

House Bill 3193

Sponsored by Representatives SMITH DB, GOMBERG; Representative WILSON, Senator ROBLAN

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**.

Repeals Department of State Lands leasing requirements for kelp harvesting.

Requires State Department of Fish and Wildlife to adopt permit program by rule for small-scale commercial hand harvests of seaweed from ocean shores and tidal submerged lands. Requires department to consult with Department of State Lands and State Parks and Recreation Department before adopting rules.

Allows State Department of Fish and Wildlife to enter into memorandum of agreement with Department of State Lands and State Parks and Recreation Department to assign sole responsibility for permitting to State Department of Fish and Wildlife when harvesting of seaweed would occur on ocean shores or over tidal submerged lands.

Requires State Department of Fish and Wildlife to deposit moneys received from permit fees into Seaweed Harvest Permit Program Account. Continuously appropriates moneys in account to department for purposes of administering permit program.

A BILL FOR AN ACT

1
2 Relating to small-scale commercial hand harvests of seaweed; creating new provisions; amending
3 ORS 274.990 and 506.011; and repealing ORS 274.885, 274.890 and 274.895.

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

5 **SECTION 1. ORS 274.885, 274.890 and 274.895 are repealed.**

6 **SECTION 2.** ORS 274.990 is amended to read:

7 274.990. Violation of ORS 274.745 [*or 274.895*], or any rule promulgated under [*such sections*]
8 **that section**, is a misdemeanor.

9 **SECTION 3.** ORS 506.011 is amended to read:

10 506.011. As used in the commercial fishing laws, unless the context requires otherwise:

11 (1) "Anadromous fish" includes but is not limited to salmon, as defined in ORS 506.016; roccus
12 saxatilis, commonly known as striped bass; alosa sapidissima, commonly known as shad; acipenser
13 medirostris and acipenser transmontanus, commonly known as sturgeon; and thaleichthys pacificus,
14 commonly known as smelt.

15 (2) "Animals living intertidally on the bottom" includes but is not limited to starfish, sea
16 urchins, sea cucumbers, snails, bivalves, worms, coelenterates and shore, hermit and other small
17 crabs not included within subsection (1) or (7) of this section.

18 (3) "Black rockfish" means *sebastes melanops*, commonly known as black rockfish.

19 (4) "Blue rockfish" means *sebastes mystinus*, commonly known as blue rockfish.

20 (5) "Food fish" means any animal over which the State Fish and Wildlife Commission has juris-
21 diction pursuant to ORS 506.036.

22 (6) "Nearshore fish" means:

23 (a) *Enophrys bison*, commonly known as buffalo sculpin;

24 (b) *Hemilepidotus hemilepidotus*, commonly known as red Irish lord;

25 (c) *Hemilepidotus spinosus*, commonly known as brown Irish lord;

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 (d) *Scorpaenichthys marmoratus*, commonly known as cabezon;
- 2 (e) *Hexagrammos decagrammus*, commonly known as kelp greenling;
- 3 (f) *Hexagrammos lagocephalus*, commonly known as rock greenling;
- 4 (g) *Hexagrammos stelleri*, commonly known as whitespotted greenling;
- 5 (h) *Oxylebius pictus*, commonly known as painted greenling;
- 6 (i) *Sebastes atrovirens*, commonly known as kelp rockfish;
- 7 (j) *Sebastes auriculatus*, commonly known as brown rockfish;
- 8 (k) *Sebastes carnatus*, commonly known as gopher rockfish;
- 9 (L) *Sebastes caurinus*, commonly known as copper rockfish;
- 10 (m) *Sebastes chrysomelas*, commonly known as black and yellow rockfish;
- 11 (n) *Sebastes dalli*, commonly known as calico rockfish;
- 12 (o) *Sebastes maliger*, commonly known as quillback rockfish;
- 13 (p) *Sebastes miniatus*, commonly known as vermilion rockfish;
- 14 (q) *Sebastes nebulosus*, commonly known as china rockfish;
- 15 (r) *Sebastes nigrocinctus*, commonly known as tiger rockfish;
- 16 (s) *Sebastes rastrelliger*, commonly known as grass rockfish;
- 17 (t) *Sebastes serranoides*, commonly known as olive rockfish; or
- 18 (u) *Sebastes serriceps*, commonly known as treefish.

19 **(7) "Ocean shore" has the meaning given that term in ORS 390.605.**

20 **(8) "Seaweed" means one or more species of multicellular marine algae belonging to the**
21 **kingdom Protista that inhabit the ocean shore and tidal submerged lands.**

22 [(7)] **(9) "Shellfish" includes but is not limited to abalone, clams, crabs, crayfish or crawfish,**
23 **mussels, oysters, piddocks, scallops and shrimp.**

24 **(10) "Tidal submerged lands" has the meaning given that term in ORS 274.705.**

25 **SECTION 4. Sections 5 to 7 of this 2017 Act are added to and made a part of the com-**
26 **mercial fishing laws.**

27 **SECTION 5. (1) As used in this section:**

28 **(a) "Small-scale commercial hand harvest of seaweed" means the gathering or collecting**
29 **of seaweed by cutting or plucking the fronds of the seaweed by hand for the purpose of**
30 **selling the seaweed for human consumption.**

31 **(b) "Small-scale commercial hand harvest of seaweed" does not mean mechanical har-**
32 **vesting using a boat with cutters or other large-scale mechanized cutting process to collect**
33 **or remove seaweed from the ocean shore or tidal submerged lands.**

34 **(2) A person may not harvest or remove seaweed from the ocean shore or tidal sub-**
35 **merged lands owned by the State of Oregon for a commercial purpose unless the person has**
36 **first obtained a permit from the State Department of Fish and Wildlife.**

37 **(3) The State Department of Fish and Wildlife, after consultation with the Department**
38 **of State Lands and the State Parks and Recreation Department, shall adopt by rule a pro-**
39 **gram for granting permits for small-scale commercial hand harvests of seaweed for the**
40 **purposes of human consumption.**

41 **(4) Rules adopted under this section:**

42 **(a) Shall provide for a single permitting process for small-scale commercial hand har-**
43 **vests of seaweed from the ocean shore and tidal submerged lands that includes, but is not**
44 **limited to:**

45 **(A) Conditions of approval for permits issued under this section;**

1 (B) A schedule of reasonable fees for permits issued under this section;

2 (C) A process for an annual review of the activities authorized by the permit program;

3 and

4 (D) Any provision necessary to ensure small-scale commercial harvests of seaweed are
5 conducted in a responsible manner that allows seaweed to continue to grow and reproduce.

6 (b) May include an exemption from the permit requirements for a person to harvest
7 seaweed, in an amount to be determined by the State Department of Fish and Wildlife, for
8 personal use.

9 (5) All moneys received by the State Department of Fish and Wildlife from permit fees
10 imposed under this section shall be paid into the Seaweed Harvest Permit Program Account
11 established under section 7 of this 2017 Act to administer and implement the provisions of
12 this section.

13 SECTION 6. The State Department of Fish and Wildlife may enter into a memorandum
14 of agreement with the Department of State Lands and the State Parks and Recreation De-
15 partment with respect to the permit program for small-scale commercial hand harvest of
16 seaweed provided for under section 5 of this 2017 Act. The memorandum of agreement may
17 assign sole responsibility for permitting to the State Department of Fish and Wildlife when
18 the harvesting of seaweed would occur on ocean shores subject to the jurisdiction of the
19 State Parks and Recreation Department or over tidal submerged lands subject to the juris-
20 diction of the Department of State Lands.

21 SECTION 7. (1) There is established a Seaweed Harvest Permit Program Account in the
22 State Treasury, separate and distinct from the General Fund. Interest on moneys in the ac-
23 count shall be credited to the account.

24 (2) The account shall consist of moneys deposited into the account by the State Depart-
25 ment of Fish and Wildlife from moneys received from the collection of permit fees provided
26 under section 5 of this 2017 Act. The moneys in the account are continuously appropriated
27 to the department for administering the permit program established under section 5 of this
28 2017 Act.

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