



Oregon

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State Land Board

**Testimony of
Chris Castelli, Senior Policy and Legislative Analyst
Department of State Lands
on
House Bill 3193
House Committee on Agriculture and Natural Resources
March 21, 2017**

Kate Brown
Governor

Dennis Richardson
Secretary of State

Tobias Read
State Treasurer

Thank you for the opportunity to provide testimony on House Bill 3193. The bill repeals the Department's statutory authority over kelp fields and replaces it with a permitting program for small scale hand harvesting that is to be administered by the Oregon Department of Fish and Wildlife (ODFW). The Department has no position on this bill.

The Department's statutes allow for the leasing of state-owned submerged lands for commercial harvest of "kelp and other seaweed" under ORS 274.885, 274.890, and 274.895. However, the Department currently does not allow or authorize the removal of kelp or other seaweed for commercial purposes (OAR 141-125-0110(14)). The prohibition was adopted by the State Land Board in 2008 at the request of the Pacific Marine Conservation Council.

This topic was raised at the Ocean Policy Advisory Council (OPAC) at their October 3, 2013 meeting. The Department provided OPAC a memo that described the applicable statutes, the rulemaking that led to the prohibition, and the petition process that is available for requesting an agency to amend a rule.

The bill repeals ORS 274.885 which reads:

Except in the case of a person harvesting or removing less than 2,000 pounds of wet kelp each year for the purposes of human consumption for the person's personal use, a person may not harvest or remove any kelp or other seaweed from any submerged lands owned by the State of Oregon unless the person has first obtained a lease from the Department of State Lands.

The bill proposes to address the harvesting of kelp and seaweed for personal use through an exemption process, to be created through rule at a later date.

Thank you again for the opportunity to provide testimony to the committee today.