



Oregon

COASTAL NOTES

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Water rights workshop being planned

Efforts are underway for an OCZMA-sponsored workshop on coastal water issues. A target date of the afternoon of May 2 has been set. This would be immediately prior to OCZMA's May 2, Thursday evening meeting and May 3, Friday meeting.

OCZMA's legislative fellow, Mara Brown, will be producing a background paper on in-stream and out-of-stream water uses and issues.

Participation by the Governor's office and some appropriate state agencies is anticipated. More details will be forthcoming.

Calendar:

Materials for the May 2-3 meeting of OCZMA will be sent next week. The meeting will be held in the Association Center in Salem.

Ocean day in Senate

Two ocean bills were carried on the Senate floor Tuesday, April 16th, by Senator Bill Bradbury (D-Bandon).

Ocean policy concept passes

Sen. Bradbury stressed the importance of ocean planning in Oregon, and commented that SB 162 is a continuation of the 1987 legislative session's passage of SB 630. The bill establishes a policy council to develop a plan for the state's territorial sea. Because the 1990 reauthorization of the federal Coastal Zone Management Act requires any federal activity in the exclusive economic zone from 3-200 miles to be consistent with state planning in the 3-mile territorial sea, Oregon's planning process could have a direct impact on the direction the federal government takes with respect to ocean resources.

Senator Larry Hill (D-Springfield), chair of the Senate Water Policy Committee, commented that the bill specifies that the council can take no action with respect to fisheries harvest regulations. Sen. Hill asked whether the prohibition would effect only levels of harvest? Sen. Bradbury replied that the reason for the prohibition was so that the ocean policy council would not get involved with activities regulated by the Pacific Fishery Management Council (PFMC). However, Sen. Bradbury said that setting policy on marine mammals, for example, was clearly within the purview of the Ocean Policy Council.

SB 162 passed on the Senate floor with 26 "aye" votes. Senators Lenn Hannon (R-Ashland) and Eugene Timms (R-Burns) voted no.

Ocean mineral mining bill carried on floor

Sen. Bradbury also carried SB 499 on the Senator floor Tuesday morning (April 16th), stating that Oregon state law clearly puts a priority on renewable resources over non-renewable resources. Five years ago, when the Ocean Resources Management Task Force was starting their work, they allowed ocean mineral research, and said that the development of marine minerals could only happen if it can be shown that mineral mining won't lead to the damage of renewable resources.

Sen. Bradbury emphasized that the bill clearly allows research, and by banning exploration and development, Oregon can protect its "swimming gold."

Senator Grattan Kerans (D-Eugene) reminded Sen. Bradbury of the minority report he participated in during the Ocean Task Force days, saying that no exploration for hard minerals shall occur.

Senator Mae Yih (D-Albany) asked Sen. Bradbury if the prohibition interfered with federal jurisdiction over coastal waters. Sen. Bradbury answered by saying that the the bill affects the territorial sea out to 3-miles.

Sen. Yih, speaking to the bill, stated that she was opposed to this prohibition because she is concerned that the state may loose an opportunity to explore for minerals and generate revenues. Sen. Yih felt that we should be able to do at sea what we do on land, and she felt that the development of minerals could be done without environmental harm.

After Sen. Yih, Senator Wayne Grensky (R-Medford) spoke and said that the same argument made by Sen. Yih was made in Southern California with regards to oil drilling. "Californians have literally ruined their coast in Southern California. After years of swimming and surfing in a beautiful area, now you come out of the water and wipe off the oil from your body and the surfboard." Sen. Grensky urged a yes vote, saying it was the least they could do.

Sen. Bradbury closed the discussion by addressing the comments by Sen. Kerans. Sen. Bradbury "fondly remembered" the minority report Sen. Kerans was referring to and noted that

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State parks bonding authority passed out of Senate

SB 786 and SJR 13 were passed out of the Senate Agriculture and Natural Resource Committee with amendments on Wednesday, April 17th.

Senator Paul Phillips (R-Tigard) introduced the amendments, which would incorporate the Parks' Mission Statement into SB 786 as requested by Liz Frenkel of the Sierra Club.

Frenkel also voiced concern that the Parks' 2010 plan had a low rate of acquisition, and was a very modest proposal. Dave Talbot, Oregon State Parks Director agreed with this, and

said he would like to see the percentage doubled. Rough calculations from Liz Frenkel suggested that the Parks Department is projecting from 7% to about 15% funding property acquisition in the next 20 years.

The question of whether the legislature should place a threshold or cap on the percentage of acquisition is one of policy, Talbot said. "The bureaucrats on one hand will say give us some flexibility. The Legislature wants to set the percentage." The Committee did adopt a 30% requirement for new

acquisition, but knows this will be going to Ways and Means and could be amended.

SJR 13 is a constitutional amendment to allow bonding authority for State Parks. The mission statement was amended into this bill as well. Both bills passed out of Committee unanimously. SB 786 was sent as a "do pass" to Ways and Means, and SJR was sent as a "do pass" to the Senate floor.

—Mara Brown
Legislative Fellow

East Pacific Rim Compact passes out of Senate Committee

SB 500, the East Pacific Rim Oil Spill Prevention Compact, sailed out of the Senate Agriculture and Natural Resources Committee on Wednesday, April 17th, with 10 amendments.

The amendments reflect the changes the bill has seen throughout the process of deliberations with other states involved in the Compact. Alaska, Washington, California and Hawaii, have joined Oregon in this oil spill prevention effort. The amendments presented to the Committee were discussed during the April 6th meeting of the Ocean Resources Committee of the Western Legislative Conference held in San Francisco, and reflect a fairly broad base of support from involved states, as well as from the shipping and oil industry.

Some of the changes in the bill since the original SB 500 are found in Section V of the bill, the powers of the Compact. The amended Compact is consistent with the federal Oil Pollution Act, rather than superseding it, and establishes that the Compact serve as a West Coast Spill Prevention Advisory Committee to the Coast Guard. The compact will be able to make recommendations to the Coast Guard regarding vessel standards, routes, crews and equipment, which if the Coast Guard does not adopt, it must respond to the Compact as to why the recommendation does not further the prevention of oil spills.

The Compact is also authorized but not required to develop a cost recovery formula to assess potential damage to an area based on the amount of oil spilled and other regional environmental and economic factors in the area of the spill. The formula will be used in place of the type of natural resources damage assessment done with the Exxon Valdez spill in which there was a count or approximation of the individual species lost or damaged by the spill and then these species were given a value.

The Compact may also develop region wide financial responsibility standards, consistent with the federal Oil Pollution Act. The Compact can set the amount, and work with the Coast Guard to enforce and implement the standards. The regional standards will consider existing state financial responsibility standards.

A few other changes in the Compact include clarification that the vessel contingency plan adopted by the compact, will only go into effect when the Compact is ratified, and the Compact agrees to a single plan. Prior to this, the individual state plans will remain in place. The voting structure was changed so that each party to the Compact has two voting representatives, and any action taken by the Compact must be passed by a simple majority, with at least one vote per party included in that.

The Compact requires a \$25,000 funding base, and was passed unanimously by the committee to Ways and Means with a "do pass" recommendation.

—Mara Brown
Legislative Fellow

Senate ocean day

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he changed his views because after four years of the public process, the mineral industry has had time to come forward and demonstrate that they can mine and not harm the marine ecosystem. Sen. Bradbury ended by reminding the senators that the "gold is swimming off the South Coast; it is not in the ground."

SB 499 passed on the Senate floor with 23 "aye" votes. Senators Bob Kintigh (R-Springfield), Eugene Timms (R-Burns), and Mae Yih (D-Albany) voted no.

—Mara Brown
Legislative Fellow

Coastal Caucus Breakfast

New Sea Grant director back home in Oregon

Bob Malouf feels back at home in Oregon as he became the new director of Oregon Sea Grant as of January 1991, a position he told the Coastal Caucus last week, he regards as a "rare opportunity."

Although most recently, Malouf was the director of Sea Grant in New York, he is not a New Yorker. By his own account, Malouf gets a bit defensive about this characterization. He grew up in Missoula, Montana and earned both his B.S. and Ph.D. from Oregon State University in the Department of Fisheries and Wildlife, specializing in oyster management and aquaculture. In 1983-1984, Malouf was president of the National Shellfish Industries.

Malouf replaces Bill Wick who was Oregon Sea Grant's director from 1974-1991. Wick retired at the end of December, 1990. Oregon Sea Grant was founded in 1968, and for the first six years of the program, it had a coordinator rather than a director.

As Director of the New York Sea Grant, Malouf explained that the Sea Grant Program was a multi-campus system housed in the State University of New York (SUNY) universities. The program was also connected with Cornell University, which is officially New York's Land Grant College. Malouf described the inclusion of Cornell as adding tremendous political power to the Sea Grant Program.

The marine environment in New York not only encompasses the ocean and harbors of Long Island and New York City, but the Sea Grant Program extended into the Great Lakes region as well. The shipping industry and marine pollution were two of the issues Malouf dealt with in the Great Lakes region.

Malouf said that he wouldn't have left New York to come anywhere but Oregon, and described Oregon Sea Grant as "the flagship of the national program—one of the largest."

Due to changes at the national level, the job Malouf will do is different from that of past directors. A new system of competition has been established for the funding of Sea Grant programs. Oregon Sea Grant will be competing with other states in its region. Malouf characterizes the ideal Sea Grant research project today as "one that addresses a local issue, has national significance," and has a very strong connection to the sciences.

"There are really two Sea Grants in Oregon: the Extension Sea Grant and the Research Sea Grant." Malouf wants to bring these two back together. Malouf concluded that Sea Grant's role in Oregon is to "create and collect information through research, and disseminate this information through extension."

At the end of Malouf's presentation, he opened the floor up to questions. The discussion turned towards Oregon's Shellfish Program. Dean Willard, legislative assistant to Rep. Tim Josi, confirmed that the Ways and Means Human Resources Subcommittee had recently reviewed all of the proposed funding levels for the Program, including the "250," the "400," and three in between, and declined them all in favor of an outright cut.

Malouf added that shellfish area closures portray an image of

unclean waters and has an impact beyond that of the shellfish growers themselves.

Federal shellfish administrators have indicated that funding the program at an amount less than the \$400,000 target range would garner scrutiny and possibly lead to a non-compliance ruling.

Willard left off the discussion with the current status of the program: "It is fairly high on the list as an 'add-back' in Ways and Means."

—Mara Brown
Legislative Fellow

Committee Schedules:

Senate Agriculture and Natural Resources:

Monday, April 22, and April 29, 8:15 AM, HR C

Work session on SB 555: Defines class I, II, and III waters for purposes of Oregon Forest Practices Act.

Friday, April 26, 8:00 AM, HR C

Work session on SB 91, introduced by President Kitzhaber to establish secondary resource lands.

Senate Water Policy:

Tuesday, April 23, 3:15 PM, Room 137

Public hearing and possible work session on SB 1164: Requires Water Resources Commission (WRC) to withdraw from further appropriation any water resources of the state that are natural habitat of species proposed as threatened or endangered species.

Public hearing and possible work session on SB 1163: Declares emergency for purposes of restoring Oregon's fishery resources.

House Water Policy:

Tuesday, April 23, 1:15 PM, HR D

Public hearing and possible work session on HB 3323: Exempts portion of Nestucca River from scenic waterways designation.

Ad valorem fee bill passes out of Senate Ag

The Senate Agriculture and Natural Resources Committee held a public hearing and work session on Monday morning, April 15, on SB 1202.

The bill assesses a fee on commercial salmon and non-salmon fisheries based on the value of the resource and sets fees for out-of-state boats at higher rates than in-state boats. Kay Brown, Fish Division Specialist Assistant and Chris Carter, economist with the Oregon Department of Fish & Wildlife (ODFW) presented the bill to the Committee. Brown told the Committee that this bill is the only commercial fee bill that is based on the ad valorem system.

After ODFW's presentation, Paul Hanneman, Hanneman & Associates came up to testify with Joe Easley, Administrator, of the Oregon Trawl Commission. Hanneman was a bit surprised that ODFW forgot to mention that the bill had amendments to change the rate on non-salmon species from 1.25 % to 1.09%, and Kay Brown returned to testify that she had made a mistake and that all parties had agreed to this change.

The Committee was concerned about one provision of the bill which placed 25% of the money generated by the fees into a dedicated fund within the treasury, the Commercial Fishing Fund. The other 75% of the money goes into the state general fund. The Committee decided to delete the language in the bill specifying this dedicated fund.

Hanneman also testified that the issue of dedicated fees could be characterized as "let it run, rather than rock the boat." He said from the perspective as a former Ways and Means member, that the inclusion of a dedicated fee doesn't make any notable difference. Easley also seemed to agree that there were good reasons for not having the dedicated Commercial Fishing Fund.

Senator Joyce Cohen (D-Lake Oswego) said that she thought if ODFW had specific plans for the dedicated funds they would be just as effective in pursuing a budget note for the same activities.

SB 1202, as amended, passed unanimously out of the Senate Agriculture Committee and back to Ways and Means whence it came.

Committee reconsiders bill

SB 1202 was back on the Committee's schedule for a work session Wednesday, April 17. Legislative Council had determined that the Committee's action to delete the dedicated fee would have technically meant that the bill could not have been a senate bill, because it would then be generating revenue solely for the general fund.

The Committee reconsidered the bill, and the language concerning the Commercial Fishing Fund was reinserted into the bill. The Committee then passed the bill without recommendation to Ways and Means.

OCZMA, Inc.

P.O. Box 1033

Newport, OR 97365

Address correction requested

