

B-Engrossed
House Bill 2784

Ordered by the House July 1
Including House Amendments dated April 24 and July 1

Sponsored by COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

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.

[Establishes new requirements related to plats for cultivation of oysters, clams or mussels.]

[Requires certain agencies to conduct certain analyses related to shellfish and submit reports to certain interim committees of Legislative Assembly.]

[Requires Department of Land Conservation and Development to develop standardized system for making geographic information system data related to estuaries available for certain purposes related to shellfish.]

Designates State Department of Agriculture as lead agency responsible for state administration of programs and policies relating to commercial cultivation of oysters, clams and mussels.

[Expands and extends] **Establishes** pilot project for increasing frequency of water quality monitoring and analysis related to closure and opening of shellfish harvesting.

[Adds to State Department of Fish and Wildlife's biennial reporting requirements related to aquatic invasive species.]

[Requires State Department of Fish and Wildlife to research, develop and document best management practices for commercial cultivation of oysters, clams and mussels.]

[Requires State Department of Fish and Wildlife to adopt harmful algal bloom monitoring and alert program by rule.]

[Allows for fish restoration and enhancement funds to be used for access for recreational taking of shellfish.]

[Requires State Fish and Wildlife Commission to adopt by rule collaborative public shellfish monitoring program.]

Declares emergency, effective *[on passage]* **July 1, 2017.**

A BILL FOR AN ACT

1
2 Relating to shellfish; creating new provisions; amending ORS 622.220; and declaring an emergency.

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

4 **SECTION 1.** ORS 622.220 is amended to read:

5 622.220. (1) The commercial cultivation of oysters, clams and mussels is declared to be an agri-
6 cultural activity subject to the regulatory authority of the State Department of Agriculture. **The**
7 **department shall be the lead agency responsible for state administration of programs and**
8 **policies relating to the commercial cultivation of oysters, clams and mussels.**

9 **(2)(a)** The State Fish and Wildlife Commission has jurisdiction over all native oysters, clams and
10 mussels in the waters of this state, but not cultivated oysters, clams and mussels in plats. The
11 commission shall prescribe such rules for the protection of native oysters, clams and mussels and
12 for the taking of native oysters and oyster spat shells subject to the commission's jurisdiction as in
13 the judgment of the commission is for the best interests of the resource.

14 *[(2)]* **(b)** It is unlawful for any person to take native oysters, clams and mussels in violation of
15 the rules adopted by the commission.

16 **SECTION 2.** **The Legislative Assembly finds and declares that it is the purpose of 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 pilot program established by section 3 of this 2017 Act to expand on the valuable work com-
2 pleted through the pilot project by the State Department of Agriculture authorized under
3 section 7, chapter 814, Oregon Laws 2015, to increase the frequency of water quality moni-
4 toring and analysis related to the closure and opening of shellfish harvesting in Tillamook
5 Bay.

6 **SECTION 3.** (1) The State Department of Agriculture shall conduct a pilot project for
7 increasing the frequency of water quality monitoring and analysis related to the closure and
8 opening of shellfish harvesting on state lands classified as suitable for oyster, clam or mussel
9 cultivation under ORS 622.240.

10 (2) In conducting the pilot project required by this section, the State Department of Ag-
11 riculture shall consult with appropriate local and state agencies, representatives of the
12 commercial shellfish industry and nongovernmental organizations, as necessary, to:

13 (a) Prioritize increasing water quality monitoring and analysis in areas where efforts for
14 enhancing opportunities for the commercial cultivation of oysters, clams or mussels are in
15 the highest demand; and

16 (b) Identify cost-effective methods, which may include the sharing of resources or infor-
17 mation, for increasing the frequency of water quality monitoring and analysis related to the
18 closure and opening of shellfish harvesting.

19 **SECTION 4.** In addition to and not in lieu of any other appropriation, there is appropri-
20 ated to the State Department of Agriculture, for the biennium beginning July 1, 2017, out
21 of the General Fund, the amount of \$50,000, which may be expended for carrying out activ-
22 ities related to the pilot project required by section 3 of this 2017 Act.

23 **SECTION 5.** This 2017 Act being necessary for the immediate preservation of the public
24 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
25 July 1, 2017.

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