

Statement on Senate Bill 117

I am Bob Schoning, Director of the Fish Commission of Oregon, and am speaking in that capacity.

Our department conducted a lengthy study of the commercial fishery laws of Oregon. The extensive recommended changes were enacted into law by the 1965 legislature. This reduced the commercial fishing laws by about one-third. For a combination of reasons, nothing was done with oyster laws at that time. There are about 18 sections relating to oysters in the commercial fishery laws at the present time. Some of these are unclear, obsolete, difficult to enforce or not in the best interests of oyster growers or the state. Senate Bill 117 was introduced at the request of our department in an effort to improve these laws.

Oysters are presently raised commercially in four areas in Oregon. They are Tillamook, Netarts, Yaquina and Coos Bays. Although all of the oyster land in these bays is not under active cultivation and production at this time, the total acreage according to various records is about 3,700 for Tillamook Bay, 1,300 for Netarts Bay, 1,800 for Yaquina Bay, and several hundred for Coos Bay. The production from all state lands in Oregon in 1967 was about 48,000 gallons worth about \$370,000 to the grower.

We think the oyster industry is an important one, and it can be made more so by using new scientific techniques that are being developed in the Newport Science Center and elsewhere in the country. Needed changes in the law will also help. We believe the industry should be put on a sound statutory basis, encouraged to expand and given incentive to do so.

There are a number of existing problems that relate to present operations. Based on our review of the laws and prior Attorney General opinions on this subject, it is questionable if any one person may legally claim or hold more than 50 acres of state land in Tillamook Bay as an oyster plantation. However, according to our records and those of the Tillamook County Clerk, of the approximate 3,700 acres of oyster claims in that bay, 4 persons have 3,000 acres and 700 are not claimed. There is overlapping authority on control and leasing of oyster lands. Presently, natural oyster beds are under Fish Commission jurisdiction, artificial beds in Tillamook Bay are not subject to any control other than a biennial claim filing with the County Clerk, and artificial beds in other than Tillamook Bay are under control of the Division of State Lands.

The state receives income from oyster leases of state lands in Yaquina Bay only. There are eight existing leases for a total of about 80 acres for a combined annual fee of about \$925. It does not receive income for the use by oyster growers of the several thousand acres of state land elsewhere.

We are proposing Senate Bill 117 to provide the needed statutory framework to provide for a healthy, growing industry. The bill has been developed with the help of the Division of State Lands, the Attorney General's office, and the Fish Commission. It applies only to state lands. In my judgment the oyster growers should welcome and actively support this bill. It was prepared to help them in their legitimate business activities. We are not dedicated to any specific wording; we welcome suggestions for improvement. I will not go into the specific details of the bill but will mention some of the highlights as we see them.

1. It will put all oyster leasing of state lands under the Division of State Lands for uniform and orderly administration, as that agency now has responsibility for all other state land leasing.
2. The state will receive an appropriate fee for the private use by oyster growers of state lands for profit and it will go into the common school fund. The fee will be negotiated between the leasee and the Division of State Lands.
3. Lease periods will be realistic in length, unlike the present, to encourage development. Present state land leasing laws authorize leases up to 99 years. The details of the leases themselves and obtaining them are covered in existing Division of State Lands statutes and administrative regulations of that agency.
4. The land must be in some stage of production or the lease will be revoked, unless there are extenuating circumstances.
5. Present operators will have lease preferences over the land on which they are presently growing oysters or have some type of claim.
6. Growers will have meaningful leases from the state and they will have value.
7. The public will have access to the lands for hunting and fishing as long as oysters are not molested.
8. The conflict between current oyster leasing and growing practices and the law will be resolved, i.e., holding a lease but not growing oysters on the land, filing more than one claim for the same land, and claiming more plots than permitted by law.

9. Statutes which are obsolete, unclear, conflicting, unrealistic, and difficult to enforce will be removed.
10. It makes oyster leasing a matter of public business and requires the Division of State Lands to contact the Fish Commission for recommendations on the biological aspects of leasing. The Fish Commission would comment on the suitability of the land for leasing for oyster culture from the standpoint of oyster production and conflict with clam harvesting.
11. It provides for the marking and protection of leased land as private property.

We urge the passage of Senate Bill 117.

FISH COMMISSION OF OREGON

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