

House Bill 2574

Sponsored by Representative MCKEOWN; Representatives DOHERTY, GOMBERG, HOLVEY, PILUSO, POWER, SMITH DB, Senator ROBLAN (at the request of former Representative Deborah Boone) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Department of Land Conservation and Development to establish electronic information system to receive, consolidate and organize public record information concerning shellfish mariculture in Oregon. Appropriates moneys to department for program for biennium beginning July 1, 2019.

Requires State Department of Agriculture to administer and enforce program to regulate commercial mariculture of shellfish on tidelands owned by counties or port districts. Appropriates moneys to department for program for biennium beginning July 1, 2019.

Requires State Department of Fish and Wildlife to establish and administer program for community outreach and instruction regarding opportunities for recreational harvesting of shellfish. Appropriates moneys to department for program for biennium beginning July 1, 2019.

Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

1
2 Relating to shellfish; and declaring an emergency.

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

4 **SECTION 1. (1) The Department of Land Conservation and Development shall establish**
5 **an electronic information system for the receipt, consolidation and organization of the public**
6 **records of federal, state or local government, special government bodies or other public**
7 **bodies related to shellfish mariculture in this state. The public records that the department**
8 **collects under this section shall include, but are not limited to, records related to:**

9 (a) Estuary management plans;

10 (b) Estuarine habitat technical information;

11 (c) Native shellfish beds;

12 (d) Commercial plats;

13 (e) Fish and wildlife use;

14 (f) Ongoing recreational and commercial use;

15 (g) Ownership information regarding tidelands;

16 (h) Encumbrances on state-owned tidelands; and

17 (i) Land use plans and zoning for estuaries that have potential for aquaculture operations
18 **and for other estuaries.**

19 (2) The department shall organize data and other material contained in the public records
20 collected by the information system into formats suitable for access by governments, indus-
21 try groups, public interest groups and other stakeholders.

22 (3) Except as provided in this subsection, the department shall make output from the
23 information system publicly accessible. If information received into the system is exempt
24 under ORS 192.355 or conditionally exempt from disclosure under ORS 192.345, the depart-
25 ment shall make access to the information conditional upon receipt of permission from the

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 public body that originally generated the public record.

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

6 **SECTION 3.** (1) The State Department of Agriculture shall administer and enforce a
 7 program to regulate commercial mariculture of shellfish on tidelands owned by counties or
 8 port districts.

9 (2) The department program shall include, but not be limited to, the identification of op-
 10 portunities for enhancing shellfish production through site suitability research and conduct-
 11 ing projects that focus on enhancing existing certified areas, enhancing resource protection
 12 and restoration and increasing mariculture production potential and economic potential.

13 (3) The department shall establish a program providing for frequent monitoring and
 14 analysis of water quality in all areas of this state containing tidelands owned by counties or
 15 port districts. The department and the State Department of Fish and Wildlife shall
 16 cooperatively use the water quality analysis for the purpose of determining openings and
 17 closures of shellfish seasons.

18 (4) The State Department of Agriculture shall work to prevent the introduction or spread
 19 of invasive shellfish species into the bays and estuaries of this state. The department shall
 20 investigate the adverse effects of invasive species and determine the potential effect of re-
 21 moving an invasive species from the list of species targeted by the department for
 22 eradication or control.

23 (5) The department shall establish uniform requirements and procedures for plats and
 24 permits, including but not limited to provisions for holding preapplication meetings with
 25 agencies and potential applicants for shellfish plat leases to ensure that shellfish permit
 26 conditions will be met.

27 (6) The department shall utilize annual production data for shellfish to generate revenue
 28 data for shellfish growers.

29 (7) The department program shall include routine field visits to commercial mariculture
 30 lease areas. The visits shall be for the purpose of ensuring productivity and compliance with
 31 lease conditions. The department shall actively work to maintain adequate areas available for
 32 commercial mariculture, giving the enforcement of ORS 622.280 in existing lease areas pri-
 33 ority over the opening of new areas for commercial mariculture leases.

34 **SECTION 4.** In addition to and not in lieu of any other appropriation, there is appropri-
 35 ated to the State Department of Agriculture, for the biennium beginning July 1, 2019, out
 36 of the General Fund, the amount of \$90,000, which may be expended for the administration
 37 and enforcement of the program required by section 3 of this 2019 Act.

38 **SECTION 5.** (1) The State Department of Fish and Wildlife shall establish and administer
 39 a program for community outreach and education to provide residents of this state with
 40 guidance and instruction regarding opportunities for the recreational harvesting of shellfish.
 41 The department shall make information readily available to schools and members of the
 42 public through:

- 43 (a) Internet or other electronic means;
- 44 (b) Regulatory signs;
- 45 (c) Brochures, maps and other printed material;

1 (d) Workshops and clinics; and

2 (e) Special outreach events.

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

6 SECTION 6. In addition to and not in lieu of any other appropriation, there is appropri-
7 ated to the State Department of Fish and Wildlife, for the biennium beginning July 1, 2019,
8 out of the General Fund, the amount of \$160,000, which may be expended for the adminis-
9 tration and enforcement of the program required by section 5 of this 2019 Act.

10 SECTION 7. This 2019 Act being necessary for the immediate preservation of the public
11 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
12 July 1, 2019.

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