

A-Engrossed
House Bill 2574

Ordered by the House April 15
Including House Amendments dated April 15

Sponsored by Representatives MCKEOWN, WITT; Representatives DOHERTY, GOMBERG, HOLVEY, MITCHELL, PILUSO, POWER, SMITH DB, Senator ROBLAN (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.

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. **Requires department to establish electronic system to store and share information concerning shellfish mariculture.** 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 Agriculture to hold preapplication conference with prospective applicant for cultivation of oysters, clams or mussels. 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 receive,**
5 **consolidate and organize the public records of federal, state or local government, special**
6 **government bodies or other public bodies related to shellfish mariculture in this state. The**
7 **department shall establish an electronic system to store and share the public record infor-**
8 **mation. The public records that the department collects under this section shall include, but**
9 **are not limited to, records related to:**

10 (a) **Estuary management plans;**

11 (b) **Estuarine habitat technical information;**

12 (c) **Native shellfish beds;**

13 (d) **Commercial plats;**

14 (e) **Fish and wildlife use;**

15 (f) **Ongoing recreational and commercial use;**

16 (g) **Ownership information regarding tidelands;**

17 (h) **Encumbrances on state-owned tidelands; and**

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

20 **(2) The department shall organize data and other material contained in the public records**

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 stored by the electronic system into formats suitable for access by governments, industry
2 groups, public interest groups and other stakeholders.

3 (3) Except as provided in this subsection, the department shall make output from the
4 electronic system publicly accessible. If information received into the system is exempt
5 under ORS 192.355 or conditionally exempt from disclosure under ORS 192.345, the depart-
6 ment shall make access to the information conditional upon receipt of permission from the
7 public body that originally generated the public record.

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

12 **SECTION 3.** Section 4 of this 2019 Act is added to and made a part of ORS 622.210 to
13 622.360.

14 **SECTION 4.** (1) A prospective applicant for the cultivation of oysters, clams or mussels
15 shall, no later than 30 days prior to filing an application under ORS 622.250, participate in a
16 preapplication conference with the State Department of Agriculture and other appropriate
17 local, state and federal agencies.

18 (2) Not less than 14 days before the preapplication conference, the prospective applicant
19 must provide the department with adequate information to prepare for the preapplication
20 conference.

21 (3) At the preapplication conference, the department and other appropriate local, state
22 and federal agencies shall:

23 (a) Inform the prospective applicant of statutes, administrative rules, local ordinances
24 and any other requirements that may apply to the application;

25 (b) Based on the information provided by the prospective applicant and other annual
26 production data and information available to the department, discuss with the prospective
27 applicant projected revenue data and related matters; and

28 (c) Assist the prospective applicant by identifying known issues that may affect the
29 likelihood that the prospective applicant will be able to meet any conditions placed on re-
30 quired permits from state agencies and local governments.

31 (4) The prospective applicant may request additional preapplication consultation with the
32 department.

33 **SECTION 5.** In addition to and not in lieu of any other appropriation, there is appropri-
34 ated to the State Department of Agriculture, for the biennium beginning July 1, 2019, out
35 of the General Fund, the amount of \$200,000, which may be expended for work related to
36 conducting preapplication conferences under section 4 of this 2019 Act.

37 **SECTION 6.** (1) The State Department of Fish and Wildlife shall establish and administer
38 a program for community outreach and education to provide residents of this state with
39 guidance and instruction regarding opportunities for the recreational harvesting of shellfish.
40 The department shall make information readily available to schools and members of the
41 public through:

42 (a) Internet or other electronic means;

43 (b) Regulatory signs;

44 (c) Brochures, maps and other printed material;

45 (d) Workshops and clinics; and

1 (e) Special outreach events.

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

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

9 **SECTION 8.** This 2019 Act being necessary for the immediate preservation of the public
10 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
11 July 1, 2019.

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