

A description of the need for a few utilitarian edits is highlighted below in green. The other suggested edits are more grammatical.

Blue = deleted language

Red = added language

HB 3193

2017 Regular Session

DRAFT

SUMMARY

Relating to small-scale hand ~~harvests~~ **harvesting of seaweed.**

Repeals Department of State Lands leasing requirements for kelp harvesting.

Requires State Department of Fish and Wildlife to adopt a permit program by rule for small-scale commercial hand ~~harvests~~ **harvesting** 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

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

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

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 ORS 274.885, 274.890 and 274.895 are repealed.

SECTION 2. ORS 274.990 is amended to read:

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

SECTION 3. ORS 506.011 is amended to read:

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

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

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

(3) “Black rockfish” means *sebastes melanops*, commonly known as

black rockfish.

(4) “Blue rockfish” means *Sebastes mystinus*, commonly known as blue rockfish.

(5) “Food fish” means any animal over which the State Fish and Wildlife Commission has jurisdiction pursuant to ORS 506.036.

(6) “Nearshore fish” means:

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

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

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

(d) *Scorpaenichthys marmoratus*, commonly known as cabezon;

(e) *Hexagrammos decagrammus*, commonly known as kelp greenling;

(f) *Hexagrammos lagocephalus*, commonly known as rock greenling;

(g) *Hexagrammos stelleri*, commonly known as whitespotted greenling;

(h) *Oxylebius pictus*, commonly known as painted greenling;

(i) *Sebastes atrovirens*, commonly known as kelp rockfish;

(j) *Sebastes auriculatus*, commonly known as brown rockfish;

(k) *Sebastes carnatus*, commonly known as gopher rockfish;

(L) *Sebastes caurinus*, commonly known as copper rockfish;

(m) *Sebastes chrysomelas*, commonly known as black and yellow rockfish;

(n) *Sebastes dalli*, commonly known as calico rockfish;

(o) *Sebastes maliger*, commonly known as quillback rockfish;

- (p) *Sebastes miniatus*, commonly known as vermilion rockfish;
- (q) *Sebastes nebulosus*, commonly known as china rockfish;
- (r) *Sebastes nigrocinctus*, commonly known as tiger rockfish;
- (s) *Sebastes rastrelliger*, commonly known as grass rockfish;
- (t) *Sebastes serranoides*, commonly known as olive rockfish; or
- (u) *Sebastes serriceps*, commonly known as treefish.

(7) “Ocean shore” has the meaning given that term in ORS 390.605.

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

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

(10) “Tidal submerged lands” has the meaning given that term in ORS 274.705.

SECTION 4. Sections 5 to 7 of this 2017 Act are added to and made a part of the commercial fishing laws.

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

(a) “Small-scale commercial hand ~~harvest~~ **harvesting of seaweed” means the gathering or collecting of seaweed by cutting or plucking the fronds of the seaweed by hand for ~~the purpose of selling the seaweed for human consumption~~ **commercial purposes.**—Although most of the seaweed we sell is for the purposes of human consumption, our seaweeds are also used as ingredients in skin care products, fed to sea turtles in public aquariums etc., so we would prefer the language of this bill to allow seaweeds to be harvested for these purposes as well.**

(b) “Small-scale commercial hand ~~harvest~~ **harvesting** of seaweed” does not mean mechanical harvesting using a boat with cutters or **any** other ~~large-scale~~ mechanized ~~cutting~~ harvest ~~process~~ **method** to collect or remove seaweed from the ocean shore or tidal submerged lands. **In some countries, seaweeds are harvested with underwater vacuums. This destroys undue amounts of marine life. We would like this method to be excluded from the definition of hand harvesting as well.**

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

(3) The State Department of Fish and Wildlife, after consultation with the Department of State Lands and the State Parks and Recreation Department, shall adopt by rule a program for granting permits for small-scale commercial hand ~~harvests~~ **harvesting** of seaweed ~~for the purposes of human consumption.~~ **Although most of the seaweed we harvest is sold for the purposes of human consumption, our business also sells seaweed for other purposes, such as producing skin care products, to public aquariums etc., so we would prefer the language of this bill to allow us to harvest seaweed for these purposes as well.**

(4) Rules adopted under this section:

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

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

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

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

(D) Any ~~provision~~ **provisions** necessary to ensure small-scale commercial ~~harvests~~ **hand harvesting** of seaweed ~~are is~~ conducted in a responsible **and sustainable** manner. ~~that allows seaweed to continue to grow and reproduce.~~ Although the language “allows seaweed to continue to grow and reproduce” is fine with us, it may not be good language for ODFW. We were advised by people at other states’ resource management agencies that agencies should be given some latitude to describe the details of what they will be required to enforce. ODFW Deputy Director Shannon Hurn expressed similar concerns in her testimony regarding this bill.

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

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

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

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

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