



Oregon

COASTAL NOTES

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In This Issue:

Coastal Caucus
PSMFC meeting
Marine mineral ban
River Task Force
Water Policy at work
Leadership bill

UPCOMING OCZMA MEETINGS:

OCZMA Meeting

June 6-7, 1991

The Association Center,
Salem

Pacific Whiting Steering & Technical Committee

June 11, 1991

Hatfield Marine Science Center
(Meeting Room)
Newport

Note:

Agendas and materials for the above meetings will be forwarded a week prior to each meeting to OCZMA members, committee members and interested parties

The Coast and instream water rights

AGENCY RESPONSES:

Water Resources Department

The Water Resources Department (WSD) has been reviewing applications for instream water rights. The Water Resources Commission accepted staff recommendations May 7, 1991, concerning the way in which flow levels are listed on an instream water right certificate, as well as approved a memorandum of understanding regarding exemptions for domestic and livestock purposes.

Four options for listing flows on instream water right certifications were described in the staff report to the Commission:

- A. List only one flow level which protects the public resource fully. Other levels listed to protect valuable peak flows would be identified so as not to be confused with management objectives for a particular month;
- B. List two flow levels, one to identify and protect the actual flows listed today, the other to establish a management objective to be achieved through conservation, riparian area enhancement, storage, and or other methods;
- C. List two flow levels, one flow representing the minimum flow necessary to support fish and wildlife needs, one flow representing the optimization of resources;
- D. List up to three flow levels for each month or time period. The highest figure represents unusual events the applicant feels should be protected. The mid-level flow would represent the management target for stream recovery. The low level would identify current water availability—the amount estimated to be unappropriated in the stream today.

Staff recommended, and the Commission approved, Option A—requiring WRD to list one flow level which protects the public resources thoroughly. This is the easiest to implement and the least confusing to someone reading the certificate in the future. The flows listed on the certificate will be the target flows which fully protect the instream resource.

Option B was not recommended but a variation of this was supported by ODFW. In the case where an applicant requests an amount the WRD regards as higher than the estimated average natural flow (EANF), two numbers could be listed, one at the EANF and one as a target which may be achieved through future enhancement activities.

1% exemption for livestock

WRD and the Oregon Department of Fish & Wildlife (ODFW) are working together to develop a stockwater use exception. That condition could be included in each new instream water right certificate. WRD had worked with ODFW to develop a livestock exception to be placed on all new instream water rights. Discussions have also included a domestic use exception.

The Commission approved the exemption concept and a memorandum of understanding is currently being developed between WRD and ODFW which limits the amount of water rights WRD will be issued for these uses. The exemption will be limited to one percent of the average available monthly flow during the low flow month. This refers to the available flow after existing water rights are satisfied, this amount will be determined for each stream with

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This is the second of a two-part background paper which began in the May 17, 1991 edition of *Coastal Notes* on the history, process and coastal issues involved in instream water rights in Oregon and is intended to serve as an introduction for an OCZMA workshop on this issue being planned.

Instream rights

Continued from Page One...

a pending in-stream water right.

The exception for domestic uses could be expanded to allow for the irrigation of up to one-half acre of non-commercial lawn or garden in addition to the use allowed for domestic purposes. ODFW would retain the right to identify specific streams where no exceptions should be allowed, this could be specified on an instream application.

When an instream water right fully appropriates the remaining stream flows, ODFW and WRD would usually recommend that, excepting for stream and livestock uses, the stream be withdrawn from future appropriations.

To date, the WRD has received over 500 applications for instream water rights. The majority of these are from the ODFW and are located in areas ODFW feels are of the highest priority. WRD has been working through these applications, although it is proceeding slowly so as to incorporate a larger picture of both instream and out-of-stream appropriations.

Oregon Department of Fish and Wildlife

The ODFW is required to work with the Water Resources Department in processing the applications for instream rights, and also work with WRD to enforce those rights. ODFW has responded to the changes in water rights law by quickly submitting applications for instream rights to obtain priority dates to protect fish and wildlife interests. ODFW adopted administrative rules on instream applications in October of 1989.

In order to act in a timely manner in applying for instream water rights in priority streams, rivers and standing waters, ODFW has embarked on a 5-year implementation plan. The first action is to develop a list of priority waterways based on several factors. Of primary importance is the protection of federally and state listed threatened and endangered species.

Other considerations based on the water requirements of fish at various stages of their life cycle are also important such as migration, spawning, and incubation requirements. Habitat protection and water quality needs of fisheries as well as aesthetic and recreational uses of waterways, and scenic waterways needs are included in the determination of priority streams and rivers.

ODFW is applying for instream water rights in priority waterways where adequate streamflow information is available, and also developing a list of waterways where instream rights are a priority but flow data is incomplete or out of date. ODFW is also assessing unappropriated waterways to be considered for reservation for future economic development. ODFW has applied for over 400 instream water rights, the majority of which are pending action by the WRD. In order to address public concerns and misconceptions about instream water rights, ODFW has plans to develop a public education program.

Department of Parks and Recreation

The Parks and Recreation Commission adopted rules May 2, 1991, setting the policy, methods and standards the Oregon Parks and Recreation Department will use in submitting applications for instream water rights to the Water Resources Department. The

Parks will submit applications for instream rights to streams, lakes and wetlands to protect the scenic and recreational values of these areas. A goal stated by Parks in its rules is to have an instream right for every stream, river, lake and wetland where there is a scenic or recreational value.

Parks uses what is called the "Oregon Recreation Methodology" for determining the level of flow needed on a waterway to meet public recreational values. For any given month there is a specific flow level needed to accommodate the major scenic and recreational activities within that waterway.

Parks will base its determination on an analysis of the water in question, and an assessment of the types of recreational uses that occur on that water. Included is a description of institutional constraints, which include such things as dam releases, minimum perennial streamflows or other instream water rights, and an acknowledged local comprehensive land use plan.

Parks rules specify that where recreation flow data does not exist, "the instream flow requirements of ODFW or DEQ, whichever is highest, may satisfy the recreation flow requirement necessary for recreational value and scenic attraction."

Parks will coordinate with WRD to establish priorities for instream rights, and develop some system of monitoring.

The Parks' rules state that the initiation of an instream water right can come from local, state and federal agencies, or the public at large, however, the formal instream request must be made by Parks, DEQ or ODFW.

Priority of applications for streams are as follows:

1. Designated as a State Scenic Waterway or National Wild and Scenic River;
2. With significant statewide recreation opportunities;
3. With recreational opportunities of regional significance;
4. Waterway which has the potential to be adversely impacted by out of stream appropriations; and,
5. A waterway that has been identified as an important recreational resource in a local comprehensive plan or regional economic strategy.

Department of Environmental Quality

The Department of Environmental Quality (DEQ) will begin public hearings on its proposed rules in response to the instream water rights laws, ORS 537.332 to 537.360.

The DEQ has proposed to get a list of where instream rights have been established at the request of ODFW and Parks and work from these. The first activity for DEQ will be to determine where there are streams currently violating water quality standards, and the corresponding amounts of water needed to meet instream standards and assimilate the waste.

Around the time the instream water right law was being established, changes in the Federal Clean Water Act were underway to de-emphasize the discharge facility in granting permits, or making "technology based" permit decisions, in favor of looking at the overall quality of the receiving waters. This led to the establishment of Total Maximum Daily Loads, or TMDL, for stream segments that were considered water quality limited.

In the discussion regarding the community impact of instream water rights for water quality, DEQ notes that the public benefits by

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Instream rights

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improved water quality for such instream uses as livestock watering, anadromous fish passage, salmonid fish spawning and rearing, and water contact recreation. DEQ acknowledges that some out-of-stream applications may be adversely impacted by the reduced availability of flow, however, improving water quality is essential to such out-of-stream uses as domestic water supply, industrial water supply, and irrigation. Also public and private dischargers will have their dilution water protected for them in instream water rights, where otherwise they may have been required to eliminate the waste, or further treat the water prior to discharge.

DEQ makes note of the fact that instream water rights for the purpose of pollution abatement, is contrary to the goals of the Clean Water Act for eliminating discharge. However, the Environmental Quality Commission's of encouraging a no-discharge alternative is still in effect. Once water quality goals have been met, possibly as a result of reduced discharge, the instream rights can be reduced or abandoned.

The DEQ has proposed rules, and will be conducting public hearings in Portland, Eugene, Bend and Baker City, to solicit public comment.

1991 Legislative Session SB1163

Senate Bill 1163 is sponsored by the Senate Committee on Water Policy at the request of Water Watch of Oregon. The measure establishes the Streamflow Restoration and Water Conservation Act.

The bill declares an emergency for the purposes of restoring Oregon's fishery resources. The need for this legislation is based on findings that in some rivers and streams a sufficient quantity and quality of water has not been protected for the public and that past mismanagement of Oregon's water resources is one of the major contributors to the decline in salmon, steelhead and other fishery resources.

Further, the bill finds that overappropriation of Oregon's streams has destroyed essential spawning and rearing habitat for salmon, steelhead and other fish species, and unless action is taken immediately to restore streamflows in public waterways, this resource will be destroyed.

The bill has gone through extensive revisions over the past several weeks. The original draft, which called for considerable involvement on the part of the Water Resources Department and Commission, yielded a fiscal impact statement of over \$4 million. Revisions to the bill are primarily focused on essentially eliminating this fiscal impact, and coordinating the efforts of several prominent water user groups to ensure that the bill would have a good chance of passage this session.

Revisions to the bill have been coordinated by Water Policy Chair Senator Larry Hill (D-Springfield) and the Senate Water Policy Committee Assistant, Lisa Zavala. Tom and Audrey Simmons, Water Watch, have been representing the concerns of the environmental organizations. Oregon Water Resources Congress represents primarily out-of-stream water users, such as irrigators, and other agricultural interests.

As originally drafted, the Water Resources Commission would have been responsible for all the provisions of the bill; the revision puts in place of the Commission a volunteer Strategic Water Management Group. "SWMG" will consist of people appointed by the Governor, possibly with people who are currently active in basin planning.

SWMG (pronounced "Swim-gee") will develop a statewide Streamflow Restoration and Water Conservation Plan by July 1, 1993. All water right holders will be required to reduce waste to a minimum. SWMG will also be authorized to create a river basin authority in each river basin, or subbasins as necessary to implement the Streamflow Restoration Plan. Representation on the volunteer basin authority will comprise of seven members, five of whom reside in the river basin or subbasin, or have a substantial water right there, and two of whom represent the general public use of water.

The basin authority members will be appointed by the Governor, considering recommendations from local governments and citizen organizations, with the intention of achieving a balance of interests and user groups.

No compensation will be given to the members on the authority. The role of the local authority is to participate with SWMG in developing the statewide plan, and assist in implementing the plan after adoption.

The River Basin Authority will develop a basin plan, which includes an inventory of the surface and groundwater resources in each river basin or subbasin showing water use, availability of unappropriated water and shortfalls of water for public uses and other beneficial uses, develop and implement watershed and riparian zone restoration and enhancement projects, identify multipurpose sites and the need to protect such sites for future development, coordinate activities of federal, state and local interests so the objectives of the Streamflow Restoration and Water Conservation Plan are implemented.

The new version of SB 1163 provides for a citizen to take action against an individual who is violating water rights. Money recovered from the imposition of fines or civil penalties will be directed to the Fish Screen Account in the Department of Fish and Wildlife. No action can be taken against a water right violation if the state is "diligently perusing" an administrative order to enforce the requirement concerned.

In the civil suit provisions, the goal is to be able to capture the major violations of the permit process or water use that can be reasons for a civil suit, but at the same time not be so strict as to include small technical errors as warranting a suit.

The WRD is required to coordinate all agency requests for instream water rights on the same reach. The measure would also make statutory language similar to the memorandum of understanding now underway between the WRD and ODFW exempting domestic and livestock water rights of a cumulative total of up to one percent of the current average available streamflow for the lowest month of the year, even after an instream water right has been established.

The measure also amends language from 1987 SB 140 to mandate application for instream water rights by ODFW, DEQ and Parks. Additionally, the bill states that any requests that have not

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Coastal Caucus Breakfast

The Coastal Caucus left the agenda open Monday, May 20, so that the members had the chance to discuss several issues of common interest, and to exchange information amongst themselves.

Salmon Labeling Bill

Representative Walt Schroeder (R-Gold Beach) gave an update on the salmon labeling bill, HB 2782, which was scheduled to be up for a vote on the House floor Tuesday, May 21st. The bill would require salmon packaging labels to state whether the fish was of non-U.S. origin, and whether the fish was domestically farmed or of natural origin. On Tuesday, the bill was sent back to committee from the floor, due to a significant technical error in the engrossed copy of the bill, as well as possibility of need for more negotiations with the heavily opposed retailers.

Troll Permit Bill

Senator Bill Bradbury (D-Bandon) gave an update on a bill to give a one-year reprieve to salmon trollers not wishing to renew their licenses and boat permits in 1991. The bill was signed on to by the whole Coastal Caucus, and introduced by the Rules Committee at the request of Governor Barbara Roberts. The draft was assigned Senate Bill number 1219, and had its first reading in the Senate Monday. The bill is scheduled for a public hearing/work session on Monday, May 27th.

ODFW Issues Discussed

Members discussed the budget for the Oregon Department of Fish and Wildlife (ODFW), which, after failure to pass the House Floor is back in Ways and Means. The failure of the budget was

Instream water rights

Continued from previous page...

been made shall be made as soon as this act becomes effective. The instream water rights will not exceed the estimated average natural flows, except where periodic overflows are significant for public use.

The bill also stipulates that without exception, the WRD will reject an application for out-of-stream water use if this will result in over-appropriation of the waterway, or allow waste. A water right owner may submit to the WRD plans to make improvements or implement conservation measures and may apply to the WRD for application to use this conserved out-of-stream water. The applicant can provide a map of the area and a statement of use of the conserved water and the applicant need not provide a report made by a certified water rights examiner.

The bill incorporates the concept of water banking — whereby out-of-stream water rights may be granted in one place in exchange for converting an out-of stream water right somewhere else to an instream right.

SB 1163 has passed out of the Senate Water Policy Committee and will be scheduled for a floor vote by the Senate.

—*Mara Brown*
Legislative Fellow

Next week's edition of *Coastal Notes* will conclude this background paper with a summary of identified issues and considerations.

largely over a controversy regarding the portion allocated to fund four full time employees in positions related to the spotted owl.

Sen. Bradbury told the Caucus that it was his understanding that two of the positions were for the purpose of spotted owl surveying on private lands. The other two positions will assist Martha Pagel--the Governor's Natural Resource Advisor--to implement federal regulations as a result of the federal Endangered Species Act (ESA) listing of the spotted owl.

Rep. Schroeder, who was the only Coastal Caucus House member who supported the budget on the House Floor, told the Caucus (with a bit of a smile) that he voted "aye" because he thought the private lands owl surveyors would find so many spotted owls that it would have to be taken off the ESA list. Sen. Bradbury said that, most likely, some amendments would be made in subcommittee, probably in relation to the four spotted owl positions.

Halibut Tag Bill Moving Along

Senator John Brenneman (R-Newport) gave an update on the halibut tag bill, SB 609, which passed the floor of the Senate on Wednesday, May 15th. The bill would place an additional fee on halibut fishing licenses, dedicated to the study and enhancement of the halibut fishery in Oregon. Sen. Brenneman also gave an update on SB 242, the Oil Spill Contingency Plan, which has been assigned to the House Environment and Energy Committee, and is scheduled to have its first public hearing on Friday, May 24th.

Sen. Brenneman orchestrated a working group to discuss fee issues and exemption for fishing vessels, which includes: Paget Engen, Executive Director, Oregon Public Ports Association; John Mohr, Manager, Port of Newport; Alan Willis, Government Relations Representative, Port of Portland; Paul Vogel, Manager, Oregon International Port of Coos Bay; Bruce Sutherland, Oil Spill Coordinator with the Department of Environmental Quality (DEQ); Andy Schaedel, Manager, Surface Water Section, Water Quality Division, DEQ; and John Loewy, Deputy Director, DEQ.

Shellfish Fee Bill Still Raises Concerns

Finally, the Caucus discussed SB 247, the bill requiring a regular fishing license to angle for shellfish. While this may not be a favorite fee bill, the program it will support is clearly an essential one for both the recreational and commercial shell fishery. Sen. Bradbury was a bit philosophical about the fee issue, saying that in response to Measure 5, Governor Barbara Roberts' intention was clearly to raise fees wherever possible, to initiate new ones wherever there was the opportunity, and to direct the General Fund toward human resources.

Upcoming Speakers

Next week, Jim Martin, Chief of Fisheries with ODFW will be meeting with the Coastal Caucus to answer directly any questions the Caucus might have on ODFW budget issues.

Coming up June 3rd, the Caucus will be hearing from Fran Recht, a graduate of the Marine Resource Management Program at Oregon State University, whose most recent position is Project Leader for the Fish Habitat Education Program of the Pacific States Marine Fisheries Commission (PSMFC).

Pacific States Marine Fisheries Commission meeting

The Oregon delegation of the Pacific States Marine Fisheries Commission (PSMFC) met May 16, in the commission's office in Portland.

Attendees at last Thursday's meeting included: Guy Thornburgh, PSMFC Director; Russell Porter, PSMFC; Dave Hanson, PSMFC; Jim Martin, ODFW; Kay Brown, ODFW; Joe Easley, Oregon Trawl Commission; Jack Marincovich, Columbia River Gillnetters; Frank Warrens, Recreational/Charterboat Fisheries Representative; Ron Sparks, Building Contractor, Newport; and Mara Brown, OCZMA Legislative Fellow, designee of Senator Bill Bradbury (D-Bandon).

Marine Mammal Program

The PSMFC plays a large part in National Marine Fishery Service (NMFS) budget issues, allocating both federal and state funds for fishery-related projects in the Pacific Northwest. The Commission staffs several projects which are directly NMFS supported: PacFIN, or Pacific Fisheries Information Network, is a computer-based compilation of all fish ticket landings, vessel descriptions, and groundfish species composition data from Oregon, Washington, and California.

The data base will be useful to fishery management teams of the regional Pacific Fishery Management Councils. Another computer data base, RecFIN, Recreational Fisheries Information Network, is currently not funded for the west coast, except possibly a small amount for California. The majority of the congressional allocation for RecFIN was directed at the east coast. The focus of RecFIN is coordination of recreational fisheries data, perhaps aiming towards a federal/state management partnership similar to the Fishery Management Council approach for the commercial industry.

The PSMFC has also been highly involved in the National Marine Fisheries Service (NMFS) marine mammal surveys. PSMFC is directly involved in the marine mammal observer program which is reviewing the incidental take of marine mammals in connection with the Columbia River gillnet salmon fishery, as well as looking at the damage to gear by marine mammals. Observers are reporting their findings. Currently, commercial fishermen keep their own logs on marine mammal interaction.

In general, there is a feeling of conflict between the Marine Mammal Protection Act (MMPA) and the Magnuson Fishery Conservation and Management Act, both of which are administered by NMFS. PSMFC views its role as addressing a reasonable ecosystem balance, and acknowledges a problem in the administration of the MMPA which is aimed at protecting a single species in an ecosystem. The MMPA is up for reauthorization in 1992, along with the Endangered Species Act.

The Commission might be asked to take a position on whether or not to support takings of marine mammals, for subsistence or for scientific purposes — the taking of minke whales by the Japanese, for example. The question is whether whales should be treated any differently from other harvested species, which are managed to

allow a taking above the optimum sustainable population (OSP) levels. In a position of conservation and wise use of resources, the Commission might not object to the recent proposal by the Japanese to take 1% of the minke whale population over the OSP level.

To high seas driftnets...

The PSMFC has also been involved in the high seas driftnet issue, primarily in coordinating the opposition to the driftnets, and lobbying on Capitol Hill. At the Commission meeting, Joe Easley brought up the issue of consistency between the marine mammal issue and the driftnet issue concerning a platform of wise use of resources. On the one hand, it is important that the Commission maintain the coalition that has been developed in recent years with environmental organizations over support for a driftnets ban. However, it was felt that the Commission could maintain that their support for a ban on driftnets was consistent with allowing some take of marine mammals, because the overall goal is still to maintain a healthy population of animals.

Do not feed marine mammals in the wild

The Oregon delegation discussed briefly a proposed rule of the National Marine Fisheries Service that would prohibit feeding marine mammals in the wild. Feeding marine mammals might disrupt the normal behavior of the mammals and would be inconsistent with the goals of the MMPA. Feeding of marine mammals might be more of an issue on the east coast, where the business of whale watching from large passenger vessels is thriving. On the west coast, this new rule could impact the feeding of harbor seals off the dock by tourists. Jim Martin, Chief of Fisheries with the Oregon Department of Fish and Wildlife, asked whether permitted disposal of fish wastes might also be affected by the feeding ban. Harbor seals are known to congregate around discharge pipes near

Continues on Page 6...

OCZMA Legislative Fellow attends PSMFC meeting

Senator Bill Bradbury (D-Bandon) is the newly appointed legislative representative for Oregon to the Pacific States Marine Fisheries Commission. Due to the announcement of the revenue forecast last week, Sen. Bradbury was unable to attend Oregon's delegation meeting. Mara Brown, OCZMA Legislative Fellow, had the pleasure of attending in the senator's place. The Commission anticipates a continuing relationship with the senator who has long maintained an open dialogue with the Commission and with the Pacific Fishery Management Council.

—Jay Rasmussen
OCZMA Director

Ban of marine mineral development as good as law

SB 499, sponsored by Senator Bill Bradbury (D-Bandon) and co-sponsored by other members of the Coastal Caucus, passed out of the House Thursday, May 22, with an overwhelming majority of 48 "aye" votes.

The legislation to ban marine mineral development went unopposed in the House Water Policy Committee and was carried on the floor by committee member Representative Larry Sowa (D-Oregon City).

The bill, originally scheduled for Friday, was carried over twice due to the large number of bills on the House Third Reading Calendar Friday and Monday.

After reconvening for a second session Tuesday, the House vote on the measure came close to 5:00 p.m.

Those opposed included: Representatives Cedric Hayden (R-Fall Creek), Liz VanLeeuwen (R-Halsey), D.E. Jones (R-Ontario), Bob Shiprack (D-Beavercreek), Randy Miller (R-Lake Oswego), and Bill Markham (R-Riddle).

The measure passed without discussion on the floor, and the next step of the process for this measure will be found under the pen of Governor Barbara Roberts.

—Mara Brown
Legislative Fellow

Columbia River Resources Task Force Formed

A Task Force of Oregon senators has been formed to look at the impacts of adding Columbia River salmon to the endangered species list.

The Task Force is operating out of and being staffed by the Senate Transportation Committee. Senator Joan Dukes (D-Svensen), who is the Chair of the Transportation Committee, is also the Chair of the Task Force, Senator Scott Duff (D-Adams) is the Co-Chair. Other members are Senators Dick Springer (D-Portland), Larry Hill (D-Springfield) and Gene Timms (R-Bend).

According to a press release from Sen. Duff, the Task Force will collect testimony on the ways in which Columbia River activities may be affected by the listing, such as: navigation and surface transportation, irrigation, dredging, port district business and future development, co-generation of power, and permissible waste discharge levels from municipalities. The Task Force has already conducted public hearings in Portland and Hermiston, and is preparing a report which should be out in the near future.

Sen. Duff has said that the purpose of the Task Force is not to debate the validity of the Endangered Species Act.

—Mara Brown
Legislative Fellow

Notes from the Legislative Fellow

This week was the deadline for getting bills out of substantive committee if they originated in the same house of origin as the committee.

Next week, I should have updates on what moved and

what didn't, and where things are at this point.

Please contact me in Senator Bill Bradbury's office if you need any additional information.

—Mara Brown

Telephone: 378-8700

PSMFC meeting

Continued from Page 5...

harborside fish processing plants. Although the discharge is processed, occasionally larger pieces of fish are also in the fluids being pumped out, and could be construed as contributing to unnatural feeding.

Salmon listing discussed

Salmon and the Endangered Species Act was also a topic of Thursday's meeting. There was some indication that the governors of the Northwestern states are pushing for Bonneville Power Authority to take over the recovery plan for the salmon. Also discussed was the tendency of the utilities and irrigators to point the finger in the direction of fisheries in blame for the decline of salmon species.

Education a major focus

Education issues are a big part of the Pacific States Marine Fisheries Commission's activities. Education on habitat issues such as non point source pollution and wetlands are critical to prevent further destruction of habitat. Fran Recht is on board to coordinate the West Coast Habitat Education Program. (Watch for an upcoming issue of *Coastal Notes* covering this subject.)

The 1991 annual meeting of the Pacific States Marine Fisheries Commission will be held October 2-4, 1991 in Coos Bay.

For more information, contact Guy Thornburgh, PSMFC, at: (503) 326-7025.

—Mara Brown
Legislative Fellow

House Water Policy hard at work

Angling fee bill on way to House floor

The House Water Policy Committee deliberated on SB 247 on Tuesday, May 21st, and voted to move the bill onto the floor. Representative Walt Schroeder (R-Gold Beach) voted no, explaining that he had received several letters from south coast Chambers of Commerce in opposition to the measure.

The bill will be carried by Representative Bill Dwyer (R-Springfield).

Ocean Policy bill moves out

SB162 was amended, including adding another sport representative to the Council, in the House Water Policy Committee and will be sent to Ways and Means with a "do pass" recommendation.

ODFW fee bill moves over to House Agriculture and Natural Resources

Other action in Tuesday's Committee was a work session on SB 1202, assessing a fee based on a percentage of the value of all non-salmon commercial fisheries to raise replacement revenue for the General Fund.

Rep. Schroeder made a motion to move the bill over to the House Agriculture and Natural Resources Committee. Rep. Schroeder explained by saying that, traditionally, assignments of fisheries-related bills to House Committees followed the rule of thumb: if it is swimming in the water it goes to Water Policy; if it is on the dock, it goes to House Agriculture and Forestry. Rep.

Dwyer questioned tradition, and for a while it appeared as though the bill might remain in Water Policy.

There was some discussion of an early Coastal Caucus breakfast, in which Fish and Wildlife Commissioner Bob "Jake" Jacobson spoke to an overflow crowd about the proposed switch from poundage to an ad valorem fee assessment.

Reps. Larry Sowa (D-Oregon City), Chuck Norris (R-Hermiston) and Walt Schroeder of the Water Policy Committee were all at that Coastal Caucus Breakfast.

After some discussion...

There was concern that Schroeder intended to have the bill moved to the House Agriculture and Natural Resources Committee, which he Chairs, for the purpose of lowering the ad valorem rate. (See earlier *Coastal Notes* if you are just beginning to follow this one...)

Rep. Schroeder said that his intent was to make sure the rate reflected what the industry agreed to (which he thought was 1.09% in comparison to the bill's 1.25%).

Chair Norris reflected that Bob Jacobson will probably have to come and testify, and then upon reminding the committee that there was a motion on the table. Hearing no objections, he said, "We'll duke this one out on the dock over in the House Agriculture and Natural Resources Committee in a couple of days."

—Mara Brown
Legislative Fellow

Rural Leadership Act bill passes out

The Rural Leadership Act, SB 713, has passed out of the House Trade and Economic Development Committee and is in the Ways and Means Committee.

The bill went through several changes on the Senate side prior to passing out of the Senate Trade Committee. The final version incorporates the Committee's recommendations for establishing an Oregon Rural Development Institute. The Economic Development Department (OEDD) is directed to establish the non-profit Institute in conjunction

Final version incorporates Oregon Rural Development Institute

with OSU Extension, private businesses, and others. OEDD will contract with the Institute for the development of a Rural Revitalization and Leadership Development Program to provide community devel-

opment assistance and leadership training.

Amendments to the bill direct the Institute to give preference to distressed rural communities, and also give particular effort to serving minority residents of communities with a large population of minority residents.

There is a possibility of allocating lottery funds for the establishment of the program, although the intention is not to provide funding for the implementation of community development projects.

—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

Association Officers:

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Lane County Commissioner

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Georgia York • Executive Assistant

Mara Brown • OCZMA/OSU Legislative Fellow

Membership:

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Port of Garibaldi	Coos County
Port of Brookings Harbor	Curry County
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
Port of Tillamook Bay	City of Florence
Port of Umpqua	City of Garibaldi
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Coos S.W.C.D.	City of Nehalem
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Address correction requested

