



Oregon

COASTAL NOTES

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Coastal Notes will not be published next week, May 3, due to the OCZMA meeting in Salem.

Fish Fee bill and budget hearing

The Natural Resources Subcommittee of the Ways & Means Committee amended the commercial fishing fee bill Tuesday, April 23, that had been from the Senate Agriculture Committee.

The non-salmon ad valorem rate was raised by the Subcommittee from 1.09% to 1.25%.

Friday, April 26, the ODFW budget and fee bill passed out of full Ways & Means. Attempts failed to amend the fee bill rate back to 1.09% and to re-refer it back to Subcommittee.

Forest Practices Act continues to be deliberated in Senate

Extensive hearings have been conducted over the past two months on Senate Bills 555 and 1125 which would modify the Oregon Forest Practices Act.

SB 1125 is sponsored by Senator Joyce Cohen (D-Lake Oswego) and co-sponsored by Senator John Breneman (R-Newport), Representatives Bill Dwyer (D-Springfield) and Walt Schroeder (R-Gold Beach), and is known as the Oregon Forest Industries (OFIC) bill.

SB 555 is sponsored by the Senate Committee on Agriculture and Natural Resources. Some of the major points of the bills are discussed here, extracted from the bills themselves, along with public testimony, and a comparative chart prepared by the Senate Agriculture and Natural Resource Committee Staff, and the Oregon Department of Forestry (DOF).

Stream Classification

SB 555 redefines the classification for streams, puts the current stream classification into statute, and adds a third classification. Class I streams are those with domestic uses, angling, water dependent recreation, or habitat for spawning, rearing or migration of anadromous or game fish. Class II waters are those with significant summertime cooling on Class I streams, and Class III waters are all other waters of the state with a definite channel or bed. SB 1125 requires the Board of Forestry to establish 3 classes, and to give particular consideration to streams greater than 8 percent grade that have important influence on Class I waters. The Board must consider vegetated buffers along those streams. Currently, there are three stream classifications: Class I, Class II sp and Class II. Due to difficulty applying it on the ground, Class II sp is not used. The Board of Forestry would prefer to see the stream classification changed through rule rather than by statute. The Board would also like a systematic examination of waters to be conducted with the Oregon Department of Fish & Wildlife (ODFW), and to seek funding for a riparian rule effectiveness study in the next biennium.

Clearcuts and Visually Sensitive Corridors

SB 1125 defines clearcut and "visually sensitive corridor as: "a clearcut is any harvest unit in western Oregon that leaves fewer than 50 trees per acre, well distributed over the unit and that measure at least 11 inches at DBH (diameter at 4 1/2 feet from the ground or breast height). In eastern Oregon, a clearcut is defined as leaving fewer than 15 trees per acre that are well distributed over the unit and at least 10 inches at DBH." SB 1125 defines visually sensitive corridor as "forestland located within the area extending 150 feet from the shoulder of a scenic highway." The bill designates scenic highways for the purposes of the Act, including Interstate Highways 5, 84, 205 and 405, and State Highways 20, 18/22, 34, 101, 234 and others.

SB 555 allows the State Forester to condition written plans so as to limit clearcuts to 80 acres or less if there is a serious threat posed by the clearcut. SB 1125 limits clearcuts, as defined, to 120 acres unless excepted, and limits contiguous clearcuts by requiring "green-up" of adjacent land before cutting. There are currently no restrictions on clearcut size or spacing.

The Committee bill sets a minimum of 250 stems per acre within three growing seasons after a clearcut. SB 1125 provides that clearcuts are replanted beginning at most 12 months after cut, and completed after the end of the second planting season; after 5 years, 200 stems per acre must be free to grow. SB 1125 allows for written plans that vary from these standards.

SB 555 also adds habitat protection to the purposes of the Forest Practices Act. The current program provides for overall maintenance of fish and wildlife resources, as well as protection of resource sites for threatened and endangered species, sensitive bird nesting, roosting and watering sites, and wetlands. Current practices also call for protection of critical wildlife habitat identified in 1984 under an agreement with ODFW.

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Forrested Practices debate

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Water Quality Authority

Under current laws and programs, the water quality authority rests with the Department of Environmental Quality (DEQ). The OFIC bill would remove DEQ's authority to enforce state and federal water laws with respect to forestry. The Board of Forestry will establish best management practices and other regulations applying to forest practices and water quality.

Slash Burning

The Committee bill would increase the slash burning fee from \$2 to \$15.50 per acre. The fee increases \$5 per year to a cap of \$35 per year in 1995. SB 555 also requires the State Forester to establish a system for reducing acres burned such that by 1996 slash burning is done only for fire prevention. Currently, slash burning is regulated through implementation of the Smoke Management Plan and Visibility Plan. Permits and instruction compliance are required. There is a \$2 per acre fee for registration and burning, and the fees are used to improve the management of burning and to reduce emissions. Programs and fees are scheduled to "sunset" in 1991. While the OFIC does not address the slash burning issue, the Board of Forestry recommends making the current programs and fees permanent by removing the December, 1991 sunset clause.

Forest Practices Enforcement Fund

The OFIC bill also creates a Forest Practices Enforcement Fund which includes civil penalty assessments of up to \$200,000 per biennium. The fund can be used for purposes such as reforestation if the responsible party has failed to comply with reforestation requirements. Civil penalty assessments that exceed \$200,000 in a biennium shall be paid to the General Fund. Currently, all civil penalty money is returned to the General Fund.

Forest Management Policies

The Committee bill, SB 1125, revises state policy to assure that "forest management policies" assure growing and harvesting of trees. The State Forester may limit cutting in specific areas so as to assure continuous growing and harvesting of trees and protection of other forest values. SB 555 modifies Board authority to permit rulemaking that influences when and how a landowner manages property, and allows the Board to create rules protecting fish and wildlife habitat. Current policy encourages economically efficient forest practices that assure the continuous growing and harvesting for forest tree species, while providing for the maintenance of air, water, soil, and fish and wildlife resources.

Balance of Interests Supported by Board

The Board of Forestry supports current emphasis on achieving an appropriate balance of the soil, air, water, fish, and wildlife resource benefits and the jobs, products, tax base and other social and economic benefits derived from the continued growing and harvesting of trees under sound management practices. The Board recognizes a private landowner's right, within existing regulations, to choose whether or not to harvest trees on his or her property.

Senator Springer's Statement on SB 555

During one of the early public hearings on the bill, Senator Dick Springer (D-Portland), who requested that the bill be drafted,

testified before the Senate Agriculture Committee about the major provisions and intentions of the bill. Sen. Springer stated: "SB 555 does not do away with the Forest Practices Act. Instead it acknowledges the value of the existing structure and grants additional authority to the Board of Forestry to pass rules that recognize that the world has changed."

Sen. Springer discussed the major provisions of the bill; one of the foremost issues being that of cumulative impacts. The Board of Forestry would be granted the authority to condition logging operations based on the cumulative impact of that one operation combined with other operations in the same watershed.

Sen. Springer closed his testimony by stating that he believed the provisions of the bill reflected what the public expects, at a minimum, in reform of the Forest Practices Act.

Representative Walt Schroeder Passes Forestry Bills out of Committee

Representative Schroeder moved four bills out of the House Agriculture, Forestry and Natural Resources Committee that deal with small woodlands. HBs 2318; 2319; 2320 and 2322 were passed out of Rep. Schroeder's Committee and are now being heard in the House Revenue and School Finance Committee, as assigned by prior reference.

The bills, which were drafted at the request of the Joint Interim Committee on Forest Products Policy, are aimed at increasing timber production on small woodland tracts which are owned by an individual or family corporation, from 5-5000 acres.

HB 2318 allows cost expensing of certain reforestation and management costs otherwise required to be capitalized for income and excise tax purposes. Under the present law, the expenses of reforestation and some management may not be claimed until the timber is harvested 60-100 years in the future. HB 2318 allows a small woodland owner who harvests timber to subtract expenses within a ten year period of incurring the expenses. Additionally, the landowner is responsible for preparing a simple treatment plan to be reviewed by the State Forester.

HB 2319 provides Western Oregon forest landowners more planning ability for tax liability, to result in more even forest land assessment rates. The bill also changes the index used in valuing land under the Western Oregon Forest Land Program to match the system used in Eastern Oregon.

HB 2320 provides that land receiving special forest assessment is actually in tree production. It further provides that the State Forester is authorized to assist the landowner in developing a management plan to:

- Regenerate all suitable non-stocked land;
- Maintain "free-to-grow" conditions;
- Protect from fire, insects, disease, animal damage, vegetative competition; and
- Finalize harvest.

Rep. Schroeder said that the bill essentially means, "If you're getting special forest lands assessment, the land must be producing trees." The bill pertains only to Western Oregon at this time.

HB 2322 provides incentives for small woodland owners to increase the amount of forest on their land through capitol gains treatment for woodland owners—60% capitol gains deduction on

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In-stream water rights issues topics of both House and Senate Water Policy Committees

The House Water Policy Committee heard two bills Tuesday, April 23, sponsored by Representative Rod Johnson (R-Roseburg).

The bills would exempt farmers and ranchers from certain Water Resource Department (WRD) requirements in conjunction with the creation of small ponds mainly for watering livestock. The Committee heard HB 3136 and HB 3389 in tandem. HB 3136 would delete the requirement that an applicant for a water right for a pond or reservoir has to have a map prepared by a water right examiner. Rep. Johnson also proposed to limit the cost of a permit to \$50. HB 3389 would exempt pond and reservoir creation in a seasonal water source from requiring a WRD permit.

Seasonal Ponds Also Affects Forest Lands

A representative for Ward Armstrong of the Oregon Forest Industry Council (OFIC) testified that there are thousands of these small ponds on timber lands, and having to get a permit for each one would adversely impact the timber industry.

A water hole is built in a critical fire hazard area on timber lands, so that it can be reserved for use to put out fires. The OFIC representative requested that the Committee amend the bill to permit use of water holes on forest land as part of the Forest Practices Act. The water holes are also known as "helicopter ponds" or "pump chances" in forest industry vernacular.

Senate Water Policy Hears Potential Fish Protection Measure

Senate Bill 1164 came up before the Senate Water Policy Committee on Tuesday afternoon, April 23rd. The bill was sponsored by the committee at the request of Oregon Trout and the Oregon Rivers Council. Jeff Curtis, of the Oregon Department of Fish & Wildlife (ODFW), testified that the bill, which prevents

further allocation of water from streams which are habitat of federally listed threatened or endangered species, would go further than federal law at this point.

The public comment period in response to the National Marine Fisheries Service decision to list the Snake River sockeye has just begun.

Senator Larry Hill (D-Springfield) said that the intent of the bill was to keep the water quantity situation in-stream from getting worse, given that the decision to list the salmon species could take several years. Sen. Hill also asked the WRD whether they were in the loop for receiving notification when a petition to list a particular species was filed.

A WRD spokesperson said that they were not notified of this process early on. The Water Resources Commission has not considered directly the impact of the endangered species listing, the spokesperson said.

Senator Wayne Fawbush (D-Hood River) responded by saying "We are in the middle of a major environmental crisis with respect to fisheries stocks. You're telling me that the Commission hasn't discussed how they are going to try to deal with this issue?"

Discussion of SB 1164, as well as Water Watch's in-stream water right bill SB 1163, continues, with ODFW and WRD the main players before the Committee.

Tuesdays can be long afternoons. As soon as Representative Chuck Norris's (R-Hermiston) gavel barely hits the dias to signal closing of the House Water Policy hearing, the audience of interested persons--representatives from agriculture, timber, municipalities and environmental organizations--are well on their way over

—Mara Brown
Legislative Fellow

Forrested Practices debate

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state income tax is allowed. Rep. Schroeder said that the purpose of the bill is to stimulate investment in forest land and reduce the effect of increased burdens due to the 1986 Federal Tax Act which reconnected state tax to federal law, and increased taxes to Oregon forest owners from 4% to 9%.

HB 2317 is still in Committee, and is aimed at providing a market for immature timber. The bill permits forest land owners to sell timber "cutting rights" to the State, for trees 10 years or older given certain conditions. One of the purposes of this bill is to prevent the harvesting of premature timber. The landowner is paid to manage the timber, and would have one opportunity to buy back cutting rights at harvest time. Loss due to fire, insects, disease, etc., will be borne by the State.

The Senate Forest Practices Act bills are scheduled for a work session on Monday, April 29th, in the Senate Agriculture and Natural Resources Committee.

—Mara Brown
Legislative Fellow

Ways and Means brings back angling bill

The Natural Resources Subcommittee of the Ways and Means Committee, worked on SB 247 Monday, April 22, a bill to assess a license fee for the recreational harvest or angling of shellfish.

Earlier in the session, the bill was rejected by the full Committee. The Subcommittee amended the bill to dedicate the revenue generated from the angling fee to the Fish Division of the Oregon Department of Fish & Wildlife (ODFW), specifically for the purposes of water quality monitoring related to shellfish that had been cut from the ODFW budget.

Committee member Denny Jones (R-Ontario) voted against the bill, but with support from Senators Wayne Fawbush (D-Hood River) and Cliff Trow (D-Corvallis) and Representative Bob Shiprack (D-Beavercreek), SB 247 is back on its way to full Committee.

OCZMA, INC. MEETING

May 3, 1991

The Association Center, Conference Room B, 777 13th Avenue, S.E. Salem, Oregon

• Messages: [503] 581-9156 •

- 9:00 a.m. Call to Order; Introduction of Members and Guests—*Gordon Ross, Chairman, OCZMA*
- 9:05 a.m. Administrative Matters—*Georgia York, Executive Assistant, OCZMA*
- Approval of March Association Minutes
 - Approval of March and April Financial Reports
 - 1991-93 Association Budget Update
- 9:20 a.m. Election of Officers and Executive Board Members—*Gordon Ross, Chairman, OCZMA*
- 9:30 a.m. The State of Financing in Oregon—*Tony Meeker, Oregon State Treasurer*
- 10:00 a.m. Director's Report—*Jay L. Rasmussen, Director, OCZMA*
- Newsletter/Coastal Meeting Planners Guide
 - Publication Rates
 - Maintenance Dredging Committee
 - Port Reporting Report—Status
 - Flow Lane Disposal Monitoring at the Port of Bandon
 - Wetland Conservation Plan RFP for Rockaway Beach
 - ODFW Commercial Fish Fee Bill
 - Ocean Resource Management Legislation
- 10:45 a.m. Break
- 11:00 a.m. Legislative Assistance Report—*Paul Hanneman, Hanneman and Associates*
- 11:15 a.m. Legislative Report—*Mara Brown, OCZMA/OSU Sea Grant Legislative Fellow*
- 11:55 a.m. Coastal Parkway Awards/Highway 101—*June Carlson, Planning Section, Oregon Department of Transportation*
- 12:20 p.m. Lunch (catered at the Association Center)—Contact OCZMA's office for lunch reservations by Wednesday, May 1, if you plan to stay for lunch
Speaker: *Representative Walt Schroeder*
- 1:30 p.m. Valuation of the Rogue River Fishery—*Dr. Rebecca Johnson, Department of Forestry, Oregon State University*
- 2:00 p.m. Review of Background Paper on Coastal Water Issues—*Mara Brown, OCZMA/OSU Sea Grant Legislative Fellow*
- 2:30 p.m. Other business as necessary
- 2:45 p.m. Adjourn

Coastal Caucus Breakfast

Seafood Consumer Center

The Coastal Caucus heard Monday, April 22, about plans to build a Seafood Consumer Center in Astoria. The presentation was by Rick Gustafson, Interim Director for the proposed center.

In attendance were Representative Jackie Taylor; Representative Walt Schroeder; Representative Tim Josi, Senator Bill Bradbury and Senator John Brennehan. Marty Swedberg, Legislative Aide to Senator Joan Dukes; Debby Boone, Legislative Aide to Representative Jim Whitty; Joe Easley, Administrator, Oregon Trawl Commission; Mike Simms, Hanneman & Associates; Sally Schroeder; and Diane Heinz were also present. Joining Rick Gustafson was Thayne Dutson, Director of the OSU Agricultural Experiment Station.

The Seafood Consumer Center would be a non-profit corporation aimed at bringing all aspects of seafood education under one roof in Astoria. Involvement by Clatsop Community College, OSU Extension, and seafood consumers would form the basis of the Center, with additional space possible for organizations such as the Oregon Trawl Commission, Salmon For All, and the Oregon Department of Fish & Wildlife (ODFW).

The project received \$1 million from the U.S. Department of Commerce last year. Supporters hope to have that funding repeated this year. Two sites are being considered for the development of the Center and possible accompanying hotel and restaurant: the Astoria fairgrounds (in an urban renewal district) and the east end mooring basin.

Gustafson told the Caucus that the U.S. Army Corps of Engineers is looking at that site for a fisheries renewal project. The east end mooring basin is also home to a large herd of California sea lions. Gustafson said the herd may be an attraction to hotel developers who have no preference for either site at this point.

A Regional Research Facility for Seafood

The overall goal for the Consumer Center according to Gustafson is for it to become a regional facility for West Coast seafood research. A large part of the Center would be consumer oriented in teaching the public how to cook, prepare, and harvest seafood.

Thayne Dutson, OSU Agricultural Experiment Station, said that they are hoping to attract financial support from the Oregon Department of Agriculture for the Astoria and Newport facilities and labs. Some monies directed at the Agricultural Experiment Station are currently going toward the Center as well as fisheries research in Newport. An extensive federal grant for seafood research is an idea for the future but would require a match from the state. Details of the financial packet would be ready about a year from now.

Major development for Astoria

Gustafson told the Caucus that the Seafood Consumer Center would be a major development project for Astoria, and that there is a lot of local support for the proposal. The combination of a hotel and restaurant in conjunction with the research facility could allow some kind of lease agreement that will assist in keeping the Center operational.

Some recent actions in regard to the Center include a funding proposal for the center in the Clatsop County regional strategy fund, and with the Oregon Tourism Alliance. Nippon Suisan, one of the largest surimi processors in the world is also trying to negotiate with the Seafood Consumer Center to establish a research center for shore-based surimi processing.

Next Monday, April 29, the Coastal Caucus is scheduled to hear a presentation by Jim Good, OSU College of Oceanography, on coastal natural hazards.

—Mara Brown
Legislative Fellow

Marine Mammal Memorial passes out of House floor

The Marine Mammal Memorial bill—HJM 25 sponsored by Representative Walt Schroeder (R-Gold Beach)—went unopposed on the House floor Earth Day, April 22, and passed out with 51 yes votes, 7 nos, and 2 excused.

Rep. Schroeder carried the bill. He said the Marine Mammal Protection Act was a well intended piece of legislation, and has served a good purpose, restabilizing the populations of gray whales, for example. The California sea lion is not endangered in Oregon. Rep. Schroeder referred to the adverse impact the expanding population of male sea lions might have upon the steller sea lion, which is endangered.

Representative Jim Whitty (D-Coos Bay) also spoke to the bill. Remarking that it wasn't

often that he made a floor speech, Rep. Whitty said that the bill was signed on to by almost every coastal caucus member. (Senator Bill Bradbury is the exception, who stopped signing on to bills after he took over as Ways and Means co-chair.) Rep. Whitty told the House that almost every fish returning to Oregon streams has either a high seas driftnet mark or a seal slash, and added "We are spending millions of state dollars to propagate what the sea lions are devouring."

Under the Memorial to Congress, the state would seek jurisdiction over the management of the California sea lion and harbor seal, which under the Marine Mammal Protection Act (MMPA) are currently managed by the U.S. Department of Commerce.

Smoke Free Class of 2000 Month bill passes

SJR 20, sponsored by Senator John Brennehan (R-Newport), passed off the House floor on Monday, April 22nd. SJR 20 declares May 1991 to be "Smoke Free Class of 2000 Month." The vote was 58 yes and 2 excused.

House Agriculture, Forestry and Natural Resources Committee Schedule:

Tuesday, April 30, 8:00 A.M., HR F

The following bills are scheduled for public hearing and possible work session:

HB 2731: Prohibits reduction of harvestable timber on non federal lands in state as result of listing Northern Spotted Owl as threatened species.

HB 3240: Authorizes tax credit against state personal income and corporation taxes based upon value of timber on riparian land left unharvested after timber harvest operation that meets requirements of Oregon Forest Practices Act.

HJM 23: Memorializes Congress to establish management standards for forest and timber practices and to address certain issues related to the Northern Spotted Owl.

Wednesday, May 1, 5:30 P.M., HR F

The following bill is scheduled for public hearing:

HB 2244: Provides for environmental and economic evaluation process in conjunction with development of mineral resources.

Thursday, May 2, 8:00 A.M., HR F

HB 2244 is up for public hearing and possible work session .

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Address correction requested

