



Oregon

# COASTAL NOTES

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## In Memorium

Jerry Creasy, former Tillamook County Commissioner and past chairman of OCZMA, passed away Thursday, April 4. We extend our sympathies and our very best wishes to his family.

—Jay Rasmussen and Georgia York

## State parks topic of debate

Four senate bills are circulating the Capitol this session, that would establish a mechanism for state parks acquisition.

Senate Joint Resolution (SJR) 13, sponsored by Senator Paul Phillips (R-Tigard), Senate President Kitzhaber (D-Roseburg) and Representative Bob Shiprack (D-Beavercreek), authorizes the issuance of general obligation bonds for state parks and recreation and fish restoration and enhancement projects, upon voter approval of amendment to the Oregon Constitution at the next general election.

SB 786 is the legislative counterpart to SJR 13's constitutional amendment. Money obtained from the sale of bonds, with a maximum of \$250 million, will go into the State Parks and Recreation Development Fund. As stated in SJR 13, the money can be used for:

- The acquisition, development and maintenance of the state park system, and the creation of overnight camping and recreational facilities in each county of this state, with emphasis on easy access to all people of this state.
- The acquisition, development and maintenance of fish and wildlife habitat, spawning areas, fish viewing areas and other fish habitat enhancement programs authorized by law.

### Possibility of fuel tax mechanism

Two other revenue sources for state parks would come from fuel taxes. The *Oregonian* and the *Eugene Register-Guard* have supported the gas tax and have indicated that it is the most logical and direct revenue source for parks.

In 1980, the dedicated gas tax was removed from parks, when Oregonians voted on a constitutional amendment to separate State Parks from the gas-tax-supported highway fund. Both SJR 12 and SB 785 are sponsored by Sen. Kitzhaber and Sen. Phillips. SJR 12 would require voter approval at the next general election to amend the Oregon Constitution to allow a specially dedicated fuel tax to be used for state parks acquisitions. Currently, monies from fuel taxes are used for highways, road construction and maintenance.

SB 785 requires that a dealer of motor vehicle fuels shall pay a one cent per gallon license tax on the first sale, use or distribution of motor vehicle fuel. In addition, there will be a one cent per gallon tax on the use of fuel in a motor vehicle. The proceeds of each of these taxes will go toward the State Parks and Recreation Department Fund. The uses of these funds are primarily for the acquisition, maintenance and development of state parks and do not include fish restoration and enhancement. These bills have been referred to the Senate Committee on Transportation with subsequent referral to Revenue and School Finance. Neither has been scheduled a public hearing at this point.

### Committee hears bond authority bills

On Friday, March 29th, the Senate Agriculture and Natural Resources Committee held a public hearing on SB 786 and SJR 13. Brian Booth, Chairman of the State Parks and Recreation Commission testified in support of SB 785, SB 786, SJR 12, and SJR 13.

Booth noted that while there has been much talk of investing in the parks infrastructure, little action has been taken to stop private development and with it, the privatization of "special places" that should be preserved for all Oregonians. Booth stated that "Oregon's park system

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## —CALENDAR—

Thursday and Friday, May 2 and 3, 1991, are the dates for the next meeting of OCZMA. Materials will be sent the week prior. The meeting will be conducted in the Association Center in Salem, Oregon.

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- Coastal Caucus
- Ocean management Committee schedules
- Commercial fish fees
- Oil spill bill

## Senate debates state parks bills

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is one of the best-known and best-attended in the United States. In 1990, attendance was nearly 40 million visitors — the fifth highest in the nation.” Compare this statistic with the fact that general fund dollars provide 18% of the Parks Department budget, with park user fees and recreational vehicle fees making up a large portion of the budget, at “survival level maintenance.” According to Booth, the operating budget per visit is 49th out of 50 states. The last state park was built more than 20 years ago during the governorship of Tom McCall.

Two years ago, the 1989 Legislature created the Department of Parks and Recreation and the Parks Commission which took effect on January 1, 1990. The Commission, composed of 7 members selected by the Governor, has adopted the 2010 Plan, as recommended by the 2010 Committee, as the Park’s Department mission. They have also developed a 6 year plan called “Protect the Best of Oregon” for the first 6 years of the 2010 plan. Brian Booth testified that the population of Oregon is expected to increase 25% by 2010. Coupling this with a predicted increase in tourism, park use is expected to increase by 40% by 2010. Booth said that two-thirds of all pleasure travelers visit a state park while in Oregon.

### Bonding mechanism could fund 2010 projects

New York, New Jersey and California use bonding to acquire parks and open spaces. Washington state has passed five bond measures. David Talbot, Director of the Parks and Recreation Department testified in support of the bond mechanism and summarized the recommended spending based on the 2010 plan.

The five program areas are:

- “Protecting the Investment” through rehabilitation and maintenance projects;
- “Increasing Assets” through land acquisition, campgrounds and day-use areas, boating, trails, technical staff;
- “Preserving Our Heritage” through natural resources, ocean shores, greenways, scenic waterways, and the parks history program;
- “Telling Others About Our Oregon” through interpretive services;
- “Increasing the Return” through concessions, marketing, co-ops and volunteers, and outdoor recreation advocacy.

### Economic Impacts of Parks

Facts on the economic impacts of parks offered by Dave Talbot included:

- \$256 million spent within 25 miles of surveyed day use areas;
- \$30 million spent within 25 miles of state park campgrounds;
- \$22 million spent for state park expenditures within in local

- area for payroll, services and supplies;
- \$308 million annual total.

Terry Ann Rogers, Legislative Coordinator for Governor Barbara Roberts testified in support for these measures on behalf of the Governor. Rogers remained to listen to the entire hearing, which included testimony from a handful of citizens and parks volunteers in support of the legislation. In her inaugural address, Governor Roberts had emphasized land use planning and environmental protection as her top priorities.

### Support from variety of sources

Claire Puchy from the Oregon Department of Fish and Wildlife (ODFW) testified on behalf of the Department in support of the concepts reflected in the state parks bills. Puchy commented that there is a common thread to many bills introduced this session. Puchy stated “the recognition that public demand for parks, open spaces, natural areas, fish and wildlife appreciation and tourism related to these resources is growing, but our opportunities for securing them for present and future generations is diminishing.”

Sara Vickerman, testified on behalf of Defenders of Wildlife, the main force behind last session’s “Resource Conservation Trust Fund (RCTF).” Vickerman supports providing bonding authority for state parks as consistent with the goals of Defenders of Wildlife. The 1989 Legislature established the RCTF to help State Parks reach their 2010 goals, as well as to help fund other state agencies and private organizations habitat restoration projects.

The Fund was created but no funding mechanism was put in place; hence, Vickerman has in the past characterized the move as “empty bag legislation.” This session, HB 2349 has been proposed by the Joint Interim Committee on Revenue and School Finance to fund the RCTF and State Parks through a five cent tax per container to be paid by the manufacturer of a beverage offered to a distributor or dealer for sale in Oregon. Sixty percent of the proceeds from the tax would go to State Parks and 40% of the money would go to the RCTF. HB 2349 continues to sit idle in the House Business and Consumer Affairs Committee.

A second funding proposal from the Joint Interim Committee on Revenue and School Finance, HB 2347, has been referred to the House Environment and Energy Committee, chaired by Rep. Fred Parkinson (R-Silverton). HB 2347 reflects the funding mechanism proposed by the RCTF. The bill calls for a 10% gross receipts tax on commercial and industrial solid waste collection, and also a freeze on the inflationary adjustment for personal income tax exemption credit. The bill does not explicitly divide the revenue generated by these mechanisms into Parks and RCTF--this will be left up to the legislature. This bill is also still a “sleeper” in the House Committee.

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## Coastal Caucus Breakfast

Wetlands was the topic of discussion featured at last Monday's, April 1 meeting of the Coastal Caucus Breakfast in Salem.

Ken Bierly, Wetlands Manager with the Division of State Lands (DSL), was the invited speaker. Bierly joined Senator Bill Bradbury, and Representatives Jackie Taylor, Walt Schroeder and Tim Josi. Legislative aides Debby Boone and Dean Willard were also present, as was past Legislative Fellow and current Wetlands Consultant Onno Husing, Paul Hanneman, Hanneman and Associates, and Mike Simms, Hanneman and Associates.

### The importance of wetlands

The national spotlight on wetlands was focused in three famous words spoken by President George Bush in 1988: "No net loss."

While there has been much public concern over wetlands in the last few years, the effort on the part of the federal government as well as in the states, to determine what the definition of a jurisdictional wetland is, as well as how they will be protected has been in process longer than that.

Wetlands is the term used for coastal salt marshes, inland marshes, riparian wetlands, swamps, bogs and other lands that often form the transition zone between an open body of water and the dry upland.

Wetlands have several important functions. They are prime habitats to many species of plants and wildlife. Ken Bierly commented that wetlands are disproportionately important for wildlife and water fowl. Although wetlands occur on less than 2 1/2 % of the surface area, some species are totally dependent on these areas. Coastal wetlands are often spawning grounds for fish and shellfish. Wetlands also serve as natural water filters, which upland runoff

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Vickerman concurred with Liz Frenkel of the Sierra Club who testified earlier that the mission statement of State Parks should be made statutory. Frenkel said that there is a "bit of a glitch" between the State Parks' mission statement, which is what the public sees, and the statutory authority of the State Parks which is less specific. Senator Paul Phillips (R-Tigard), who after an initial introduction had remained in the back of the hearing room, at this point testified with Frenkel that he would support working the mission statement into the bill, saying that this would "help to broaden the bill's constituency."

Committee Chair Sen. Dick Springer (D-Portland) closed the work session by saying that he would make sure that amendments to reflect the incorporation of the Parks mission statement would be ready when they go into a work session on the bill in a couple of weeks. They will try to move the bills out of Committee at that time.

—Mara Brown  
Legislative Fellow

passes through before reaching open water. Wetlands take up and utilize nutrients and reduce the sediment load into the adjacent water body. Wetlands also serve as natural flood protection mechanisms by storing water. Vegetated wetlands also secure the sediment and soils adjacent to a water body through root stability and also as a breaker between the upland and wave action and water friction. Not all wetlands have each of these functions. Bierly also said that there is little evidence that wetlands provide aquifer recharge. In fact, there is more evidence that they serve as aquifer discharge areas. Intertidal wetlands may have some recharge functions.

### Four federal agencies involved in wetlands

On the federal level, four agencies are responsible for wetlands delineation. The Army Corps of Engineers (CE), the Environmental Protection Agency (EPA), the US Fish and Wildlife Service (FWS), and the Soil Conservation Service (SCS). The CE and EPA are responsible for delineating wetlands under Section 404 of the Clean Water Act (CWA). The CE also has jurisdiction over delineating wetlands under Section 10 of the Rivers and Harbors Act of 1899. Under the CWA, the Secretary of the Army issues permits for the discharge of dredge or fill material into the navigable waters of the US, including wetlands.

The EPA has final authority over CWA determinations. Under the Rivers and Harbors Act, the CE issues and are capable of producing an agricultural commodity where such production would not have been possible before such action; or wetlands that have been otherwise manipulated by any activity that results in impairing or reducing the flow, circulation or reach of water that has effect of significantly adversely affecting wetland values and is capable of producing an agricultural commodity where such production would not have been possible but for such action." Prior converted wetlands that were serviceable on or after January 1, 1980 can be reconstructed, consistent with the original, before December 31, 1991 without permit.

SB 3 requires the Division of State Lands to develop and maintain a comprehensive statewide wetlands inventory. Initial inventories are to be based on the national wetlands inventory and updated when more complete information is available. The statewide inventory should also identify opportunities for wetland creation, restoration and enhancement when the information is available.

### Local Wetland Conservation Plans

SB 3 also allows any city or county to develop a wetland conservation plan that identifies wetlands and their functions. While the drawing up and adoption of the wetland conservation plan is optional, the elements of the plan are mandated in the statute. Some of the details of the plan are given here:

- The conservation plan should designate wetlands in terms of protection, conservation or development.
- Also included would be a mitigation plan, including a program for replacement of planned wetland loss and restoration of lost

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## Wetlands featured topic at Caucus

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functions through creation of a new wetland or enhancement of existing wetlands in sites specifically designated in the mitigation plan.

- Monitoring provisions, specification of buffer areas on adjacent areas shall be included in the wetland conservation plan.

All wetlands designated under a local wetlands conservation plan must undergo extensive review at the local, state and federal levels. Some removal or fill permits may be preapproved based on the local wetlands conservation plan, providing that the plan is adopted into the local comprehensive land use plan, which is approved by the state.

Onno Husing has been working with Wilbur Teryk on a wetlands conservation plan for the city of Seaside. Husing gave the Coastal Caucus a bit of an idea of what it takes to carry out a wetland plan.

### The permit process

Unless the development is in a preapproved location according to the local plan and required mitigation activities, in order to develop a wetland in Oregon, it is necessary to obtain a permit from the Division of State Lands for removal or fill of material.

Similarly, unless preapproved by DSL, individual permit applications are required for removal or fill or both in areas subject to an approved estuary management plan. An estuary plan can be drawn up by a city to be approved by the DSL and become an integrated part of the local comprehensive plan.

Development of wetlands requires mitigation or estuarine resource replacement. Mitigation is defined as the avoidance of adverse impacts in the following order:

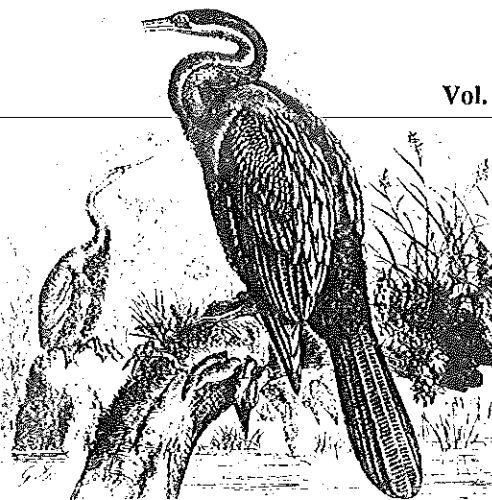
- Avoiding the impact altogether;
- Minimizing the impact of the activity;
- Reducing the impact by repairing, rehabilitating or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate corrective measures;
- Compensating for the impact by replacing or providing comparable substitute wetland or water resources.

Estuarine replacement must be performed if the wetland developed is located in an intertidal or marsh area of an estuary. This includes creating, and restoration or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary.

The state does not require mitigation for development in a constructed wetland, but a federal permit is required. With a few exceptions, all persons filing for a wetland development permit in Oregon, must also file with the Corps of Engineers for a Section 404 permit.

### Federal law changes on the horizon

There are some conditions now under which the state can issue a general permit to grant authority to do certain wetlands alterations. The reauthorization of the Federal Clean Water Act in 1992, may



**WETLANDS** is used to indicate coastal salt marshes, inland marshes, riparian wetlands, swamps, and bogs.

allow the states to assume CWA 404 permitting process. For a state like Oregon, with a nearly duplicate process, this would be fairly easy compared with a state with no wetlands laws in place.

The Coastal Wetlands Planning and Protection Act of 1990 would provide money for protection of wetlands. Louisiana, which loses annually an amount of wetlands equal to Oregon's total wetland area, has been given \$60 million and the rest of the country gets \$15 million. Another prospect for Oregon's future is participation in the Pacific Coast Joint Venture. Oregon, Washington, and British Columbia will be joining to protect water fowl, with efforts to acquire property to restore them for water fowl protection.

Agricultural wetlands definitions under the federal farm bill may become less restrictive. The state law includes an exemption for agricultural wetlands, considering these are normal farming and ranching activities such as plowing, grazing, seeding, cultivating, conventional crop rotation, harvesting for production of food and fiber, upland soil and water conservation practices or reestablishment of crops under federal conservation program provisions. The 1990 Farm Bill is possibly going to be expanded to include pasture and hay.

### Aquatic plants bill introduced

Sponsored by Senator Larry Hill (D-Springfield), Chair of the Senate Water Policy Committee, on behalf of Wilbur Teryk and Onno Husing, SB 1149 has been introduced this session to require a license for the commercial harvest of aquatic plants by the Division of State Lands.

The bill also calls for a civil penalty if a violation of licensing requirements or rules. In the event that wetlands mitigation becomes a widespread activity in Oregon, there is a chance that natural wetlands may be stripped of their vegetation by people who would sell the plants for cultivation on a mitigated site. The bill has a definition of wetlands that is different from the current state and federal CE/EPA definition and includes land that under normal circumstances has hydrophobic vegetation, hydric soils and wetland hydrology.

License requirements are not required for harvesting plants cultivated by artificial means, or the harvesting of plants for research activities.

SB 1149 had been referred to Water Policy, then Judiciary, and is now in Ways and Means, but as yet, has not been scheduled for a public hearing.

—Mara Brown  
Legislative Fellow

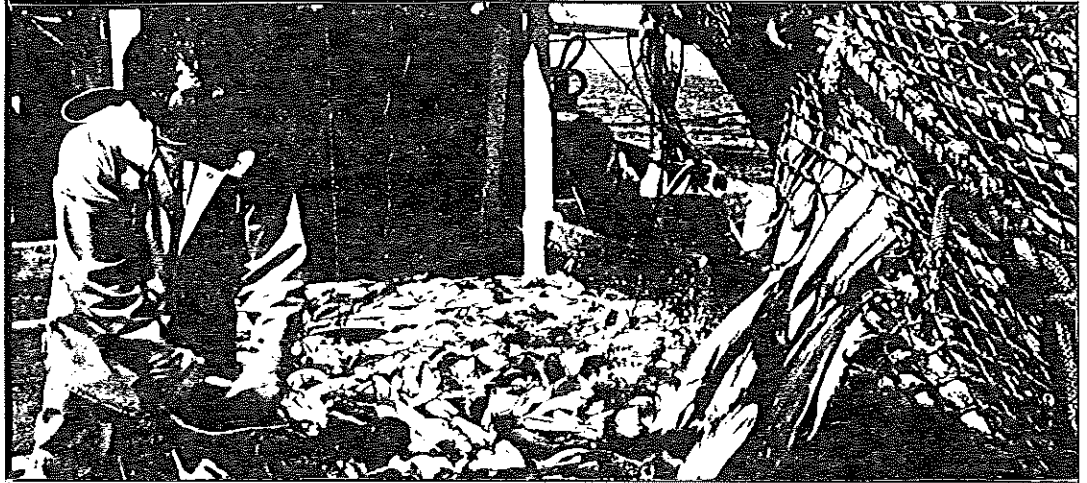
# Oregon's ocean management bills heard

The Senate Agriculture and Natural Resources Committee held a work session Wednesday, April 3, on two bills impacting Oregon's ocean management policies.

SB 499 and SB 162 were passed out of the Senate Committee with "do pass" recommendations. SB 499 would ban all private or governmental exploration or development within the state-owned territorial sea as written in the final SB 499-4 amendments adopted by the Committee.

The original version of the bill allowed Division of State Lands to enter contracts for governmental research or exploration but prohibited governmental or private development and private exploration for hard minerals in the territorial seas. The bill was subsequently amended, however, to ban all hard mineral development or exploration—public or governmental—but allow academic research, by or on behalf of a governmental agency or academic institution. This first set of amendments was presented in SB 499-2, and adopted by the Committee last week.

SB 499-2 amendments begged a definitional distinction between "exploration" and "research" which would ban governmental exploration on the one hand, but allow research on behalf of a governmental institution on the other. During the week between the adoption of the "dash 2's" and Wednesday's work session, a series of definitions were faxed back and forth between interested parties until a relative agreement could be met. The major players working with Senator Bill Bradbury (D-Bandon) in the definition-drafting process were the League of



**FISH BEFORE MINERALS** has been the frequent response in Oregon whenever ocean management issues are discussed. [Photo by Diane Pleschner]

Women Voters of Oregon, OSU College of Oceanography, Division of State Lands (DSL), Department of Land Conservation and Development (DLCD) and the Department of Geology and Mineral Industrials (DOGAMI).

On March 20th, the Committee had its first public hearing on the mineral mining bill. Sen. Bradbury, the sponsor of the measure, testified at that time. "A number of developers have been interested in gold off Gold Beach on the South coast--dredging the sea floor for hoped-for minerals. The reality is that gold off Gold Beach is swimming."

Sen. Bradbury, who was also instrumental in passing last session's Ocean Management Task Force bill, also confirmed that the state's ocean policy has put a priority on the development of renewable resources over non-renewable resources: "In other words, fish before minerals--unless it can be shown that non-renewable resource development can be done without harming the renewable resources of the ocean."

Sen. Bradbury was again present on Wednesday to

present the new definitions to the Committee. The definition of "exploration" as used in the SB 499-4 amendments is: "'exploration' means any activity the principle purpose of which is to define, characterize or evaluate hard mineral deposits for possible commercial development or production." Because the bill bans both governmental and private exploration, the data generated by this activity can be private or public. Because of the passage of this bill, hard mineral development would be outlawed, no such activity could be conducted with the intent to develop hard minerals.

Dennis Olmstead, from DOGAMI testified with recommendations that the definition of exploration include that it would yield private or proprietary data. However, when asked by Senator Bob Kintigh (R-Springfield) whether there could be any exploration that would be public, Olmstead said that he thought there could be.

The definition of research is very inclusive. In the language adopted by the Committee; "scientific research" means any activity the principal purpose of

which is to improve scientific or technical understanding of earth, ocean or atmospheric processes, hazards or resources and for which the data generated are non proprietary or public. Under SB 606 that was enacted by the 1987 Legislature and effectively repealed by this new legislation, DSL could enter into contracts for exploration of hard minerals, but it was specified that the data generated by these exploratory studies were to be made public.

Senator Eugene Timms (R-Burns) on the Committee was uncertain about enacting a permanent ban of mineral development. Sen. Timms was concerned that somewhere down the line, his grandchildren would need to develop these resources and they would not be able to. "I don't want to disturb the natural resources, but I get darn nervous about locking things up. Once you get a law passed, it is hard to reverse it." Aside from the fact that this bill is entirely repealing a measure enacted two sessions ago, Chair Sen. Springer reminded Sen. Timms; "That's what we  
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**Committee Schedules Update:**

**House Water Policy Committee**

Tuesday - April 9; Room 137; 1:30 p.m.

**Public Hearing and Possible Work Session:**

**HJM 25:** Urges Congress to give states jurisdiction over California sea lions under Marine Mammal Protection Act.

**Work Session:**

**HB 3373:** Declares shortage of water is of statewide concern and priority should be given to development of storage facilities in addressing problem of insuring future water supply.

Thursday - April 11; Room 137; 1:30 p.m.

**Work Session:**

**HB 2192:** Establishes procedure for defining boundary of critical groundwater area.

**HJM 5:** Memorializes Congress to provide funding and direction for construction of fish ladders on certain dams on upper Willamette River.

**Senate Agriculture and Natural Resources Committee**

Wednesday - April 10; HR C; 8:00 a.m.

**Work Sessions:**

**SB 242:** State Oil Contingency Plan.

**SB 500:** Pacific Ocean Resources Compact.

**Senate Water Policy**

Tuesday - April 9; Room 137; 3:30 p.m.

**Public Hearing and Possible Work Session:**

**SB 1147:** Allows use of Water Development Fund and Special Public Works Fund to provide funding for drinking water system improvements needed to comply with state and federal regulations adopted to comply with Federal Safe Drinking Water Act.

Thursday - April 11; Rm. 137; 3:30 p.m.

**Public Hearing:**

**SB 1147:** As above--invited testimony only.

**SB 1163:** Declares existence of emergency for purposes of restoring Oregon's fishery resources--invited testimony only.

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thought about ANWAR (Arctic National Wildlife Refuge)-- But if they want it; they usually get it." (President George Bush's newly revealed energy strategy includes plans for future oil and gas drilling in the Alaskan wildlife reserve)

When all members were present to vote on the 499-4 bill; the Committee passed the bill out 5 "ayes"; 2 "nays"; Sen. Timms and Sen. Kintigh dissenting. Sen. Bradbury will carry the bill on the floor probably early next week.

The Committee also held a work session on Senate Bill 162, which was printed at the request of DLCD. Sen. Bradbury had testified on this originally when it was up for a work session two weeks ago. Noting the importance of the reauthorization of the federal Coastal Zone Management Act (CZMA), Sen. Bradbury said that "We need the Ocean Policy Council to develop a plan, develop and collate important ocean resource data and coordinate state agencies so that Oregon speaks with one voice when talking to private, federal or state proponents of various ocean activities." He continued: "This plan will drive federal actions which must be consistent with state CZM plans--if we say no to oil and gas in the state territorial sea plan--the feds have to be consistent with that standard This maximizes state control off our shore and is a model for the entire nation that is now being copied by other coastal states." The bill received the support of DSL and DOGAMI at that public hearing.

On Wednesday, three sets of amendments to the bill were adopted by the Committee. The first set contained several pieces of language that had been agreed to by LCDC and the League of Women Voters of Oregon who spoke with some concerns earlier. Another set reflected points that LCDC was introducing on its own, and a third set reflected where the League had dissented from LCDC. A portion of the League's concerns were adopted to the bill.

The original ocean management bill creates an Ocean Policy Advisory Council, to be located in the office of the Governor. The Council is charged with the task of preparing a territorial sea management plan for Oregon.

Of the amendments added to SB 162, one would restore the definition of territorial sea to the language already in the statute, that is: the waters and seabed extending three geographical miles seaward from the coastline in conformance with federal law. Under federal law, there may be several different definitions of territorial sea. The Outer Continental Shelf Lands Act (OCSLA) defines it as three geographical miles from the line of ordinary low water. However the definition used by the Department of the Interior's Mineral Management Service defines territorial sea as extending three nautical miles from the mean lower low water baseline datum.

Another amendment adds to the Ocean Policy Advisory Council the director or director's designee of OSU Sea Grant. The amended version of SB 162 also statutorily mandates the use of a technical advisory committee chaired by the OSU Sea Grant College Program or other similarly qualified member of the Ocean Policy Advisory Committee. The territorial sea plan as adopted by the Council will be compatible with acknowledged local comprehensive plans.

The Committee unanimously passed the bill out of Committee as amended and it will be sent "do pass" to Ways and Means, by prior assignment.

—*Mara Brown*  
Legislative Fellow

## Action expected on commercial fish fees

The Department of Fish and Wildlife's budget was back in worksession on April 2-3 before the Natural Resources Subcommittee of Ways and Means. A critical element of the budget is the inclusion of a companion commercial fishing fee bill to help offset the Governor's recommended reduction in general funds to the Department.

The fee concept emerging is an increase in commercial fishing licenses ranging from boats to sellers coupled with higher fees on landed fish, crab, and shrimp. A first-time fee would be placed on landed Pacific whiting. The revenue from the increases would offset over \$1.2 million dollars of the Department's shortfall of \$2.3 million. Should the fee bill pass, the Ways and Means co-chairs, Representative Tony Van Vliet (R-Corvallis) and Senator Bill Bradbury (D-Bandon), will provide an additional \$500,000 of general funds that along with a slightly larger cut in the Department's programs, balance out the shortfall. The general fund portion would not be available should the fee bill not pass.

The increased fee revenue plus the additional general fund contribution would continue the operations of the Trask hatchery in

Tillamook County and the Fall Creek hatchery in Lincoln County. Other continued programs would be in marine resources and in state police enforcement of fishery regulations.

"Let's be clear about this. The commercial industry has brought \$1.2 million to the table," said Sen. Bradbury. "Without this, the cuts we would face, including closing hatcheries, will have serious repercussions for the sport fisheries as well."

Bradbury's remarks were made Tuesday, April 3, during a continued Subcommittee discussion about the sport-commercial equity of potential cuts that the Department will still need to take. The cuts may affect non-commercial activities of the Department.

The new fee bill being assembled in Ways and Means is expected to go first to the Senate Committee on Agriculture. The commercial fishing industry is not expected to oppose the increases. A combination of those legislators, however, who are either opposed to fee increases generally or who are pressing for higher commercial fees may result in a defeat of the bill, particularly in the House.

—Jay Rasmussen  
Legislative Fellow

## Oil spill bill has Senate work session

SB 242, Oregon's oil spill contingency planning bill, was worked on by the Senate Agriculture and Natural Resources Committee on Wednesday, April 3, 1991. The Committee adopted all of the amendments presented by Bruce Sutherland and Andy Schaedel of the Department of Environmental Quality (DEQ).

Alan Willis, representing the Port of Portland, was concerned that the costs and regulations associated with contingency planning "would adversely impact the competitiveness of shippers and vessel operators on the Columbia River."

The present version of SB 242 includes the creation of harbor safety committees for Coos Bay, Portland, Astoria and Newport, who are given authority to develop harbor safety plans, and establishing pilotage requirements and towing systems for tankers. Willis raised the question of whether ports should be charged with the promulgation of rules related to certain tug and towing vessels carrying oil or hazardous materials. The Port of Portland is opposed to this. Willis suggested that if the Committee had felt that the state needed additional rulemaking over issues the Coast Guard currently has jurisdiction over, DEQ should have rulemaking authority.

Senator Dick Springer (D-Portland) responded by reading directly from a passage in the statutes—ORS 77.120 which establishes the Port's authority over harbors, wharflines and navigation—"A port shall have the authority to engage in the control or prevention of river and stream bank erosion, and the prevention of damage from floodwater and sediment, and to make, establish, change, modify or abolish such rules and regulations to preserve natural resources and prevent estuary and stream pollution within the boundaries of the district."

Sen. Springer then stated that "the law anticipates some regulatory roles for ports in terms of protecting the resources." Dave Obern, from the State Marine Board testified that small marina facilities are not impacted by the amendments.

The bill was not passed out of Committee at that time, because there is still some work to be done over the issue of fee assessment, and how the state will fund the actual contingency planning process. At issue is how to structure the fee schedules so that the small ports will not have to assess fees higher than those assessed on the Columbia River.

—Mara Brown  
Legislative Fellow

## OCZMA, Inc.

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. 313 SW 2nd Street, Suite #C, P.O. Box 1033, Newport, Oregon 97365, (503) 265-8918, FAX (503) 265-5241

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Port of Garibaldi	Coos County
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Oregon International	Douglas County
Port of Coos Bay	Lane County
Port of Gold Beach	Lincoln County
Port of Nehalem	Tillamook County
Port of Newport	City of Brookings
Port of Port Orford	City of Coos Bay
Port of Siuslaw	City of Depoe Bay
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Port of Umpqua	City of Garibaldi
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Tillamook S.W.C.D.	City of Yachats
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Address correction requested

