



Oregon

COASTAL NOTES

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Legislature adjourns

The doors to the House and Senate Chambers were pulled open Sunday, June 30 at 1:30 p.m. as Speaker of the House Larry Campbell and President of the Senate John Kitzhaber drew down their gavels one final time for the 66th Legislative Session

Sine Die!

I would like to thank Oregon Sea Grant and the entire Oregon Coastal Zone Management Association, Inc. and especially Jay and Georgia for giving me an opportunity to watch the Oregon Legislative Process in action.

I enjoyed working with all of the Coastal Caucus

members, and want to especially thank Senator Bill Bradbury and the entire staff of the Senate Majority Office for taking me in as part of their staff!

I am looking forward to keeping in touch with OCZMA and attending full association meetings in the future!

—Mara Brown
Legislative Fellow

For she's a jolly good fellow

It has been a delightful experience to work with Mara Brown during her 1991 OCZMA/Oregon Sea Grant Legislative Fellowship.

Her quiet effectiveness and efficiency made all of our lives easier, much more pleasant, and improved our knowledge. Beyond the extremely capable monitoring and research she did for OCZMA, we know her help was invaluable to the Coastal Caucus and to Senator Bill Bradbury (D-Bandon), her legislative sponsor. Connecticut's loss was definitely Oregon's gain. We wish her well as she moves to the University of Oregon's School of Law.

Special thanks

Special thanks goes to Senator Bradbury for allowing our legislative fellow to work out of his very busy office and for the assistance and courtesy that he and his staff provided Mara.

—Jay Rasmussen
and Georgia York, OCZMA

Agreement reached on forest practices act

A conference committee was selected to reach agreement on SB 1025, revising the Oregon Forest Practices Act, after the Senate voted not to concur with substantial changes made to the Senate bill in the House Agriculture, Forestry and Natural Resources Committee, Chaired by Representative Walt Schroeder (R-Gold Beach).

The Oregon Legislature passed the Forest Practices Act in 1971. The Board of Forestry addressed specific problems through rulemaking, and in 1987, the Legislature made significant statutory changes.

The conference committee was made up of members from the House and Senate standing committees who had spent substantial time on the bill during the session. Senator Dick Springer (D-Portland), Chair of the Senate Agriculture and Natural Resources Committee, was joined by Senators Tricia Smith (D-Salem), Joyce Cohen (D-Portland), Bob Kintigh (R-Springfield). Representative Walt Schroeder was joined by Representatives John Meek (R-Hillsboro), and Bill Dwyer (D-Springfield).

Concurrence was reached on several issues, including cumulative effects and immature timber harvests. Some of the major provisions of the bill, extrapolated from the staff measure summary are as follows:

Wildlife habitat

Requires certain snags and green trees to be left in clearcuts over 10 acres. Allows forester to require some of these trees to be grouped and left in the riparian area. This is repealed on January 1, 1995. Modifies board rule-making mandate by requiring that rules provide for identification of streams in which

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SB 1202 to raise \$1.7 million for ODFW

Raising a total of \$1,766,000 for the Department of Fish and Wildlife, SB 1202 revises fees for various commercial fishing license permits, and changes the fee assessed to the state from a fee based on poundage to a fee based on the value of landed fish.

Programs restored, including OCZMA

The commercial fish fees would raise \$1,266,000 and additionally, there is \$500,000 of General Fund in the measure. The entire funding package will maintain the operation of the Trask and Fall Creek salmon hatcheries, restore Department of State Police Game Bureau funding, and maintains portions of the department's Marine Program which includes sampling, and funds to the Oregon Coastal Zone Management Association Inc. (OCZMA).

Collection method for R & E fund discussed

The change to an ad valorem fee system does not include the fees assessed to fund the Restoration and Enhancement program. Under SB 1202, non-salmon food fish and shellfish will be assessed 1.09% and salmon will be assessed 3.15%. In addition, salmon are assessed \$.05 per pound for the R & E Fund, which was extended this session to 1997 with the passage of SB 246.

The R & E issue was discussed in a conference committee called

upon a Senate vote of non-concurrence to the House amendments. Senators Bill Bradbury (D-Bandon) and Eugene Trow (D-Corvallis) and Representatives Walt Schroeder (R-Gold Beach) and Tim Josi (D-Bay City) were appointed conferees, and a decision was made to delete a section of SB 1202 that included the R & E Fund in the change to the ad valorem collection system.

Non-salmon rate may be raised

The bill also specifies that the Fish and Wildlife Commission will be allowed to raise the rate on non-salmon food fish and shellfish from 1.09% to a cap of 1.25% if the revenues projected to be generated by the lower level are not met. The commission will report to the Emergency Board prior to implementing a rate increase, although the Commission's decision does not require Emergency Board approval.

Under SB 1202, resident commercial fishing boat licenses are increased from \$170 to \$200 and the nonresident boat license to \$400. Resident commercial fishing licenses are increased from \$40 to \$50, and the nonresident license to \$100.

—Mara Brown
Legislative Fellow

1991 Session in Review

Comments from
Senator Bill Bradbury (D-Bandon)

Ocean and coastal resources gain

Several measures that will mean better protection of our ocean resources--and those whose livelihood depends on them--were adopted this session. They include a ban on marine mining, authorizing development of a comprehensive oil spill response plan, and establishing the Ocean Policy Council."

Shellfish program fully restored Ports get funding

The shellfish inspection program was fully restored. With full funding, the program will continue to meet federal export requirements. The port dredging fund got \$3.5 million and the revolving fund for port improvement projects gained \$1 million in lottery funds. Both will be important for keeping our deep water ports in good shape and ready to take advantage of opportunities."

Landmark Recycling Legislation Passes

(The recycling legislation is) a landmark measure which will no doubt become a model for other states, will greatly expand recycling opportunities, set goals for reducing the overall amounts of waste through recycling, and strengthen markets for products made from recycled materials.

Forest practices act agreement reached

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restoration of habitat would be environmentally beneficial, to identify methods of restoration, to encourage landowners to enter into cooperative agreements to restore, and to adopt rules to implement the findings.

Reforestation

Sets certain reforestation requirements in statute. Requires that reforestation commence within 12 months and be completed by the end of the second planting season. Requires State Board of Forestry to encourage planting species resistant to root pathogens.

Cumulative effects and forest management

Provides the state forester with authority to condition approval of written plans by limiting timing, method, and extent of harvest so as to achieve protection of forest resources under the Act. Requires Board to adopt rules that reduce to the extent practicable adverse effects of cumulative effects, based on the results of a study.

Immature harvests

The Board shall adopt rules and standards for which a written plan may be required for harvest operations involving clear cutting of any stand of an average age of less than 40 years. The written plan for such an operation must address the environmental consequences of the harvest and the economic costs and benefits.

—Mara Brown
Legislative Fellow

Requirement suspended for troll permit

SB 1219, sponsored by the Coastal Caucus at the request of Governor Barbara Roberts, was passed with an emergency clause by the House, and concurred on by the Senate during the final days of the legislative session.

The measure will allow the holder of a salmon troll permit to forgo renewal of that permit as well as the boat license if the troller chooses not to fish this season. Those taking advantage of the option during calendar year 1991 will not lose their place in the restricted ocean fishery and may renew next year.

Pacific Ocean Resources Compact bill passes

SB 500, sponsored by Senator Bill Bradbury (D-Bandon), was carried on the House floor on June 27, 1991 by Representative Carl Hosticka (D-Eugene).

Rep. Hosticka is a member of the House Legislative Rules and Reapportionment that held a work session on the bill after the measure passed the House floor but was reconsidered by Republican Majority Leader Greg Walden (R-Hood River).

Under changes made by the Rules Committee—Chaired by Representative Walden—Oregon will be represented on the compact by two legislators, one from each House. The Compact goes into effect when two additional states join Oregon in passing a similar bill as SB 500, and meets the approval of Congress.

The Senate swiftly concurred with the changes made in the House, and the East Pacific Rim Interstate Oil Compact will be signed by Governor Barbara Roberts.

—Mara Brown, Legislative Fellow

Senate passes oil spill plan

SB 242-C passed the Senate on Saturday, June 29, 1991. Senator Dick Springer (D-Portland) carried the bill which would require oil spill contingency plans for oil facilities and vessels.

The requirements apply to facilities that can store or transport 10,000 or more gallons of oil that are near navigable waterways, as well as cargo or passenger vessels of more than 300 gross tons, excluding vessels solely used for fishing, and to oil tankers and barges. While the provisions of the bill apply only to oil, DEQ will conduct a study to determine whether the Act should also apply to hazardous material spills in the navigable waters of the state.

According to the final budget report and measure summary, DEQ is required to adopt rules, set standards for the plans, conduct inspections, and coordinate with the state of Washington and other state and local agencies. ODFW reviews plans and will implement a program of wildlife rescue training for volunteers.

The Ports Division of the Economic Development Department is required to establish and provide support for harbor safety committees established under the measure. The Ports Division is also required to work cooperatively with existing organizations and agencies that provide research and technical services, including the Division of State Lands, the State Marine Board, and

OSU Sea Grant marine extension services.

Several points of contention were worked out during the last few weeks of the session. Funding DEQ's expenditures of \$456,688 will be paid by cargo vessels, oil barges, tankers and storage facilities for oil spill plan review, inspections, plan renewals and monitoring activities. ODFW received \$108,401 in general funds to implement the wildlife rescue training.

Economic Development Department received \$70,551 for the purpose of assisting the harbor safety committees. The fee schedule is as follows: on all cargo vessels, \$25 per trip; on all nonself-propelled tank vessels, \$28 per trip; offshore facilities, on-shore facilities and self propelled tank vessels not to exceed \$153,600 per year for all such facilities and vessels.

The harbor safety committee is required to make recommendations for establishing guidelines for tugs on tank vessels for tow cable size, materials and equipment design. If the safety committee recommends to the United States Coast Guard that they adopt such guidelines, and the committee determines it has not acted under these recommendations, the committee may then recommend to the port that the port adopt rules to implement the committee's recommendations.

—Mara Brown
Legislative Fellow

Water quality certification funding amended

SB 330 provides some funding to DEQ in order to implement its responsibilities for certifying that federal water quality standards are met for fill and removal projects and reviewing waste load allocations in water quality limited streams.

The original bill with the establishment of non-point source fees was strongly opposed by leading agricultural and water use interest groups such as Oregon Water Resources Congress, Water For Life, Oregon Farm Bureau, Northwest Mining Association and the Oregon Public Ports Association.

As originally drafted, the bill would have included fees on non-point source pollution to pay for the expenditures of the department. The Ways and Means subcommittee on Transportation and Regulation chaired by Senator Larry Hill (D-Eugene) deleted these proposed fees, and approved \$100,000 General Funds for program expenses related to water quality limited streams and \$120,000 General Funds for fill and removal certification. Amendments to the bill clarify that fees for point source discharge permits, already required under state statute, may be collected on an annual basis.

—Mara Brown
Legislative Fellow

Invitation to:

Governor's Conference on Highway 101

The Pacific Coast Highway CREATING A VISION

**Shilo Inn, Newport, Oregon
September 5-6, 1991**

The Pacific Coast Highway is an important element of coastal communities and many users have a vested interest in its improvements. The highway serves as a main street, throughway, industrial corridor and recreational passage. The State of Oregon has made a commitment to focus improvements on this major north-south artery of the Coast that recognize local needs and local differences while upgrading and improving the vital transportation values of this system. This coastal conference is a first opportunity to accommodate local and state needs and opportunities. It is to aid in defining and creating a coastal vision of the highway for the future.

Conference topics include:

Highway 101 Planning Today
Local and State Highway 101 Needs and Views
Business and Industry Needs for Highway 101
Experiences with Parkways and Scenic Byways
Coastal Urban Design
Highway 101 Visual Management
and Environmental Issues
Oregon Transportation Goals
Pacific Coast Highway Corridor Planning Study

Co-sponsored by:

**Oregon Department of Transportation's Highway Division
Oregon Coastal Zone Management Association, Inc.**

Plan on joining Governor Roberts and members of Oregon's Congressional delegation. Additional conference information will be available later.

SB 1163 heard in House Rules Committee

The House Legislative Rules and Reapportionment Committee held a public hearing on SB 1163, in what turned out to be a final attempt to reach an agreement on the Streamflow Restoration and Water Conservation Act.

The bill was presented in a substantially different form than had been passed by the Senate a week earlier, with the inclusion of seven House Bills that had passed the House but were not scheduled a hearing in the Senate Water Policy Committee.

Representative Chuck Norris (R-Hermiston), Chair of House Water Policy, gave the introductory remarks to the Committee, describing his position on the bill as one of "strained neutrality". When asked by Representative Carl Hosticka (D-Eugene) if the bill held together in one piece or whether it was a collection of pieces, Representative Norris replied, "Well they're all relating to water." The discussion continued from there.

Bob Hunter, the attorney for Water Watch, and Water Resources Congress attorney and former Representative Kip Lombard (R-Ashland), were involved in the negotiating and drafting of the final version of the bill. Water Watch supported the final bill, which according to Tom Simmons of Water Watch, originated conceptually last session but died in Ways and Means. According to Hunter, the bill went far in providing incentives to farmers and fishermen to work together to conserve water resources.

Lombard provided some insight as to why Oregon Water Resources Congress was involved in the extensive negotiation process: "What other than the spotted owl has dominated the headlines in recent times? The drought, fish resources in the Columbia River," Lombard said. "Oregonians like their water, they like it instream, they don't particularly like dry streambeds. How do you think the majority of the voters would vote on a measure that would put water instream?" Lombard asked rhetorically. "Most of my irrigator clients recognize that there are changes in the wind--brought on by drought and public pressure."

Lombard expressed that the final version of the bill would have been "workable" without having enthusiastic support from the irrigation community. Lombard also said that the definitions of efficient water practices in the bill were not too far from today's practices. "This measure would push irrigators a little further a little faster."

Other endorsements of the bill came during the public hearing that day, June 21. Tom O'Connor from the League of Oregon Cities endorsed the bill as amended. Water Resources Department was also supportive in theory, although they had not had much time to review the amendments.

Leading members of the agricultural community did not testify at that hearing, although apparently the bill did not yet meet their concerns. SB 1163 remained in the House Rules Committee upon adjournment of the Legislative session.

—Mara Brown
Legislative Fellow