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SENATE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

February 12, 1997 Hearing Room C

9:00 AM Tapes 27 - 29

MEMBERS PRESENT:

Sen. Bob Kintigh, Chair

Sen. Bill Fisher, Vice-Chair

Sen. Bill Dwyer

Sen. Ted Ferrioli

Sen. Gary George

Sen. Veral Tarno

Sen. Thomas Wilde

MEMBER EXCUSED:

STAFF PRESENT:

Glen Stonebrink, Administrator

Brad Harper, Administrative Support

MEASURE/ISSUES HEARD:

SB 108 Public Hearing

SB 109 Public Hearing

SJR 8 Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

| Tape/# | Speaker | Comments |
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| TAPE 27, A | | |
| 001 | Chair Kintigh | Chair convenes meeting at 9:02 AM |
| <u>SB 108 PUBLIC HEARING</u> | | |
| 005 | Ted Lorenson | Department of Forestry. Support for SB 108. Submission and explanation of proposed amendments (EXHIBIT A). Liability issues for private landowners |
| 055 | Chair Kintigh | Question regarding proposed amendments. |
| 060 | Lorenson | Discussion of watershed enhancement. |
| 067 | Sen. Dwyer | Question regarding whether program is voluntary. |
| 077 | Lorenson | Response |
| 081 | Sen. Dwyer | Question regarding who is liable for contractors. |
| 084 | Lorenson | Responsible party is employer, not landowner. |
| 088 | Sen. Dwyer | Question regarding reference to ORS 105.672. |
| 093 | Lorenson | Response |
| 096 | Chair Kintigh | Comment |
| 101 | Lorenson | Statement regarding necessity of further input. |
| 108 | Chair Kintigh | Invites additional speaker. |
| 112 | Tom Fencl | Association of Oregon Loggers. Support for liability provisions of SB 108 and seeks further expansion of policy to all land management practices. |
| 151 | Sen. Dwyer | Explanation of liability limits. |
| 159 | Fencl | Discussion of past management experiences. |
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| 167 | Chair Kintigh | Clarifies that scope of SB 108 limited. |
| 172 | Fencl | Question regarding possible expansion of measure. |
| 175 | Sen. Dwyer | Comment regarding reality of passage |
| 176 | Chair Kintigh | Comment |
| 182 | Fencl | Discussion of needs. |
| 196 | Sen. Fisher | Explanation that Fencl's legislator in best position to introduce new bill which will not endanger passage of SB 108. |
| 215 | Sen. Dwyer | Comment regarding governor's program. |
| 221 | Sen. George | Protection necessary for private landowners, farmers and ranchers. |
| 230 | Fencl | Comment |
| 231 | Sen. Fisher | Question to Fencl. |
| 233 | Fencl | Response |
| 247 | Chair Kintigh | Thanks speaker. Asks Lorenson to take proposed amendments to legislative counsel. Closes public hearing on SB 108 and opens public hearing on SB 109. |
| <u>SB 109</u> <u>PUBLIC</u> <u>HEARING</u> | | |
| 257 | Charlie Stone | Forest Practices Director, Oregon Department of Forestry (ODF). Submits written testimony. (EXHIBIT B) . Discussion of proposed legislation. |
| 270 | Chair Kintigh | Question regarding notification issues under stewardship agreement proposal. |
| 272 | Stone | Discussion of notification process. |
| 300 | Sen. Dwyer | Question regarding potential conflict with National Marine Fisheries Service. |
| 320 | Stone | No direct conflict with federal statutes. |
| 330 | Sen. Dwyer | Conflict arises between policy issues. |
| 335 | Stone | Response |
| 340 | Sen. Tarno | Question |
| 353 | Stone | Response |
| 360 | Sen. Ferrioli | Discussion of stewardship agreement opportunities and benefits. |
| 380 | Sen. Dwyer | Comment |
| 385 | Sen. Wilde | Question regarding third party appeal rights following notice. |
| 395 | Stone | Explanation of current appeal process and changes proposed under SB 109. |
| 410 | Sen. Dwyer | Question |
| | | Statement regarding cooperative efforts with Oregon Trout. Discussion |

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| 413 | Stone | of current plans regarding proposed legislation. |
| TAPE 28,A | | |
| 045 | Chair Kintigh | Reads letter submitted by Oregon Trout (EXHIBIT C) . |
| 057 | Tom Fencil | Association of Oregon Loggers (AOL) testifies. |
| 083 | Dave Babits | Oregon Small Woodlands. Supports SB 109. Submits written testimony (EXHIBIT D) . Discussion of impact of stewardship plans on small landowners. |
| 114 | Sen. Wilde | Question regarding usefulness of tax credit as incentive to participate in program. |
| 118 | Babits | Response |
| 122 | Sen. Fisher | Question regarding possible incentives. |
| 125 | Babits | Response |
| 150 | Jim Denison | Farmer, Lincoln County. Discussion of impact of SB 109. Neutral position. |
| 215 | Chair Kintigh | Comment |
| 220 | Sen. Dwyer | Statement regarding self-regulation issues. |
| 245 | Sen. Fisher | Question regarding suggested changes. |
| 250 | Denison | Recommends consulting small landowners. |
| 266 | Sen. Fisher | If the needs of the small operator are taken care of, the larger operators are usually not disadvantaged. SB 109 may not adequately address issues facing small landowners. |
| 282 | Chair Kintigh | Emphasizes voluntary aspect of proposed legislation and potential impact on small operators. |
| 290 | Sen Ferrioli | Sees SB 109 as helping both small and large woodland owners. |
| 343 | Paul Ketcham | Representing Portland Audubon Society. Submits written testimony (EXHIBIT E) . SB 109 holds promise, but must emphasize resource protection elements. Suggests modification and supports proposed amendments from ODF. |
| TAPE 27,B | | |
| 024 | Sen. Dwyer | Comments regarding interpretation of stewardship agreement. |
| 036 | Ketcham | Against abolition of written plan requirement - adverse impact on appeal rights for public. |
| 049 | Sen. Dwyer | Agrees that stewardship plans must withstand public scrutiny. |
| 053 | Sen. Ferrioli | Question regarding those people with standing to appeal. |
| 058 | Ketcham | Response |
| 061 | Sen. Ferrioli | Discussion of abuse of appeal rights. |
| 078 | Sen. Dwyer | Suggestion for addressing possible deviations from stewardship plans. |
| 083 | Chair | Invites Charlie Stone to return. |

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| | Kintigh | |
| 085 | Stone | Discussion of design of stewardship agreement proposal. |
| 094 | Sen. Dwyer | Suggests that plans be amended to reflect new practices and allow public to participate in amendment process. |
| 105 | Stone | Discussion of current review process. |
| 123 | Sen. Ferrioli | Question to Stone regarding limitations of SB 109. |
| 131 | Sen. Dwyer | Does not support timber companies being required to demonstrate past compliance. Supports submission of management plans. |
| 145 | Stone | Clarification of proposed measure. |
| 152 | Sen. Dwyer | Points out particular wording causing concern. |
| 165 | Chair Kintigh | Supports experience/past compliance requirement. |
| 172 | Sen. Dwyer | Question to Chair Kintigh. |
| 181 | Stone | Discussion of hiring employees with past experience to satisfy measure. |
| 195 | Chair Kintigh | Question to Sen. Dwyer regarding out-of-state or corporate operations. |
| 202 | Sen. Dwyer | Resources exist. |
| 207 | Sen. Ferrioli | Statement regarding understanding of SB 109. |
| 213 | Sen. Dwyer | Concerned for people not represented today. |
| 220 | Chair Kintigh | Invites Ketcham to resume presentation. |
| 222 | Ketcham | Discussion of concerns with stewardship agreements under SB 109. Specific criteria absent from proposed measure. Proposes that state retain oversight of high risk logging sites. |
| 323 | Chair Kintigh | Question for Charlie Stone, ODF. |
| 325 | Stone | Response |
| 340 | Sen. Fisher | Question regarding Ketcham's opinion of SB 109. |
| 343 | Ketcham | Supports bill with modifications. |
| 358 | Sen. Fisher | Necessity for compromise over stewardship agreement proposal. Question to Ketcham regarding background in forestry. |
| 395 | Ketcham | Audubon not trying to "derail" SB 109. Trying to present constructive suggestion to committee. Comment supporting equal treatment of all landowners. |
| TAPE 28,B | | |
| 020 | Sen. Ferrioli | Found Ketcham's comments constructive. Believes administrative rules can address concerns. Comment regarding appeals process. |
| 027 | Ketcham | Appeals process has been use sparingly. |
| 033 | Sen. Ferrioli | Process has potential to cause problems. |
| | | Question to Charlie Stone regarding potential incentives to small |

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| 040 | Sen. Fisher | woodland owners. |
| 042 | Stone | Benefits necessarily proportional to operation size. |
| 055 | Sen. Dwyer | Comment regarding incentive. |
| 057 | Sen. Wilde | Question regarding current state oversight. |
| 060 | Stone | Response |
| 072 | Chair Kintigh | Requests that amendments be placed in legislative counsel form. Closes hearing on SB 109. Invites Sen. Dukes to address committee. |
| <u>SJR 8 PUBLIC HEARING</u> | | |
| 095 | Sen. Dukes | Provides background for SJR 8, supporting milk as state beverage. Bill proposed by schoolchildren from Tillamook County. |
| 113 | Rep. Josi | Comment supporting SJR 8. |
| 120 | Chair Kintigh | Invites children to testify and explains process. |
| 125 | Jeremy Cham | Tillamook. Supports SJR 8. |
| 135 | Gary Blaser | Tillamook. Supports SJR 8. |
| 140 | Jessica Gorham | Tillamook. Supports SJR 8. |
| 145 | Carrie Lamkin | Tillamook. Supports SJR 8. |
| 155 | Sen. Tarno | Question whether any other states have milk as state beverage. |
| 160 | Cham | Wisconsin, perhaps Rhode Island. |
| 162 | Sen. Wilde | Question |
| 165 | Cham | Response |
| 169 | Sen. Fisher | Question |
| 173 | Chair Kintigh | Comment |
| 178 | Sen. Fisher | Discussion past experience milking cows. |
| 188 | Chair Kintigh | Questions for audience. |
| 192 | Sen. Ferrioli | Question regarding follow-up legislation. |
| 196 | Chair Kintigh | Response |
| 200 | Rep Josi | Supports Sen. Ferrioli's suggestion. |
| 205 | Chair Kintigh | Discussion of past practice of delivering milk. |
| 230 | Susan Clow | Citizen Marion County. Submits written material (EXHIBIT F). Opposed to SJR 8. Discusses basis for concerns regarding health issues and dairy products. |

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| 300 | Sen. Dwyer | Expresses doubt regarding relevancy of study cited to support position. |
| 310 | Clow | Resumes presentation. |
| 390 | Deborah Boone | Legislative Assistant for Rep. Josi. Supports SJR 8 and speaks from experience as mother. |
| TAPE 29,A | | |
| 012 | Bruce Carter | Teacher of Tillamook Class. Supports SJR 8. Thanks committee for opportunity to speak. |
| 027 | Vice-Chair Fisher | Comment |
| 030 | Sen. George | Comment |
| 034 | Vice-Chair Fisher | Closes public hearing on SJR 8. |
| <u>SJR 8 WORK SESSION</u> | | |
| 040 | Sen. Tarno | Statement in support of SJR 8. |
| 045 | Sen. DWYER: | MOTION: Moves SJR 8 be sent to the floor with a BE ADOPTED recommendation. |
| | | VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Kintigh |
| | Vice-Chair Fisher | The motion CARRIES. SEN. DUKES will lead discussion on the floor. |
| 057 | Vice-Chair Fisher | Closes work session and adjourns meeting at 11:00 AM. |

Submitted By, Reviewed By,

Brad Harper Glen Stonebrink,

Administrative Assistant Administrator

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EXHIBIT SUMMARY

A - SB 108, proposed amendments, Ted Lorenson, 1 p

B - SB 109, written testimony, Charlie Stone, 3 pp

C - SB 109, letters, Jim Myron, 2 pp

D - SB 109, written testimony, Dave Babits, 1 p

E - SB 109, written testimony, Paul Ketcham, 3 pp

F - SJR 8, written materials, Susan Clow, 20 pp
