



Oregon

# COASTAL NOTES

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## Land Use Legislative Issues:

by Paul Benson, Land Use Specialist, OCZMA

In his articles on wetlands management, Onno Husing has given *Coastal Notes* readers a comprehensive background for developing an understanding of SB 3 and the important amendments to that proposal which will be presented by the Division of State Lands at the Senate Water Policy Committee hearing scheduled for 8 a.m. on April 13 at the State Capitol. The bill and amendments are the products of a lengthy series of working discussions between DSL staff and a select advisory committee off persons representing groups having important stakes in the future of wetlands management in the State of Oregon.

There are important issues for land use planning involved in this bill. Although DLCD has been ably represented in the DSL advisory committee discussions, and constructive bill improvements have resulted from DLCD suggestions, the impression remains that once again the State's land use planning program is being over-shadowed by the exigencies of regulatory responsibility.

### *Wetlands Management — Regulation or Planning?*

In crafting Oregon's response to the ever-increasing Federal presence in wetlands protection (Section 404 of the Clean Water Act), it would seem essential to give close attention and full consideration to the requirements and potentials of at

least statewide land use planning goals 3 (Agricultural lands), 4 (forest lands), 5 (natural resources), 9 (economic development), 16 (estuarine resources) and 17 (shorelands). It would also be important to consider the extensive and costly procedural requirements for adoption, acknowledgment, amendment and periodic review of local comprehensive land use plans.

Provisions in SB 3 and its amendments show some recognition of the need to closely coordinate wetlands regulation with land use planning in order to achieve fair and effective wetlands management objectives. However, the bulk of the provisions still show an excessive weighting toward the State's regulatory responsibilities as an adjunct to the weighty Federal interest.

Caught in the middle, as usual, is local government. Directly on the firing line at the zoning counter, yet lacking the financial resources to cope with the need for information and expertise, local jurisdictions experience ever-more difficult problems in attempting to respond to local property owner wetlands concerns.

Given the heavy emphasis on the importance of the statewide land use planning program, it would seem that a joint effort with equal responsibility between DLCD and

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### *Work Session on Wetlands Bill Slated*

SB 3, the much worked upon wetlands bill, will be the subject of an OCZMA work session on Tuesday, April 11th at the Hotel Newport (Cove Room), Newport. The meeting is scheduled to begin at 10:00 a.m. A legislative counsel's draft of amendments should be available next week. The Division of State Land's Working Group is holding its last (?) meeting today so members should be able to review a clean draft of amendments to SB 3.

Ken Bierly of the Division of State Lands will be on hand to explain details of the bill and its amendments.

Based on this meeting, OCZMA will formulate testimony for the Senate Water Policy's first hearing on the bill now scheduled for April 13th at 8:30 a.m. in Hearing Room C of the State Capitol.

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## High Seas Slaughter Update: House Joint Memorial 12 Gets Through Committee

by Onno Husing, OCZMA/Sea Grant Legislative Fellow

House Joint Memorial 12 (HJM 12), which seeks restrictions on high seas driftnets, made it through the House Water Policy Committee on March 28, 1989 with only one minor amendment (that amendment calls for the inclusion of albacore tuna as one of Oregon's commercial and sport fisheries affected by high seas driftnets).

House Joint Memorial 12 had to compete with House Joint Memorial 8, an earlier bill proposed by Representative McTeague. The outcome of the hearing was very much in doubt. Members of the Coastal Caucus contended that HJM 12 be the message sent to Congress due to the tough enforcement measures and trade sanctions called for in HJM 12. As Senator John Brenneman stated during his testimony, "In order to minimize confusion at home, in the Congress and in foreign governments, I believe the Joint Memorial before the Oregon Legislature should be worded in as explicit and direct terms as possible".

A related argument for HJM 12 was that both the California and Washington state legislatures are both moving to adopt the language of Oregon's HJM 12 for their own memorials to Congress. Now that the decks are clear, unless HJM 12 is re-referred to committee once it hits the Oregon House and the Senate (which is highly unlikely), it appears the West Coast will be able to send a relatively uniform message to the Congress concerning the scope and content of action to be taken.

The importance of sending a clear statement to Congress cannot be overstated. Those in Congress that fear starting a trade war or that are uninterested in environmental or

ocean affairs may be reluctant to enact tough federal legislation on driftnets. The danger is that once the issue comes before Congress, some members of that body (and agencies such as the State Department and the Department of Defense) may argue that a mere extension of the 1987 Driftnet Monitoring and Assessment Act is all that is needed.

Under that law, the National Marine Fisheries Service (NMFS) has conducted a study and will soon report the results of that work to Congress. The only thing the NMFS report said affirmatively is that "the implications are serious".

NMFS is reworking the report. However, this is no time to beat up on NMFS because Congress did not give them the resources to do much under the 1987 act. Further, without the cooperation of the Japanese, Koreans and Taiwanese in allowing observers or providing information it would take NMFS tens of millions of dollars and more time to get reliable data. And what would more information tell us? Only what we already know, these fisheries must be curtailed.

It is essential that U.S. Congress gets the message from Oregonians and other Americans that the time to pursue diplomacy and scientific research without the threat of enforcement or trade sanctions has passed. Your letters and phone calls to Washington D.C. and the HJM 12 are essential ingredients in this effort. Please, write and call!

A large press conference will be held at the Columbia River Red Lion (Portland) on April 5 at 7 PM sponsored by the Northwest Steelheaders and the Pacific Marine Fisheries Commission (PMFC) concerning this issue.

### "WELCOME!"

*OCZMA Welcomes  
the City of Newport  
as a New Member of  
the Association*

#### "Land Use" from Page One

DSL would provide an improved approach to the development of wetlands management legislation. This type of joint approach could also serve as a working model of the type of state agency coordination which is envisioned as the intent of the state agency consistency/coordination provisions of Chapter 197.

#### *Yet another Land Use Bill*

HB3384, sponsored by 10 Senators, and 28 Representatives, at the request of the Association of Oregon Counties, would require the Land Conservation and Development Commission to provide for any cost required to accomplish the changes necessary to local comprehensive plans and land use regulations if those changes are required as a result of the amendment of any statewide planning goal or rule adopted under a goal. While part of the continuing effort to reduce the fiscal impact of the statewide land use planning program on county government, this proposal would not appear to be very effective. In addition to goal and rule changes, extensive changes in Chapter 197 itself since its original adoption in 1973 have piled substantial costs on local government as well. The question of the true costs and benefits of the State's land use program needs to be carefully and objectively researched and reported.

## SB 896: The Legislature Considers Forming a Joint Interim Fisheries Committee

by Onno Husing, OCZMA/Sea Grant Legislative Fellow

A hearing was held this week in a subcommittee of the Senate Agriculture Committee on a bill sponsored by **Senator Jeannette Hamby** (Hillsboro) that proposes to form a joint Legislative Committee on Fisheries. Like most interim committees, the Joint Legislative Committee on Fisheries would conduct its business during the interim between the end of this session of the Legislature and the start of the next session. The Joint Legislative Committee on Fisheries would be made up of five members of the House and four members of the Senate and would also be assisted by an advisory committee comprised of non-legislators.

The goal of the Joint Legislative Committee on Fisheries would be to evaluate how state policies regarding food fish management policies can be modified to promote how both commercial and recreational fisheries benefited. SB 896 directs that the following issues be addressed by the Joint Legislative Committee:

(1) evaluate the economic contribution of the recreational and commercial fishing industries to the state of Oregon; (2) evaluate public and private food fish enhancement programs; (3) recommend how the states of Oregon and Washington can work together to improve commercial and recreational fisheries; (4) evaluate the present and future importance of aquaculture; (5) evaluate the importance of the preservation of the lower Columbia River gillnet fishery; (6) evaluate the economic, cultural, nutritional, and aesthetic importance as a means to protect the interest of the fish-consuming public; (7) evaluate

the methods to boost public participation in fisheries management; and, (8) evaluate mechanisms that would promote an ongoing rapport among state legislatures in the Northwest.

Sound like a good idea that's long overdue? Not according to the initial testimony from Harry Wagner of the Oregon Department of Fish and Wildlife (ODFW) and Ken Jernstedt of the Oregon Fish and Wildlife Commission. Among other things, both individuals were concerned about the "scope" of such studies. They also felt that there was plenty of information and studies already available. They also stated their relations with the State of Washington were just fine and that the fisheries are in good shape.

Then **Senators Hamby, Brenne- man and Bradbury** hit the roof. "What do you mean? You don't want us lumbering around in your fisheries?", asked **Senator Brenneman**. "What could possibly be wrong with some key legislators learning more about fisheries and making better informed suggestions to the next Legislature?" inquired **Senator Bradbury**. Then, in her closing remarks **Senator Hamby** forcefully echoed Brenneman's and Bradbury's sentiments.

Watching the show one couldn't help get the impression that even if the members of the Committee had opposed SB 896 before the hearing (which they didn't), after the hearing they would support it out of principle. The next day informal communications from ODFW were apologetic in tone.



### Legislative Quote of the Week

Georgia York, Secretary to Representative Paul Hanneman noted the following quote from Representative Hanneman during a recent discussion regarding the Ways and Means Committee process in the Oregon Legislature,

"Citizens of the State of Oregon almost never testify before the Ways and Means committee partly because of trepidation and partly because of hopelessness."