

OREGON COASTAL Notes

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Fishery groups split over salmon mass marking plan

A pair of resolutions calling on federal, state, and provincial fisheries management agencies along the West Coast to adopt adipose fin clipping to mark all hatchery-reared salmon divided fishing advocacy groups at a House Water Subcommittee hearing Thursday.

The resolutions, House Joint Resolution 35 and House Joint Memorial 11, together ask the governors of Oregon, Washington, Alaska, California and Idaho, the premier of British Columbia and the directors of the Pacific States Marine Fisheries Commission and the National Marine Fisheries Service to "de-sequester" the adipose fin clip for use in marking hatchery fish. The fin clip now is used to track only those fish embedded with a coded wire tag that West Coast fisheries management agencies use to gather management data on hatchery fish, the resolutions say.

Both the Association of Northwest Steelheaders (ANS) and Oregon Trout, in a written submission, supported fin clip marking as an effective method for directing commercial harvesting and sport fishing away from wild — and frequently endangered — salmon stocks.

"Unless Oregon wants a total closure of all mixed stock fisheries, the marking of hatchery stocks and requiring the release of unmarked fish is the only sure method available to protect and restore depressed stocks of wild fish," Oregon Trout representative Jim Myron said.

ANS representative Jesse VanderZanden noting that only six sockeye salmon had returned to the Snake River last year, asked the committee to find a solution that would not "pit fish versus people or the Endangered Species Act versus Oregon."

Rep. Dave McTeague (D-Milwaukie), a past president of ANS, also testified in favor of the measure, citing the Pacific Fishery Management Council's (PFMC) decision last week in San Francisco to severely curtail sport and commercial harvest of coho as a portent of

future management decisions.

"PFMC will crank those numbers down until we can distinguish hatchery fish from wild ones," Rep. McTeague said.

But Salmon for All representative Bob Eaton called the marking plan "premature" and said the measure would force harvesters and sport fishers to rely on hatchery-raised fish with no guarantee that the state will adequately fund the necessary hatchery programs. Relying on fish identification also lets "those folks who cause ... habitat loss off the hook," Eaton said, when wild fish stocks need more protection from habitat loss than from harvest. A bill with an intent similar to that embodied in these measures died in committee in the Washington legislature earlier this year, Eaton said, in part because of these same concerns.

Eaton added that while Salmon for All supports efforts to take harvest pressure off of wild fish, the fin clip program should be only part of a regional policy for salmon recovery that aims at restoring salmon runs to harvestable levels.

These measures, by contrast, may lead ODFW and other management agencies to focus solely on preserving wild salmon runs just healthy enough to keep the species from extinction, Eaton said, and will lock the state into a costly program for identifying fish that will compete with dollars allocated for hatchery programs.

"It's almost a death spiral we're moving into with this bill," Eaton said.

Marking program costs

Department of Fish and Wildlife (ODFW) representative Kay Brown, while indicating support for both measures, acknowledged that reductions in hatchery production might be required to fund the cost of mass adipose fin marking. Brown estimated that the marking program by itself would cost the state an additional \$2.4 million per year, a figure that

would jump to \$10 million per year if the state tried to include coded wire tags in all marked fish. Most of these costs would not kick in before 1995, Brown said, and ODFW would probably seek additional federal funding to implement part of the program.

Another consequence of a mass marking program would be additional mortality among hatchery smolts, Brown said, though adipose clipping "has been proven to cause the least mortality." ODFW already marks all hatchery-bred steelhead and close to 20 percent of hatchery coho and chinook salmon, Brown said.

Dale Pearson, Rep. McTeague's legislative assistant, told committee members that ODFW's request to the Mark Committee of the Pacific States Marine Fisheries Commission asking to de-sequester the adipose clip foundered primarily because of bureaucratic inertia.

"The primary reason for rejecting the proposal was that [it] would set a precedent for ... other stocks with special management needs and thus eventually compromise the coded wire tag program," Pearson said. "That's bureaucratise for 'We aren't going to change, but we can't think of a really good reason why not.'"

Pearson said that adequate alternatives exist for marking fish with embedded coded wire tags and that fisheries management agencies must "recognize that reversing the continuing decline of wild stocks is far more important than keeping precise and incontrovertible records that chronicle that decline."

Dan TenUick, power manager for Reynolds Metals Co., said Reynolds supported the mass marking measures as "critical first steps" in a program to identify and protect wild fish from harvest.

Committee chair Rep. Chuck Norris (R-Hermiston) held the bill over pending a conference between Salmon for All representatives and bill proponents.

Kelp advisory panel to decide what fronds are for

Commercial harvesting of bull kelp could provide a needed economic boost to Oregon's south coast communities, but safeguards should exist to ensure that the industry remains small-scale and geared as much toward protecting the resource as toward profiting from it, members of a Division of State Lands (DSL) advisory committee agreed Wednesday.

DSL's Kelp Advisory Committee, comprised of representatives from four state agencies, the Oregon Coastal Zone Management Association, the Port of Port Orford, and the environmental and the scientific communities, met last week to begin studying how — or whether — DSL should lease offshore kelp beds to private companies seeking to make or sell kelp-derived products. The committee has until June 15 to report to the division, which has jurisdiction over all non-living and living resources — except fisheries — in Oregon's territorial sea and must approve any resource extraction activity within three miles of the shoreline.

DSL representative Jerry Hedrick told the committee that the division has received several recent inquiries about commercial-scale leases following the completion of a pilot project the department undertook with one

harvester.

"Harvesting kelp looks to be a potential embryonic industry," Hedrick said. "My perspective is positive."

Merrie Sue Carlson, a Key Industries Coordinator with the Oregon Economic Development Department (OEDD), agreed but noted that the success of the industry would depend on the creation of a market for kelp-derived products. Carlson suggested tapping the Department of Agriculture's marketing division for its expertise.

"OEDD is interested in job creation — that's our number-one focus," Carlson said.

Port districts and coastal communities share that perspective, Port of Port Orford representative Gayle Paige said. Coastal communities, she said, view kelp harvesting as a potential replacement for some of the jobs and revenue lost to declining salmon harvests and crab harvesters support harvesting as a way of controlling kelp growth that often fouls their crab pots. Paige warned that unless Oregon begins a leasing program of its own, south coast ports near the California border may have to depend on production from that state to supply kelp-dependent mariculture industries.

But Department of Land Conservation and

Development representative Bob Bailey said the committee should not try to present kelp harvesting as a panacea for resource-dependent coastal communities.

"I have little sympathy for those who say that because our timber and fishing industries have declined that we have to go after kelp," Bailey said.

Bailey added that the committee should keep in mind the possible impacts kelp harvesting could have on other species in the vicinity.

"I think we've learned our lesson about prematurely and ignorantly harvesting a resource before we know what we're doing," Bailey said. "This isn't just a free-floating product, it's a habitat."

Oregon State University marine botanist Gayle Hansen, who specializes in the study of red algae and other seaweed species, suggested that commercial operations using proper harvesting methods — cutting the kelp blade 12 inches above the float, for instance, which leaves the plant's reproductive structures intact — might not harm the fast-growing resource significantly. Nonetheless, she said, managers need to evaluate the ecological functions of kelp beds before approving commercial operations. Washington State has already banned the commercial harvest of all seaweeds because of concerns about potential ecological impacts, she noted.

"If the harvest is not going to be a big one, I'm all for it," Hansen said. "But we have to think of the health of these plants and the animal community that depends on them."

That animal community might include humans. Hansen noted that kelp plants tend to concentrate toxic substances, such as arsenic and iodine, in their cell walls. These substances can end up in the digestive systems of people who eat kelp products if they are not chemically bound to plant tissues, Hansen said.

Environmental community representative Ellen Warring said she has not heard a lot of opposition to proposals for kelp harvesting, but that she wanted to ensure that economic interests were not the only driving force behind leasing plans. Lease operations should remain small-scale, Warring said, and the committee should be clear about what "small-scale" means so that harvesters do not come up with grandiose plans for expansion.

Aggregate removal from stream channel causes consternation in Columbia County

A West Linn property owner angered by the loss of nearly three acres of Nehalem River riparian land told Coastal Caucus members Wednesday that both state and local officials did little to assist her efforts to stop her upstream neighbor from illegally removing gravel from the river's bed.

"It took us about two weeks of calling around to find out which [state] department we were supposed to talk to about this and another six months for [the Division of State Lands (DSL)] to come out and investigate," Lynne Pavur said.

When DSL did investigate it caught Pavur's neighbor removing more than 60 cubic yards of gravel from the stream bed and transporting it off the property in five successive dump-truck loads, DSL Assistant Director Earle Johnson said. State law requires anyone removing more than 50 cubic yards to obtain a gravel mining permit from the agency, John-

son added. DSL has now brought both civil and criminal actions against Pavur's neighbor, seeking in part to force the neighbor to restore a portion of the Nehalem he diverted in 1989.

Pavur said her experience with the neighbor and with the state and county officials responsible for monitoring illegal mining left her frustrated.

"I think something needs to be done to make [enforcement] work better," she said. "There should be a solution to protect the individual, to guide us and help us become educated so we know how [the process] should work."

Her solution was to ask Sen. Joyce Cohen (D-Lake Oswego) to introduce Senate Bill 452, which would prohibit the removal of gravel from stream beds containing anadromous fish habitat without a permit from the

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Illegal gravel mining prompts bill calling for limitations

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Division of State Lands issued in consultation with the Department of Fish and Wildlife. The bill now sits in the Senate Agriculture and Natural Resources Committee and has had one public hearing to date, with support from Pavor, the Curry Guides Association and the Department of Fish and Wildlife.

But Oregon Concrete and Aggregate Producers Association representative Dick Angstrom told the committee that the bill goes too far to restrict legitimate aggregate producers.

"We too have strong concerns about these [illegal] operations," Angstrom said. "But this bill is very broad brush. There are a lot of legitimate operators out there going at this under heavy regulation."

Angstrom said gravel removal operations offer some rural areas their only resource-based industry in a tight employment market and often serve as the only supply for concrete-producing material in others.

"We need to be able to preserve those few resources we have left in some of these areas, consistent with good fisheries management,"

Water Resources seeks to expand water right negotiations with tribes

A bill that would permit federally recognized Indian tribes to negotiate with the Oregon Water Resources Department for the quantification of their federally reserved water rights drew unanimous support at a House Water Subcommittee hearing Tuesday.

The measure, House Bill 2109, seeks to allow tribal governments to negotiate directly with Water Resources rather than rely solely on the state's water rights adjudication process, which often culminates in expensive and lengthy litigation. Current Oregon law permits such negotiated settlements only with the Confederated Tribes of the Warm Springs Reservation.

Confederated Tribes of the Umatilla Reservation General Council Chairman Antone Minthorn told the committee that adjudication proceedings could "serve to drive a wedge between the tribe and other water users in the basin." The tribe would much rather negotiate, building on the good relations forged during the development of the Umatilla Basin Project to find a "constructive and mutually satisfactory resolution of this issue," Minthorn

he said. "There can be a big economic impact for communities dependent on this resource."

Sen. Joan Dukes (D-Svensen), a co-sponsor of SB 452, told the Caucus that there must be a middle ground that would allow legitimate operators to continue operating but effectively penalize illegal gravel removal.

"When we spend millions of dollars on watershed enhancement it seems strange that we allow people to drive trucks into streambeds and start digging," Sen. Dukes said. "I have to believe there's a solution where we don't spend money tearing up streambeds and then go back and try to put them back together."

Rep. Tony Federici (D-St. Helens) said the problem seemed to lie more with the lax enforcement of existing law than to point to a need for a new law and asked Pavor if she had evidence that would show gravel removal is a statewide problem requiring a legislative solution. Mary Gautreaux, Sen. Dukes' legislative assistant, said her office had received a number of complaints from around the state about illegal gravel mining operations.

said.

Water Resources Adjudication Section head Reed Marbut said the department sought the measure in part to avoid future occurrences similar to the costly litigation that is still continuing with the Klamath tribe. Since federal courts have almost uniformly favored tribal water claims, the tribes end up with very senior water rights which have the potential to conflict with existing water rights, he said. A negotiated settlement, on the other hand, would give tribal water rights a priority date extending back to the date the tribe agreed to a treaty with the United States, but would subordinate some of those rights—and all future tribal rights—to state law, Marbut said.

Representatives from the Oregon Water Resources Congress said the Umatilla tribe had been a member of one of its irrigation districts for a number of years and that they would favor a negotiated settlement over litigation in the Umatilla basin.

Committee chair Rep. Chuck Norris (R-Hermiston) said he would probably schedule a work session on the bill for Mar. 23.

In other business, Parks and Recreation Department Director Bob Meinen outlined the department's need for a fee increase and told the Caucus that the legislature needs to make a policy decision concerning the level of park service it wants to provide for the state.

"I don't want to be alarmist, but what I've found coming into the [Oregon park] system is that we have one of the best and most desirable facilities in the country, but you also have a huge capital investment and need to fund it," Meinen said. "I think if we don't address this problem we're going to be looking at a second-rate and then a third-rate system, and then soon we'll have a system that doesn't function at all."

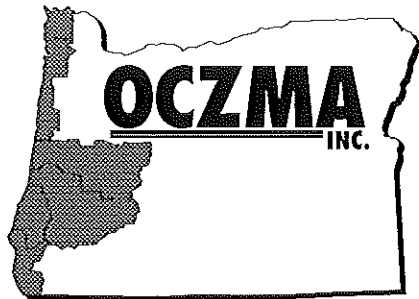
Meinen said coastal legislators have a particular stake in adequate funding for the park system because coastal parks have both a high visitor count and high maintenance bills resulting from corrosion from sea spray and other environmental elements.

"A lot of what we have on the coast is what we call the 'rot and rust belt,'" Meinen said. "I'd be misleading you if I said we didn't have some problems out there. There will come a time when we're going to have to close some of those facilities down."

The department has increased fees for day-use access at some state facilities and has introduced a bill seeking an increase in recreational vehicle fees, but House Bill 2123 is stalled in the House General Government Committee and committee chair Rep. Cedric Hayden (R-Lyons) seems unwilling to move it, Meinen said. Without the fee increase the department faces a \$3.6 million shortfall this biennium while trying to fund its existing commitments, a deficit that will continue to grow wider in years to come, he said.

But even with the fee increase the department will continue to lose money in the 1995-97 biennium and will have to indefinitely shelve plans it has drafted to improve the park system, Meinen said. The deficit has resulted from steadily increasing park system expenses, he added—particularly in electricity bills and in the costs of construction and retrofitting of park facilities to comply with the mandates of the Americans with Disabilities Act.

"Our electrical growth curve is going up at a 45-degree angle," Meinen said. "We've got some [recreational] vehicles that have microwave ovens and three color TVs. We can't keep up with that forever."



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.

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OCZMA
P.O. Box 1033 Newport, OR 97365 **INC.**

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