

## **HB 2574 -1, -2, -3 STAFF MEASURE SUMMARY**

### **House Committee On Natural Resources**

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**Prepared By:** Kailey Kornhauser, LPRO Analyst

**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 3/21, 4/9

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#### **WHAT THE MEASURE DOES:**

Requires Department of Land Conservation and Development (DLCD) establish electronic information system to receive, consolidate, and organize public record of federal, state, or local government concerning shellfish mariculture in Oregon. Requires DLCD to collect public records, including: estuary management plans; estuarine habitat technical information; native shellfish beds; commercial plats; fish and wildlife use; ongoing recreation and commercial use; ownership information regarding tidelands; encumbrances on state-owned tidelands; and land use plans and zoning for estuaries. Requires DLCD organize data and materials into suitable format for stakeholder access. Requires DLCD make output from information system publicly accessible except that access to records exempt under statutes (ORS 192.345 and ORS 192.355) is conditional upon receipt of permission from public body that originally generated public record. Appropriates \$200,000 from General Fund to DLCD to be expended on establishment and administration of program.

Requires Oregon Department of Agriculture (ODA) administer and enforce program to regulate commercial mariculture of shellfish on tidelands owned by counties or port districts. Requires ODA program to include: identification of opportunities of enhancing shellfish production; enhancing resource protection and restoration; and increasing mariculture production potential and economic potential. Requires ODA establish monitoring and analysis program in areas of state containing tidelands owned by counties or port districts. Requires ODA and Oregon Department of Fish and Wildlife (ODFW) cooperatively use water quality analysis to determine opening and closure of shellfish season. Directs ODA to work to prevent introduction or spread of invasive shellfish into state's bays and estuaries and to investigate adverse effects of such species and potential effect of removal of species from list of species targeted for eradication or control. Requires ODA establish requirements and procedures for plats and permits. Requires ODA use annual production data for shellfish to generate revenue data for shellfish growers. Requires ODA program include routine field visits to commercial mariculture lease areas to ensure productivity and compliance with lease conditions. Requires ODA maintain adequate areas available for commercial mariculture. Appropriates \$90,000 from General Fund to ODA to be expended on administration and enforcement of program.

Requires ODFW establish and administer program for community outreach and education regarding opportunities for recreational harvest of shellfish. Requires ODFW make information readily available through: internet; regulatory signs; brochures, maps, and other printed materials; workshops and clinics; and special outreach events. Requires ODFW cooperate with Indian Tribes and the Oregon State Police in effort to enhance enforcement of commercial and recreation shellfish catch limits. Appropriates \$160,000 from General Fund to ODFW to be expended on administration and enforcement of program.

Declares emergency, effective July, 1 2019.

*Fiscal: May have fiscal impact, no statement yet issued*

*Revenue: No revenue impact*

#### **ISSUES DISCUSSED:**

#### **EFFECT OF AMENDMENT:**

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*This summary has not been adopted or officially endorsed by action of the committee.*

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-1 Changes electronic information system to to electronic system. Requires Department of Land Conservation and Development establish electronic system to store and share public record information.

*FISCAL: May have fiscal impact, no statement yet issued*

*REVENUE: May have revenue impact, no statement yet issued*

-2 Removes requirement that ODA administer and enforce a program to regulate mariculture of shellfish on tidelands owned by counties or port districts. Removes requirement that ODA establish a monitoring program in tidelands of the state. Removes requirement that ODA work to prevent introduction or spread of invasive shellfish species and investigate invasive species effects. Removes requirement that ODA establish uniform requirements and procedures for plats and permits. Removes requirement that ODA utilize annual production data for shellfish to generate revenue data for shellfish growers. Removes requirement that ODA program include routine field visits to commercial mariculture lease areas. Removes appropriation of \$90,000 from General Fund to ODA to be expended on administration and enforcement of program, for biennium beginning July 1, 2019. Requires prospective applicants for cultivation of oysters, clams, or mussels to participate in preapplication conference with ODA and other appropriate local, state, and federal agencies at least 30 days prior to filing application. Requires prospective applicant provide ODA with adequate information to prepare for preapplication conference at least 14 days before preapplication conference. Requires ODA and other appropriate local, state, and federal agencies at preapplication meeting to: inform prospective applicant of statutes, administrative rules, local ordinances, and other requirements; discuss projected revenue data based on information provided by prospective applicant and other data; assist prospective applicant by identifying known issued affecting likelihood that prospective applicant can meet conditions required by permit. Allows prospective applicant to request additional preapplication consultation with ODA. Appropriates \$200,000 from General Fund to ODA to be expended on work related to preapplication conferences, for biennium beginning July 1, 2019.

*FISCAL: May have fiscal impact, no statement yet issued*

*REVENUE: May have revenue impact, no statement yet issued*

-3 Changes electronic information system to to electronic system. Requires Department of Land Conservation and Development establish electronic system to store and share public record information.

Removes requirement that ODA administer and enforce a program to regulate mariculture of shellfish on tidelands owned by counties or port districts. Removes requirement that ODA establish a monitoring program in tidelands of the state. Removes requirement that ODA work to prevent introduction or spread of invasive shellfish species and investigate invasive species effects. Removes requirement that ODA establish uniform requirements and procedures for plats and permits. Removes requirement that ODA utilize annual production data for shellfish to generate revenue data for shellfish growers. Removes requirement that ODA program include routine field visits to commercial mariculture lease areas. Removes appropriation of \$90,000 from General Fund to ODA to be expended on administration and enforcement of program, for biennium beginning July 1, 2019. Requires prospective applicants for cultivation of oysters, clams, or mussels to participate in preapplication conference with ODA and other appropriate local, state, and federal agencies at least 30 days prior to filing application. Requires prospective applicant provide ODA with adequate information to prepare for preapplication conference at least 14 days before preapplication conference. Requires ODA and other appropriate local, state, and federal agencies at preapplication meeting to: inform prospective applicant of statutes, administrative rules, local ordinances, and other requirements; discuss projected revenue data based on information provided by prospective applicant and other data; assist prospective applicant by identifying known issued affecting likelihood that prospective applicant can meet conditions required by permit. Allows prospective applicant to request additional preapplication consultation with ODA. Appropriates \$200,000 from General Fund to ODA to be

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*FISCAL: May have fiscal impact, no statement yet issued*

*REVENUE: No revenue impact*

### **BACKGROUND:**

In 2015, the Oregon Legislative Assembly enacted House Bill 2209 A which established a Task Force on Shellfish. This Task Force produced the Oregon Shellfish Initiative outlining priorities and implementation strategies to enhance shellfish production. In 2017, the Legislative Assembly enacted House Bill 2784, establishing the Oregon Department of Agriculture (ODA) as the lead agency responsible for administration of oyster, clam, and mussel production. House Bill 2784 also established an ODA statewide pilot project to increase frequency of water quality monitoring. In 2017, the House Committee on Agriculture and Natural Resources considered House Bill 3234 A which would have provided funding for a variety of activities designed to support the goals of the Oregon Shellfish Initiative.

House Bill 2574 would appropriate Funds to the Department of Land Conservation and Development, ODA, and the Oregon Department of Fish and Wildlife for the purposes of establishing a shellfish information system, enforcement program, and educational program.