

Enrolled
House Bill 2574

Sponsored by Representatives MCKEOWN, WITT; Representatives DOHERTY, GOMBERG, HOLVEY, MITCHELL, PILUSO, POWER, SMITH DB, Senators JOHNSON, ROBLAN (Presession filed.)

CHAPTER

AN ACT

Relating to shellfish; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) The Department of Land Conservation and Development shall receive, consolidate and organize the public records of federal, state or local government, special government bodies or other public bodies related to shellfish mariculture in this state. The department shall establish an electronic system to store and share the public record information. The public records that the department collects under this section shall include, but are not limited to, records related to:

- (a) Estuary management plans;
- (b) Estuarine habitat technical information;
- (c) Native shellfish beds;
- (d) Commercial plats;
- (e) Fish and wildlife use;
- (f) Ongoing recreational and commercial use;
- (g) Ownership information regarding tidelands;
- (h) Encumbrances on state-owned tidelands; and
- (i) Land use plans and zoning for estuaries that have potential for aquaculture operations and for other estuaries.

(2) The department shall organize data and other material contained in the public records stored by the electronic system into formats suitable for access by governments, industry groups, public interest groups and other stakeholders.

(3) Except as provided in this subsection, the department shall make output from the electronic system publicly accessible. If information received into the system is exempt under ORS 192.355 or conditionally exempt from disclosure under ORS 192.345, the department shall make access to the information conditional upon receipt of permission from the public body that originally generated the public record.

SECTION 2. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$200,000, which may be expended for the establishment and administration of the program required by section 1 of this 2019 Act.

SECTION 3. Section 4 of this 2019 Act is added to and made a part of ORS 622.210 to 622.360.

SECTION 4. (1) A prospective applicant for the cultivation of oysters, clams or mussels shall, no later than 30 days prior to filing an application under ORS 622.250, participate in a preapplication conference with the State Department of Agriculture and other appropriate local, state and federal agencies.

(2) Not less than 14 days before the preapplication conference, the prospective applicant must provide the department with adequate information to prepare for the preapplication conference.

(3) At the preapplication conference, the department and other appropriate local, state and federal agencies shall:

(a) Inform the prospective applicant of statutes, administrative rules, local ordinances and any other requirements that may apply to the application;

(b) Based on the information provided by the prospective applicant and other annual production data and information available to the department, discuss with the prospective applicant projected revenue data and related matters; and

(c) Assist the prospective applicant by identifying known issues that may affect the likelihood that the prospective applicant will be able to meet any conditions placed on required permits from state agencies and local governments.

(4) The prospective applicant may request additional preapplication consultation with the department.

SECTION 5. In addition to and not in lieu of any other appropriation, there is appropriated to the State Department of Agriculture, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$200,000, which may be expended for work related to conducting preapplication conferences under section 4 of this 2019 Act.

SECTION 6. (1) The State Department of Fish and Wildlife shall establish and administer a program for community outreach and education to provide residents of this state with guidance and instruction regarding opportunities for the recreational harvesting of shellfish. The department shall make information readily available to schools and members of the public through:

(a) Internet or other electronic means;

(b) Regulatory signs;

(c) Brochures, maps and other printed material;

(d) Workshops and clinics; and

(e) Special outreach events.

(2) In carrying out the program described in subsection (1) of this section, the department shall cooperate with Indian tribes and the Department of State Police in efforts to enhance the enforcement of commercial and recreational shellfish catch limits.

SECTION 7. In addition to and not in lieu of any other appropriation, there is appropriated to the State Department of Fish and Wildlife, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$160,000, which may be expended for the administration and enforcement of the program required by section 6 of this 2019 Act.

SECTION 8. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect July 1, 2019.

Passed by House June 20, 2019

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 29, 2019

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

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Bev Clarno, Secretary of State