



Oregon

COASTAL NOTES

March 24, 1989

Wetlands: Edging Closer

OCZMA To Review Final Amendments—Jay Rasmussen, Director

The hearing on SB 3, the long-awaited wetlands bill, has been rescheduled for Thursday, April 13th before the Senate Water Policy Committee, at 8:00 a.m. in Hearing Room C of the State Capitol.

As previously mentioned in *Coastal Notes*, a package of amendments to SB 3 is still to be finalized. The printed SB 3 is an earlier version by the Division of State Lands' Working Group that was introduced to meet a filing deadline with an understanding that every effort would be made to ready a substitute package for consideration by the Legislature.

Recognizing that some changes may be in the making and anticipating an OCZMA worksession on this matter before the above mentioned hearing, we are highlighting some policy and definitions language cited in the March 17, 1989 draft. It reflects a partial snapshot; language on wetland inventory provisions, local government coordination, general authorization, wetland conservation plans, estuary plan review, agricultural exemption and on other areas is not included at this time in *Coastal Notes*.

Findings, Policy and Definitions

FINDINGS: [additions to SB 3]

- (6) Wetlands provide significant opportunities for environmental and ecological research and education and provide scenic diversity and aesthetic value as open space and areas of visual enjoyment.
- (9) There is disagreement over the uses of wetland sites.
- (10) Uncoordinated regulation of wetlands by local, state and federal agencies cause confusion, frustration

and unreasonable delay and uncertainty for the general public.

POLICY

In addition to ORS 541.610 it is the policy of the State of Oregon to:

- (1) Promote the protection, conservation and best use of wetland functions and values through the integration and close coordination of statewide planning goals, local comprehensive plans, and state and federal regulatory programs.
- (2) Use a single definition of "wetland" for the purposes of the state Removal-Fill law and statewide planning goals, and a single, uniform methodology of delineating wetland boundaries.
- (3) Develop a statewide inventory of wetlands, based on uniform identification standards and criteria and at a scale practicable for planning and regulatory purposes, and to make such inventory available to state agencies and local government to facilitate better management of wetland resources and closer coordination of local, state and federal wetland programs.
- (4) Create a stable and eventually increasing resource base of wetlands through the mitigation of losses of wetland resources and the adoption of the procedural mitigation standard used by federal agencies.
- (5) Reduce the delays and uncertainty which characterize the current wetland planning and regulatory framework through improved coordination of the state Removal-Fill Law with local land use planning and regulation, and by providing mechanisms for expedited permit review consistent with the protection and conservation of wetland resources.
- (6) Consider the relative values

of uses that diminish or conflict with the natural functions and values of wetlands.

- (7) Continue to meet the requirements of federal law in the protection and management of wetland resources, while asserting the interests of this state, in concert with those of local governments, in urging the federal resource and regulatory agencies to develop a uniform wetlands policy and more consistent, cohesive standards to implement Section 404 of the Clean Water Act.
- (8) Develop and provide information to the general public concerning the functions, values and distribution of wetlands of the state to raise public awareness of these resources.
- (9) Promote the protection of wetland values on private lands by developing and using public recognition programs, incentives and other non-regulatory actions.

ADDITIONS/CHANGES TO EXISTING DEFINITION:

1. ADDITIONS TO ORS 541.605

- () "General authorization" means a rule adopted by the division authorizing a category of removal or fill or both activities without a permit from the division on a statewide or other geographic basis.
- () "Mitigation" means the reduction of adverse effects of a proposed project by considering in the following order:
 - (A) avoiding the impact altogether by not taking a certain action or parts of an action;
 - (B) minimizing impacts by limiting the degree or magnitude of

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Oregon

**OCZMA Opposes I-5 Relocation
Transportation Commission Responds**

The attached resolution opposing the use of state and federal highway funds for the relocation of I-5 east of the Willamette River in Portland was unanimously passed by the Oregon Coastal Zone Management Association, Inc. (OCZMA) at its March 10th meeting in Salem. The signed resolution has been sent to members of the Oregon Transportation Commission and to the Governor.

NOW BEFORE THE Oregon Coastal Zone Management Association, Inc. (OCZMA), a voluntary association of coastal local governments sitting in regular session on the 10th day of March, 1989, is the matter of adoption of a resolution pertaining to the relocation of the I-5 Freeway in Portland;

AND IT APPEARING to the Oregon Coastal Zone Management Association that highway transportation is of vital concern to the Oregon coast; and,

WHEREAS consideration is being given to the relocation of a segment of the Interstate Freeway along the east bank of the Willamette River in Portland; and,

WHEREAS up to \$132 million may be required from already limited transportation funding resources unless funded locally by the community that directly benefits; and

WHEREAS the relocation of the Freeway is intended

not to provide increased transportation benefits as required by the Federal Highway Administration but to provide additional land along the Willamette for parks and housing; and,

WHEREAS considerable segments of the state's primary and secondary roads are in critical need of improvements including establishment of adequate passing lanes, reduction of difficult curves and other safety hazards, and increasing the efficiency of through-traffic; and,

WHEREAS the lack of adequate highway transportation has been and continues to be a major impediment to the economic development of non-metropolitan areas of the state; and,

WHEREAS significant sections of coastal Highway 101 and east-west laterals from the coast to the rest of the state are sub-standard and needing basic improvements; and,

WHEREAS the Oregon Coast's tourist, timber and other industries as well as ports are heavily dependent on these highways for their livelihood and for the safety of those who use those roads; and

WHEREAS the Oregon Coast has limited rail and airline transportation facilities and must depend on highways; and,

**High Seas Slaughter Update:
Canada to Increase Enforcement by Onno Husing, Legislative Fellow**

Our Canadian friends to the North are getting serious about high seas driftnet fisheries. Reportedly, once the high seas fisheries start back up in full force, the Canadians are planning to "beef-up" fisheries enforcement at sea. Luckily, the Canadians have the tools to do the job. As a result, even if the United States government drags its feet, thanks to the Canadians we will have a very competent force out in the Pacific.

In addition, the media is starting to pick up on this issue. This week's *New York Times* featured a two full page story on the high seas driftnets. I have not seen the article yet. However, I have been informed that according to the article, those nation's have flatly denied the allegations made about the fishery! Other articles and editorials are also starting to appear in a variety of newspapers and magazines. The Coastal Caucus in the Oregon Legislature is also sponsoring an effort to alert media in the state and elsewhere. Now that House Joint Memorial 12 has been printed, this effort can begin in earnest (see related article).

There is an organizational meeting tonight (3/23/89) in Tualatin of the Northwest Steelheaders to plan the grass-roots campaign against the driftnets. A major media event is planned for Portland on April 5. Full details about the meeting will be available in next week's *Coastal Notes*.

We are beginning to hear some rumblings from Capitol Hill. Apparently, the Merchant Marine and Fisheries Committee of the House of Representatives will hold a hearing soon. More on Congressional strategies next week.

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the action and its implementation;
 (C) *rectifying the impact by repairing, rehabilitating, or restoring the affected environment;*
 (D) *reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action through monitoring and taking appropriate corrective measures; and*
 (E) *compensating for the impact by replacing or providing substitute wetlands or water resources.*

() *"Waters of this State" amended to include "wetlands".*

() *"Wetland Conservation Plan" means a written plan providing for wetland management containing a detailed and comprehensive statement of policies, standards and criteria to guide public and private uses and protection of wetlands, waters and related adjacent uplands which has specific implementing measures that apply to designated geographic areas of the State of Oregon.*

() *"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.*

Postscript

Still to be added, at the request of OCZMA, is language that clearly holds-harmless any removal/fill permit request in an area not covered—for whatever reason—by a wetlands plan. The agricultural exemption provisions are still much debated and work may be needed on wetlands delineation. Wilbur Ternyik has accurately pointed up problems associated with the types and numbers of certain species of plants that are often considered indicators of a wetlands.

It Ain't Over Till It's Over: A New Enhancement Bill Proposed by Onno Husing, Legislative Fellow

Most individuals interested in coastal affairs and fisheries were either stunned, upset or amused last Thursday (2/16/89) when a new version of SB 41 was initiated during hearings held before the House Water Policy Committee.

This intriguing ploy occurred during a hearing dedicated to the evaluation of a few anti-commercial fishing bills and anti-private hatchery bills. Representative Larry Sowa (known as being closely affiliated with recreational fishery interests) entered a series of amendments to a rather innocuous salmon bill entitled HB 3336. Only a couple of lines long, the original HB 3336 merely proposed to direct the Fish and Wildlife Commission to require state salmon hatcheries to make one-half of all surplus salmon available free of charge to state residents. The "new" HB 3336, however, adopts most of the language from the amended SB 41—with several important changes—and grafts these amendments onto the previously modest HB 3336.

While not unheard of, this action is considered unorthodox. Usually, once a substantive committee—in this case, the Senate Agriculture and Natural Resources Committee—moves a bill to the Ways and Means Committee, that usually marks the end of deliberations until Ways and Means acts. That does not rule out the possibility of another committee moving comparable legislation and forwarding it to Ways and Means as well. However, this practice is discouraged because it is important to focus debate at the committee level. Surprise amendments to other remotely related subjects after the bill introduction deadlines are

perceived as an end-run around customary legislative practices.

The danger of such a strategy, called "gut and stuff" in legislative language, is that if a substantial number of bills are handled this way, the legislature could grind to a halt. In addition, citizens effected by the legislation would never know if their concerns had been finally addressed or if the issue would suddenly reappear in some other remotely related bill. Besides the confusion, the public also suffers because they are forced to waste their time and resources travelling to Salem to speak to the same issue over again. Furthermore, if a legislative climate emerges where substantive committee work is routinely undermined, committees will be increasingly unable to encourage competing interest groups to make difficult compromises. As a result, the Ways and Means process would be forced to evaluate policy matters (instead of funding) as they deliberate competing bills before them. The other worse case scenario is that such bills would be sent directly to the House and Senate floor. This would surely invite confusion and acrimony.

Returning to the substance of HB 3336, the changes to SB 41 can be summarized as the following: (1) under Section 6, HB 3336 would increase the poundage fee for salmon from 3.75 cents a pound to 5 cents a pound, (2) under Section 8, HB 3336 would separate hatchery fees from the rest of moneys and devote such funds to studying the effects of private hatcheries on the "public fishery", (3) under Section 9, HB 3336 would move the appointment power for the enhancement board from the governor to the Fish and

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" I-5 Relocation" from Page Two
WHEREAS basic transportation needs of the state ought to be met before an expensive cosmetic relocation is made to the Interstate Freeway in the Portland area; and,

NOW, THEREFORE BE IT RESOLVED that the Oregon Coastal Zone Management Association, Inc. (OCZMA) opposes spending Oregon's federal or state highway funds for a freeway realignment in Portland; and

FURTHER BE IT RESOLVED that the State of Oregon vigorously promote the transfer of interstate funds to non-interstate uses including Highway 101 in a national program of scenic highways.

On March 20th, the Association received a response from Michael P. Hollern, Chairman of the Oregon Transportation Commission stating "We agree with you that we should not use scarce transportation funds for a land use and development project without significant transportation benefits." Further, "On March 16, 1989, I testified before the Portland City Council that we in the Oregon Department of Transportation believed the issue had been studied sufficiently to make a decision, that we did not believe a reasonable funding strategy to move the freeway using money from parties benefitting from the relocation could be devel-

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High Seas Driftnet Memorial Hearing Scheduled

"SB41" from Page Three

Wildlife Commission, (4) also under Section 9, HB 3336 proposes to remove the Department of Agriculture's role of recommending the commercial fishing representatives and give that power to the director of ODFW, (5) instead of a member of the public as the seventh member of the enhancement board, under HB 3336 would install a member of a "conservation organization" into that key seventh tie-breaking seat, and (6) under Section 10, instead of a "joint approval" procedure in which the enhancement board AND the Fish and Wildlife Commission would have to approve projects, HB 3336 would place such power solely in the hands of the Commission.

In a hearing in the House Water Policy Committee on Tuesday, March 21 (just a few days after HB 3336 surreptitiously emerged) the Committee voted to send HR 3336 to the Ways and Means Committee. Now, therefore, there are two SB 41 measures before Ways and Means. The only safe prediction at this stage is to say things are unpredictable!

oped and that we supported construction of Alternative A, our original funded project. I also said that if the Portland City Council elected to study the issue some more, we were not interested in participating in any additional studies, nor would we pursue federal funding of a demonstration project."

House Joint Memorial 12—sponsored by Representatives Hanneman, Agrons, Hanlon, Rijken, Schroeder, Whitty and Senators Bradbury, Brenneman, Dukes and Springer—urges the Congress to take three strong steps toward forcing curtailment of the high seas driftnets.

First, it calls for increasing the penalties for commercial fishing and knowingly receiving, shipping, processing and marketing illegally harvested fish. Second, HJM 12 asks for a "statutory presumption" that fishing is taking place when a vessel is fishing in prohibited areas delineated by international fishing agreements and gives the Coast Guard authority to board such vessels. Third, Congress is urged to extend the "Pelly" import sanctions to include the embargo of imports other than fish or aquatic products.

This memorial along with a similar effort, House Joint Memorial 8, will be heard before the House Water Policy Committee on March 28th at 5:00 p.m. in Hearing Room E of the Capitol. Further, Representatives Hanneman and McTeague (HJM 8) are scheduled to hold a joint press conference on this subject at 9:30 a.m. on the same date in the press room of the Capitol.

Land Use Legislative Issues: *By Paul Benson, Land Use and Development Specialist*

Since our last column, what will probably be the last group of land use bills to be filed have now been dropped in the hopper. Most of these bills fall into the category of attempts to ease restrictions on construction of dwellings on resource lands, or to otherwise restrict the scope of the Land Conservation and Development Commission's (LCDC) jurisdiction. Bill by bill, here they are:

SB688, sponsored by five Senators, would require ratification by a majority of cities and a majority of counties before amendments to land use goals take effect. The provision would apply to any amendment adopted after February 15, 1989. No time limits or mechanism for accomplishing the ratifications are contained in the bill. It would be very cumbersome to actually accomplish such ratifications and appears to be primarily a measure to "harass" LCDC.

SB748, sponsored by five Senators and seven Representatives at the request of the Oregon Small Woodlands Association, would authorize persons who own forest land in tracts 10 acres or more in size to construct and maintain a residence on the tract notwithstanding land use laws. Compliance with management standards adopted pursuant to ORS 320.705 to 321.765 would be required. Also required would be a provision of primary and secondary fuel-free fire-break areas surrounding all structures, and maintenance of adequate access for fire-fighting equipment vehicles. One wonders whether or not it wouldn't be fair, if the State finds it advisable to circumvent land use laws for the siting of prisons, to allow an individual, non-corporate property owner to have a residence on his or her property so long as legislatively prescribed standards are met.

SB784, sponsored by thirteen Senators, would require LCDC to assess the economic impact of adopting goals and rules and amendments thereto, and to

submit the assessment with the rule or goal proposal. Specifically the requirements would be:

- 1) To the extent reasonably possible, assess what economic and property interests will be, or are likely to be, affected by the proposal;
- 2) To the extent reasonably possible, assess the likely degree of economic impact on the identified property and economic interests;
- 3) Assess whether alternative actions are available that would achieve the underlying lawful governmental objective and would have a lesser economic impact.

Although the Department of Land Conservation and Development (DLCD) presently prepares an administrative cost impact statement for proposed rules and goal amendments, this bill would go much beyond that in requiring impact assessments and evaluation of alternatives related to all lands affected by the proposal. Costs to LCDC/DLCD to accomplish this type of economic impact assessment and alternative analysis would be substantial.

SB785, sponsored by eleven Senators and two Representatives, and **HB3242**, sponsored by the House Committee on Environment and Energy at the request of the Oregon Association of Realtors, would preclude LCDC from requiring a minimum lot size under any circumstance. Specifically, the bill states that LCDC shall not "prescribe a minimum lot size standard to any city or county." Since the concept of using minimum lot sizes in land use regulations has long been established in land use law going back to the first zoning ordinances of the 1920's and as long as LCDC's responsibility and program encompasses the full spectrum of local land use planning and regulation as it does now, specification of minimum lot sizes in appropriate circumstances appears firmly entrenched.

SB807, sponsored by two Senators and one Representative, would require that the economic development goal be given priority over the other land use goals. ORS 197.340 now requires that LCDC/DLCD and local governments give the goals equal weight in the planning process. Many have argued, with good reason, that the economic development goal has not been given equal weight in the comprehensive plans acknowledged to date. However, this deficiency may be better remedied by substantive proposals to strengthen the Goal 9 elements of existing plans during the periodic review process, rather than attempting to establish an arbitrary priority of one goal over others.

SB816, sponsored by the Senate Committee on Agriculture and Natural Resources at the request of an individual, contains one provision out of several which have been previously introduced in **SB309**. This bill would tighten requirements for siting a non-farm dwelling on EFU-zoned land. It specifies a tougher standard for determining whether a parcel of land is unsuitable for crop or livestock production.

HB2530, sponsored by ten Representatives and one Senator, would include land lying idle while a farmer recovers from an illness in the definition of "current employment" of land for farm use. The bill also would require the Department of Revenue to revise its rules on assessment and taxation of farm use land accordingly. This bill demonstrates yet another example of the excruciating level of detail which the legislature is forced to consider under Oregon's land use program. Accommodating a problem of this type should be a matter of careful and conscientious administration of the legislative policy and direction to preserve and support farm uses on Oregon's productive agricultural lands.

See "Land Use" Page Seven

And Introducing: by Onno Husing, Legislative Fellow

The Following bills were introduced before the Oregon Legislature:

•**SB 1** (sponsored by Senators Kitzhaber, Bradbury, Cease, Hamby, L. Hill, Kennemer, Kerans, Phillips, Springer; Representatives Dix, Dwyer, Gershon, Hosticka, Katz, Keisling) directs the Governor to request the Columbia River Compact Commission be reactivated and requires the Governor to appoint an Oregon representative to the commission.

•**SB 3** (sponsored by Senator Kitzhaber at the request of the Division of State Lands) is the comprehensive wetlands package that has been featured in *Coastal Notes*. This significant legislation proposes to establish a statewide wetlands inventory, determines guidelines for wetland conservation plans and other measures that streamline administrative procedures, provides an agricultural exemption for certain farm activities, establishes a statutory presumption that estuary plans are wetland conservation plans, and proposes that wetland conservation plans are deemed to comply with Goals 5/17. (See lead article in this weeks *Coastal Notes*)

•**SB 482** engrossed (sponsored by Senators Brenneman, Bradbury; Representatives Hanlon, Rijken at the request of the Florence Rotary Club) prohibits the use of waste tires in the construction of artificial reefs in ocean waters, but, unlike the original SB 482, the engrossed version allows such use in bays and estuaries. Hearings on the earlier version revealed that tire reefs in bays and estuaries do not break up and scatter like tire reefs in the territorial sea.

•**SB 882** (sponsored by Senators Bradbury, Brenneman, Dukes; Representatives Hanneman, Whitty) would remove rule writing requirements for Goal 19, the ocean resources goal.

•**SB 887** (sponsored by Senators Dukes, Grensky, Timms, Yih; Representatives Hanneman, Rijken, Whitty) changes the requirements for the initiation of procedures to establish ocean shore zone where travel by a motor vehicle or landing of aircraft is restricted.

•**SB 896** (sponsored by Senators Hamby, Bradbury, Brenneman, Brockman, Bunn, Cohen, Dukes, Fawbush, Gold, L. Hill, Houck, Kennemer, Kerans, McCoy, Otto,

Roberts, Shoemaker, Springer, Trow; Representatives Agrons, Burton, Calouri, Edmunson, Hanlon, Hanne- man, D. Jones, Rijken, Schroeder, Shiprack, Stein, Whitty, Young at the request of Salmon for All) establishes a Joint Legislative Committee on Fisheries. In addition, the measure prescribes membership, duties and powers of the committee and requires the committee to study matters relating to food fish management and to make recommendations to the President and the Speaker no later than January 1, 1991.

•**Senate Joint Resolution 8** (sponsored by Senators Bradbury, Kitzhaber, Fawbush, L. Hill, Jolin, Kerans, Phillips, Springer; Representatives Bauman, Calhoon, Dix, Dwyer, Edmunson, Gershon, Hosticka, Hugo, Markham, Mason, Nelson—at the request of Governor Goldschmidt) *The Majority Report*. This failed to achieve passage in the Oregon House last week in one of the most highly publicized showdown. The outcome was in doubt in the days preceding the hearing. In the end, however, the measure was easily defeated due principally to the overtime put in by the Governor's office. The original version of SB 8 prohibits the export of logs from state lands. However, the majority report would have allowed counties and the General Assembly the flexibility to enter into agreements with an affected county as to whether or not to restrict the sale or export of such timber. Proponents of the Majority Report maintained that by changing the rules on county forest lands, the state was breaking a trust agreement established with the counties. Both the majority report and the minority report provide an exception to the ban for timber determined to be in surplus to domestic needs by the State Land Board.

•**Senate Joint Resolution 8** (see sponsors above) *The Minority Report*. This version is the same resolution passed by the Oregon Senate. This resolution is seen as the principal means to influence the U.S. Congress to pass federal legislation to restrict exports of raw timber. As a result of this measure, however, certain counties that count on forest receipts from county lands managed by the state will take it on the chin financially

due to the lower prices they will receive because they can't sell raw logs from county lands forests for export. In addition, proponents of the minority report believe that breaking the trust agreement among the counties and the state provides a disturbing precedent in state-county relations.

•**SB 955** (sponsored by Senators McCoy, Bradbury, Cease, Cohen, Fawbush, J. Hill, Kerans, Springer; Representatives Bauman, Calhoon, Dwyer, Edmunson, Ford, Hugo, Keisling, Mannix, McTeague, Sowa, Stein, Whitty—at the request of the Forelaws on Board Foundation) requires Department of Geology and Mineral Industries (DOGAMI) to study and assess the potential for earthquake and related hazards in Oregon. Recent work conducted by Oregon State University indicates that Oregon, and especially the coast, may be at substantially greater risk of experiencing a major earthquake than previously believed.

•**SB 956** (sponsored by Senators McCoy, Cease, J. Hill, Springer; Representatives Bauman, Dwyer, Edmunson, Hugo, Keisling, Mannix, McTeague, Sowa, Stein—at the request of the Forelaws on Board Foundation) creates a Seismic Safety Commission to address earthquake hazards by mitigation, preparedness, response coordination and recovery and prescribes membership, duties, and powers of the commission.

•**SB 962** (sponsored by Senator Fawbush) establishes a loan program for development by ports for flexible industrial and manufacturing space in rural areas.

•**SB 995** (sponsored by Senators Springer, Cease, L. Hill, Phillips, Roberts, Trow; Representatives Bauman, Cease, Hosticka, Mason, Sowa at the request of the Association of Northwest Steelheaders, Oregon Trout, Rogue Flyfishers, Waterwatch of Oregon) allows action by the Attorney General or any person for declaratory and equitable relief to protect public uses of the waters of this state and the public trust waters of the state.

•**SB 996** (sponsored by Senators Springer, Cease, L. Hill, Roberts, Shoemaker, Trow; Representatives Bauman, Cease, Hosticka, Mason,

"Land Use"

HB2886, sponsored by three Representatives, would require that a landowner not be prohibited from constructing a dwelling on a parcel of forest land if a dwelling was permitted at the time the local comprehensive plan and land use regulations were acknowledged. This is another example of the type of "blanket grandfathering" attempted through "lot of record" and other similar types of legislative proposals. An overly-rigid land use program often generates this type of legislative proposal, whether at the state or local level. A well-crafted set of regulations should allow such dwellings to be constructed subject to standards and conditions which protect any public interest involved, without unduly restricting the landowner's property rights. See also **SB748** reviewed above.

HB3149, sponsored by twelve Representatives and four Senators, would decrease the number of LCDC members from seven to five and provide that they be elected, one from each of Oregon's five Congressional districts. The first such election would be held at the November 1990 general election. Visualizing Democrats and Republicans vying for LCDC positions based on partisan political issues boggles the mind.

HB3385, sponsored by twenty-eight Representatives and twelve Senators at the request of the Association of Oregon Counties, would prescribe and limit LCDC's authority in establishing a secondary lands program, and would limit LCDC/DLCD activities until state agency coordination certification is completed. The latter provision would apply specifically to periodic review scheduling and to goal amendments involving agricultural or forest lands. Any secondary lands program adopted by LCDC would be required to be optional for counties. This bill again expresses the frustration of local government with the fact that after sixteen years of absorbing a "ton" of State land use mandates at the local level, adequate land use program coordination at the state government-state agency level still has not taken place.

Passage of this bill would place additional emphasis on the requirements of ORS 197.180 that state agency coordination programs be in place by December 31, 1990

Still to come: Status charts for House and Senate bills will be appearing in *Coastal Notes* soon, as well as reviews of bill relating to ocean resources and economic development, and further comment on key land use issues.

"And Introducing"

Sowa, Van Vliet, Young- at the request of the Northwest Steelheaders, Oregon Trout, Rogue Flyfishers, Waterwatch of Oregon) would create a position of Deputy Director for Stream Flow Restoration in the Water Resources Department, requires a stream flow restoration program and refines the substance of basin programs.

•**SB 1038** (sponsored by the Committee on Agriculture and Natural Resources) would establish oil spill liability legislation for the waters of the state.

•**SB 1039** (sponsored by the Committee on Agriculture and Natural Resources) directs the DEQ to develop an oil or hazardous material spill response plan for oil or hazardous material spills on waters of the state.

•**Senate Bill 1115** (sponsored by Senator Kerans) allows a private person to bring an action against an individual who pollutes the waters of the state and award costs and attorney fees to the plaintiff if they prevail.

Senate Joint Memorial 11 (sponsored by Senators Fawbush, Dukes; Representatives Burton, Carter, Hanlon, Hugo— at the request of the Ports of Astoria, Portland and St. Helens; Oregon Public Ports Association) urges the Congress to appropriate moneys for the purpose of completing a formal study concerning deepening the channel of the lower Columbia.

•**House Joint Resolution 35** (sponsored by Representatives Dwyer, Baum, Calhoon, Clark, Dominy, Edmunson, Ford, Hugo, Keisling, Kotulski, Mannix, Minnis, Repine, Roberts, Young; Senators Grensky, Kerans) amends the Oregon Constitution, upon voter approval at a special election held at the primary

election, to allow proceeds from a specially dedicated fuel tax to be used for a leaking underground storage tank account. This could be a very important bill that might keep open many rural gas stations. See the article, "Rural Gas Stations: A Thing of the Past?" from the February 24, 1989 issue of *Coastal Notes*.

•**HB 3188** (sponsored by Representatives Hanneman, Hanlon, Rijken, Schroeder, Whitty; Senators Bradbury, Brenneman, Dukes— at the request of the Oregon Salmon Commission) expands the membership of the Oregon Salmon Commission and changes qualifications for commission membership.

•**HB 3203** (sponsored by Representatives Hosticka, Dix, Mason, McTeague, Sowa, Van Vliet, Young; Senators Cease, L. Hill, Phillips, Springer; Representative Cease, Senator Bradbury- at the request of just about every imaginable sport fisherman's association in the state) requires the Water Resources Commission to establish a program for restoration of stream flow in the waters of the state and measures to accomplish that goal.

•**HB 3243** (sponsored by the Committee on Environment and Energy- at the request of the Oregon Association of Realtors) requires the Land Conservation and Development Commission (LCDC) to assess certain impacts of a rule and goal amendments and directs the commission to file an assessment with a rule when the rule is filed.

•**HB 3329** (sponsored by Representatives Calhoon, Clark, Dominy, Dwyer, Gershon, Mannix, McTeague, Nelson, Rijken, Sowa, Whitty; Senators J. Hill, Kintigh- at the request of Robert Glazier) proposes to change the definition of "disabled person" for purposes of issuing angling license.

•**HB 3384** (sponsored by Representatives Shiprack, Agrons, Baum, Bunn, Burton, Calouri, Campbell, Clark, Derfler, Ford, Gilmour, Hanneman, Hayden, Hugo, D. E. Jones, Kotulski, Miller, Norris, Oakley, Parkinson, Peterson, Repine, Roberts, Schroeder, VanLeeuwen, Whitty, Young; Senators Brenneman, Bunn, Grensky, Hannon, J. Hill, Houck, Kintigh, Otto, Thorne, Yih— at the request of the Association of Oregon Counties) requires LCDC to provide funding if certain land use changes are made.