has been initiated in other states prices for gas are low for only a short time and then quickly assume their normal level. There is substantial evidence to back that claim.

•**HB 2783** (sponsored by Representative Agrons— at the request of the Oregon Forest Council) modifies obligations of landowners and others conducting forest operations or other activities on forest lands with respect to forest fires and requires foresters to develop a plan for forest restrictions.

•**HB 2790** (sponsored by Representatives VanLeeuwen, Agrons, Bunn, Burton, Clark, Ford, Gilmour, Hanne-man, Hugo, D.E. Jones, Markham, Oakely, Parkinson, Pickard, Repine, Roberts, Shiprack, Sowa, Van Vliet, Walden, Wehage, Whitty, Young) would redefine "land" and "recreational purpose" for the purpose of limitation of liability of a landowner to recreational users of real property.

•**HB 2811** (sponsored by Representatives Markham, VanLeeuwen) would require state governments to reimburse local governments for the full costs of programs required to be provided by local governments by law or by administrative rule of order. Defines "local government" and "program" and exempts certain criminal statutes and programs enacted prior to 1989 from the scope of the Act.

•**HB 2818** (sponsored by Representatives VanLeeuwen, Cambell, Derfler, Hanneman, Hayden, Hugo, D.E.

Jones, Norris, Oakley, Repine, Roberts, Schroeder, Young; Senator Jolin) would allow business identification signs on state highway right-of-way if a business owner does not own any property adjoining a highway.

•**HB 2821** (sponsored by Representatives Norris, Agrons, Baum, Burton, Pickard, Schroeder, Walden; Senator Timms) declares dependents of military personnel on active duty in this state to be residents for purposes of purchasing licenses, tags and permits issued by the State Fish and Wildlife Commission.

•**HB 2852** (sponsored by Representatives Peterson, Cease, Edmunson, Hosticka, McTeague, Rijken, Stein; Senator L. Hill) prohibits manufacture in Oregon of products containing chlorofluorocarbons or requiring chlorofluorocarbons in the manufacturing process.

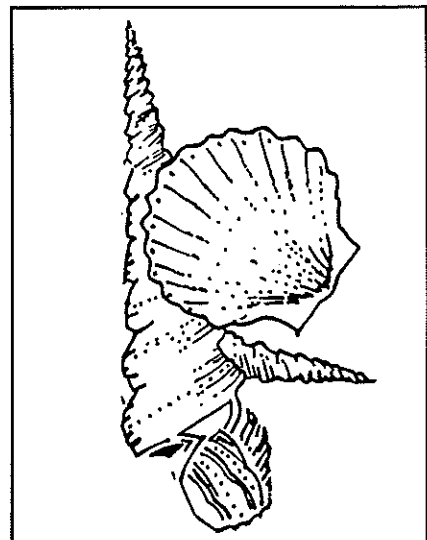
•**HB 2855** (sponsored by Representatives Bauman, Burton, Carter, Cease, Keisling, Mason, Minnis, Roberts, Saylor, Stein, Senators Cease, Gold, McCoy, Otto, Roberts, Shoemaker, Springer— at the request of the City of Portland) would establish a county and a municipal authority to seek receiverships for upgrading of insanitary and abandoned residential structures.

•**HB 2863** (sponsored by Representatives Dwyer, D. Jones, Young, Bauman, Bunn, Burton, Calhoon, Doiminy, Edmunson, Ford, Hosticka, Hugo, Kotulski, McTeague, Minnis, Norris, Peterson, Roberts, Saylor, Sowa, Wehage; Senators Bradbury, Brockman, Bunn, J. Hill, L. Hill, Houck, Kennemer, Kerans, Kintigh, Otto, Roberts— at the request of the Oregon Manufactured Housing Ass., Oregon State Tennants Association, the League of Oregon Cities, and the United Seniors of Oregon) directs that needed housing within an urban

growth boundary be permitted in one or more zoning districts or in overlay zones. In addition, this proposal allows, as "needed housing", mobile home parks and manufactured housing meeting design and placement standards specified by local government.

•**HB 2865** (sponsored by Representatives Cease, Burton, Carter, Hugo, Kotulski, Roberts, Saylor, Wehag; Senators Cease, McCoy, Otto, Roberts) would allow a local government unit to apportion part of a user fee for the enhancement of an area surrounding publicly owned, franchised or privately owned solid waste disposal site and would require local government unit to appoint a citizen advisory committee if a local government unit apportions a part of a user fee.

•**HB 2875** (sponsored by Representatives Schoon, Bauman, Burton, Cease, Clark, Mason; Senators Brockman, Hamby, J. Hill, Springer— at the request of the League of Oregon Cities) would increase the cigarette tax by five cents per pack and would distribute the income to cities and counties. In addition, the bill applies to distributions of cigarettes that occur on or after the first day of the month following the effective date of the Act.



## Legislative Quotes of the Week:

During a meeting between interest groups, legislative staffers and agency personnel to discuss proposed legislation, at one point an idea was floated and the agency representative said in response to the idea, "I've seen that movie, and it doesn't have a happy ending!"

A legislative staffer joked with several of us about a recent visit she took back to the district, she remarked, "Yea, I looked around the property, and the bushes looked just like bushes but we knew they were SAFE agents."

## T & E Committee Hears Lottery Recommendations

The Joint Legislative Committee on Trade and Economic Development has been holding evening meetings and reviewing suggestions for allocation of lottery funds.

Among some of the recommendations for using the funds is one aimed at assisting the fishery restoration and enhancement concept contained in SB 41 presently funded by user fees by sport and commercial salmon fishermen. **Senators Bill Bradbury and John Brennehan and Representatives Tom Hanlon, Paul Hanneman and Larry Sowa** appeared to urge the Committee's allocation of \$2 million in lottery dollars to provide a 25% reduction in needed user fees and to boost the total fund.

Other recommendations heard by the Committee over three evenings include a matching program for the arts, funding of the Oregon Marketplace Program, county fairs, the Governor's Watershed Enhancement Board, endowments, housing, regional strategies, tourism, "End of Oregon Trail," metro light rail, community colleges equipment, community development corporations, state games, education and training programs for non-welfare eligible adults in north and northeast Portland, vocational education, Special Public Works Fund, small business development and Oregon Downtown Development Association.

## Wetlands Delayed

The scheduled final article on wetlands has been postponed until next week's issue of Coastal Notes.

Present discussions are on hold pending a final meeting of the DSL's working group on Monday, February 27, 1989.

## Association Meets in Salem

The Oregon Coastal Zone Management Association, Inc. (OCZMA) will be holding its regular meeting on the evening of Thursday, March 9th and on Friday, March 10th in Salem.

The Thursday evening gathering will be over dinner at the Black Angus. On Friday, members and guests will assemble in Room 434 of the State Capitol with a luncheon in Room 50.

Agenda items include potential legislation regarding wetlands, introduced legislation on fishery restoration and enhancement through user and other fees, a proposed Tillamook Bay restoration program, Association dues for the upcoming fiscal year as well as Onno Husing's report on other legislative activities.

A full agenda will be in the mail next week.