

HOUSE COMMITTEE ON
AGRICULTURE AND NATURAL RESOURCES

April 11, 2005 Hearing Room SISTERS, OR

1:00 P.M. Tapes 43 - 46

Corrected 9/27/2005)

MEMBERS PRESENT: **Rep. Patti Smith, Chair**

Rep. Brian Boquist, Vice-Chair

Rep. Arnie Roblan, Vice-Chair

Rep. Terry Beyer

Rep. Chuck Burley

Rep. Mark Hass

Rep. Mac Sumner

STAFF PRESENT: **Patrick Brennan, Committee Administrator**

Jania Zeeb, Committee Assistant

MEASURES/ISSUES HEARD:

2005 Climate Outlook – Informational Meeting

HB 2729 – Public Hearing and Work Session

HB 2929 – 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

TAPE 43, A

- 004 Chair P. Smith Calls the meeting to order at 1:01 p.m.
- 009 Committee members introduce themselves.
- 031 Chair P. Smith Opens an informational meeting on the Climate Outlook for 2005.

2005 CLIMATE OUTLOOK – INFORMATIONAL MEETING

- 033 George Taylor State Climatologist. Submits and presents a PowerPoint presentation on the Current Water Conditions and Future Water Supply Prospects in Oregon (**EXHIBIT A**).
- 050 Taylor Discusses the chart (**EXHIBIT A, Page 5**).
- 080 Taylor Expands on the map (**EXHIBIT A, Page 7**).
- 106 Taylor Explains the chart on the normal and observed monthly precipitation in 2004-2005 (**EXHIBIT A, Page 9**).
- 157 Taylor Explains the chart (**EXHIBIT A, page 18**).
- 197 Taylor Talks about the U.S. Seasonal Drought Outlook map (**EXHIBIT A, Page 23**).
- 214 Taylor Explains the Spring and Summer Streamflow Forecasts (**EXHIBIT A, Page 25**).
- 233 Rep. Boquist Asks if 1966-1967 was the driest water year in Oregon history.
- 235 Taylor Answers that it was 1976 to 1977.
- 236 Chair P. Smith Comments on the need to see what the weather will do in order to see how the drought will affect Oregon.
- 241 Taylor Responds by saying that the good news is that conditions are better than they were two months ago, while the bad news is that there are still drought conditions in parts of the state.

263 Rep. Roblan Asks if there are any ocean climate conditions that will affect weather.

267 Taylor Answers that there have not been. Talks about El Nino.

290 Tim Keith Assistant State Forester, Oregon Department of Forestry (ODF). Introduces Bill Lafferty.

297 Bill Lafferty Fire Program Director, ODF. Presents a PowerPoint presentation on the *Fire Season Severity Update* (**EXHIBIT B**).

364 Lafferty Talks about the list of factors that contribute to a dry fire season (**EXHIBIT B, Page 4**).

387 Keith Discusses the wildfire severity plan components for 2005 (**EXHIBIT B, Page 5**).

TAPE 44, A

010 Keith Continues to talk about the severity plan components for 2005 (**EXHIBIT B, Page 5**).

030 Keith Comments on severity suppression resources (**EXHIBIT B, Page 5**).

079 Keith Talks about the severity funding that has been granted in the past by the legislature.

093 Rep. Boquist Asks about the drop capacity of a P-3 Orion.

097 Keith Responds that it is a little less than three thousand gallons.

100 Rep. Boquist Inquires how he knows the department can get a contract for 20 air tankers later in the season.

103 Lafferty Answers by clarifying where the numbers are from. Discusses the reality of the situation.

113 Keith Gives names of the aircraft that are being considered.

114	Rep. Boquist	Asks about the availability of Blackhawk helicopters.
120	Keith	States that there should be three available for fire fighting.
125	Rep. Boquist	Asks if they would address the fire problems in the Northwest area of the state.
133	Lafferty	Answers that the winter precipitation in northwest Oregon was low. Talks about the history of fire prevention in that area of the state, and details the weather conditions that need to be watched for.
149	Rep. Boquist	Asks about the northeast area of the state.
156	Keith	Discusses the areas of northeast Oregon that are a concern.
161	Rep. Boquist	Asks about where the air tankers would be located.
177	Lafferty	Talks about how the department uses air tankers. Talks about the national forest services air tankers. Gives information on where the bases are.
190	Rep. Roblan	Inquires if ODF was able to get fire insurance.
192	Keith	Responds that the department was able to get the fire insurance.
201	Jim Johnson	Department of Agriculture (ODA). Submits and presents prepared testimony regarding the climate outlook (EXHIBIT C) . Submits informational material on the Oregon Water Resources Department (OWRD) (EXHIBIT D) . Submits informational material regarding Emergency Disaster Designations and Declaration Process (EXHIBIT E) .
279	Johnson	Talks about the U.S. Department of Agriculture (USDA) Natural Disaster Declarations.
305	Johnson	Discusses about the current drought conditions around the state. Comments on the recent precipitation and how it has been helpful.
351	Johnson	Gives information regarding federal drought declarations.

- 396 Chair P. Smith Asks how citizens and policymakers can find out about the drought situation.
- 399 Johnson Refers to the web pages listed (**EXHIBIT C, Page 2**).
- 423 Rep. Roblan Asks if the current conditions are expected to be ideal for growing fire hazardous material and then drying it out thus creating hazardous conditions.
- 434 Johnson Responds that this can be an issue.
- 440 Rep. Sumner Asks if Mr. Johnson sees any water shortages in municipal water supplies.
- 441 Johnson Refers to Kyle Gorman.

TAPE 43, B

- 008 Kyle Gorman Region Manager for South Central Region, OWRD. Answers that most of the municipalities will have enough water for this year.
- 018 Chair P. Smith Closes the informational meeting on the 2005 Climate Outlook and opens a public hearing on HB 2729.

HB 2729 – PUBLIC HEARING

- 020 Patrick Brennan Committee Administrator. Summarizes the bill.
- 030 Rep. Burley House District 54. Explains HB 2729 and testifies in support of the bill. States that HB 2729 does not result in additional public land ownership or public debt.
- 097 John Shelk Ochoco Lumber Company. Testifies in support of HB 2729 and discusses why it is important.
- 195 Shelk Talks about what HB 2729 will do.
- 203 Tom Tuchmann U.S. Forest Capital. Submits and presents written testimony in support of HB 2729 (**EXHIBIT F**). Testifies in support of HB 2729.

Discusses the current trend for large tracts of land to be sold off and the consequences that this can have.

- 271 Tuchmann Talks about what HB 2729 would do.
- 316 Tuchmann Talks about the benefits of HB 2729.
- 374 Rep. Roblan Gives an example of how community forest authorities would work. Asks if there is there a necessity for the owners to harvest the land after the bonds are paid off.
- 386 Tuchmann Responds that it would be up to the board to make such a decision. Discusses how the board would operate. Gives an example of a transaction in Washington state. Discusses the letters of corporation for the boards.
- 407 Rep. Roblan Asks if the letters of corporation would be decided on by each specific board.
- 409 Tuchmann Concurr.
- 412 Rep. Roblan Inquires if the property can be sold in small parcels after the debt has been paid.

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- 006 Tuchmann Responds that a community forest authority is a private entity so it could sell it, and discusses the purpose of HB 2729.
- 021 Rep. Roblan Asks if the board is there for the management of the land.
- 026 Tuchmann Answers that the Forest Authority Board is not a land management body.
- 033 Shelk Comments that there is a community board that is put together by the issuing authority that is a balanced group of people, with community members.
- 050 Rep. Sumner Inquires if Oregonians would be able to use forest authority lands for recreational purposes.

060	Tuchmann	Responds that there will be no legislative mandate that will keep the lands open to recreation, though recreational access will most likely be a top priority.
073	Rep. Burley	Gives an example of a hypothetical situation with the Bull Springs Tree Farm.
090	Rep. Sumner	Asks if there is a difference between this plan and a special service district.
095	Rep. Burley	Answers that he is not familiar with special service districts. Gives information from what he knows of a special service district.
099	Rep. Boquist	Inquires if they will pay property taxes.
102	Rep. Burley	Responds that they will pay the applicable taxes.
122	Rep. Boquist	Inquires what the economic intent is behind HB 2729. Asks if it works and if an example can be given.
140	Rep. Burley	States that his concern is that they will eventually lose the plots of industrial land. Gives examples of lands that have been bought.
162	Shelk	Comments that the bill would help retain land for timber, and that this is a land use issue.
203	Mike Hayward	Wallowa County Commissioner. Testifies in support of HB 2729. Submits prepared testimony in support of HB 2729 (EXHIBIT G).
221	Rep. Boquist	Asks if they have had any examples of where this has worked.
227	Hayward	Responds that he does not know any examples, but he is aware of what is happening on the Boise Cascade lands.
249	David Morman	Oregon Department of Forestry (ODF). Testifies in support of HB 2729. Submits prepared testimony in support of HB 2729 (EXHIBIT H).
280	Myles Conway	Schwabe Williamson and Wyatt. Asks if there is condemnation authority attached to the board.

288	Rep. Burley	Comments that he understands that to be true.
290	Conway	Inquires how the public gets the interest and input into the long term management of the land.
301	Rep. Burley	Responds by discussing who would be represented on the board.
310	Conway	Asks if there are public meetings or public notice. Comments on the importance of getting good representation on the board.
313	Rep. Burley	States that he does not know the answer.
317	Conway	Expresses the concerns with the board. Gives an example of the Bull Springs lot. Asks how an area would be valued.
344	Chair P. Smith	Responds that a willing seller and willing buyer would determine the price.
346	Rep. Burley	Adds it is the same due diligence process that all others go through.
350	Conway	Asks if the entity would have the ability to sell land.
359	Rep. Burley	Answers that by the bill it is not precluded but the articles of confederation it could limit or prohibit those types of transactions.
361	Conway	States that the articles of confederation would be an important document.
373	Kelly Smith	Resident, Bend. Testifies in support of HB 2729.

TAPE 45, A

024	Mark Rubbert	Landowner. Expresses his concerns with HB 2729. Talks about the benefits of HB 2729. Gives ideas to the committee for changes.
067	Chair P. Smith	Closes the public hearing on HB 2729 and opens a work session on HB 2729.

HB 2729 – WORK SESSION

- 069 Rep. Boquist **MOTION: Moves HB 2729 to the floor with a DO PASS recommendation and BE REFERRED to the Committee on Revenue by prior reference.**
- 074 Rep. Hass Expresses gratitude for bringing the bill forward and comments that he was on the committee that considered similar legislation last session.
- 081 Rep. Beyer Mentions that she has a few questions regarding this bill, but she is willing to send it to the Revenue Committee.
- 084 Rep. Boquist States that he is happy to work out the details with Rep. Burley before HB 2729 is heard in Revenue.
- 103 Rep. Roblan Comments on the mill that is set to open in Coos County, and the issues that the facility has had to overcome.
- 113 Chair P. Smith Recognizes that they have heard good testimony, and comments on the legislative process.
- 117 **VOTE: 7-0-0**
AYE: In a roll call vote, all members present vote Aye.
- Chair P. Smith The motion CARRIES.**
- 124 Chair P. Smith Closes the work session on HB 2729 and opens a public hearing on HB 2929.

HB 2929 – PUBLIC HEARING

- 135 Patrick Brennan Committee Administrator. Summarizes HB 2929.
- 142 Paul Rainey Oregon Guides and Packers Association. Submits and reads prepared testimony in support of HB 2929 (**EXHIBIT I**).
- 241 Steve Mathers President, Oregon Guides and Packers Association. Testifies in support of HB 2929. Discusses the benefits of HB 2929.
- 288 Mike Crawford

Battle Creek Outfitters. Testifies in support of HB 2929. Comments on the current ranching system in Oregon. Talks about the concerns that Oregon Department of Fish and Wildlife (ODFW) has with the bill and offers explanation.

353 Rep. Burley States that the landowner preference tag statutes sunset in 2010. Requests information on how HB 2929 affects the antler versus the antlerless hunts.

364 Mathers Responds that it would make it so it can be antler or antlerless hunts.

379 Crawford Comments on how many tags are given per acre.

401 Mathers Gives information on who they have talked with about the bill.

410 Rep. Burley Asks how HB 2929 would affect the general hunting population's access to hunting lands

TAPE 46, A

011 Mathers Answers that most private lands are closed to the general public, so this would allow the opportunity for a hunter to create a relationship with a landowner and gain access to land for hunting.

016 Rainey States that one of the goals of HB 2929 is to open access to tags and places to hunt.

024 Rep. Roblan Comments that Oregon has taken the liability away from hunters and put it on the landowners. Asks if that changes when the landowner leases their land.

027 Mathers Answers that it does.

029 Rep. Roblan Inquires if the liability is determined on a per issue basis.

030 Rainey Responds by using his insurance as an example.

050 Bill McCormack Resident, Prineville. Testifies in support of HB 2929. Submits written testimony in support of HB 2929 (**EXHIBIT K**).

088	Bryce Logan	Landowner, Wheeler County. Testifies in support of HB 2929. Comments that the biggest hindrance to running his operation is the access to tags.
150	Rep. Beyer	Asks if Mr. Logan is a guide.
152	Logan	Concurs.
153	Rep. Beyer	Inquires how many more people would become guides and packers as a result of HB 2929.
157	Logan	Responds that he does not think it will change. Says that people who want to operate a hunting business are already doing so.
166	Al Elkins	Oregon Hunters Association. Submits copies of prepared testimony (EXHIBIT M) and testifies in opposition to HB 2929.
260	Kelly Smith	Oregon Hunters Association. Testifies in opposition to HB 2929. Comments on the intent of the landowner preference (LOP) program. States that the bill is not the right way of dealing with the problem and will create more work.
357	Ron Anglin	Wildlife Division Administrator, ODFW. Submits prepared testimony regarding HB 2929 (EXHIBIT N). Expresses the concerns that the department has with HB 2929. Discusses how the tags are issued.
420	Rep. Roblan	Presumes that the department figures out how many animals can be harvested in the year, then calculates a percentage of animals expected to be harvested, helping them to consider how many of the tags can be sold. Requests confirmation that LOP tags entail a higher success rate, thus making it so that fewer tags will be sold.
435	Anglin	Responds by giving information on how the tags are issued.

TAPE 45, B

020	Rep. Roblan	Comments that the 28 percent success rate is based on the current system. Asks what the percentage is of the LOP tags that are given away.
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030	Anglin	Responds that the department does not have that information.
036	Rep. Burley	Asks if it is correct that there would only be an increase of LOP activity if more people signed up their land for the tags.
040	Anglin	Lists ways that there would be an increase of tags.
045	Rep. Burley	Asks if granting landowners the ability to transfer their tags would lead to the rate of harvest going up, which in turn would have an affect on the availability of public tags.
050	Anglin	Answers that the success rate would not necessarily go up.
057	Rep. Burley	States that if a person is entitled to ten tags, then ODFW is saying that is an acceptable level of harvest. Asks if it matters who shoots the animal and how that has an effect on the tags available for the public.
063	Anglin	Responds that it does not matter to the department who shoots the animal.
080	Chair P. Smith	Inquires if the number of tags allowed on the controlled hunts are based on who is signed up or who is eligible.
088	Anglin	Answers that landowners qualify for the number of tags based upon the amount of land. Explains how that affects tags.
094	Rep. Roblan	Comments that a landowner may currently qualify for six tags but only ask for two. Inquires if the bill would result in the potential on those currently registered can grow.
101	Anglin	Responds affirmatively. Gives an example from the white deer hunt in southern Oregon.
110	Rep. Burley	Asks about the limit on LOP tags that the department has, and how that has been received by the landowners in the areas with the limits.
119	Anglin	States that those who have participated in the draw and gotten their tags have been happy, but those who have not gotten their tags have not been happy. Comments that in most years a majority of the people who apply have gotten their tags.

129	Rep. Burley	Inquires if there is a draw for the tags.
132	Anglin	Answers that in the areas of Northeast Oregon where there is a limit on tags, there is a draw.
145	Rep. Roblan	Asks if there were not a cap in the LOP tags, there would not be any regular hunting tags.
147	Anglin	Comments that there would still be public hunting opportunities, but not necessarily commensurate to the current opportunities.
156	Mark Rubbert	Management Objective Committee. Notes that animals are on private grounds and gives reasons why the animals are there. Discusses the changes to HB 2929 he wants the committee to consider.
219	Chair P. Smith	Closes the public hearing on HB 2929 and adjourns the meeting at 4:08 p.m.

EXHIBIT SUMMARY

1. **A. Climate Outlook, PowerPoint presentation, George Taylor, 28 pp**
2. **B. Climate Outlook, PowerPoint presentation, Tim Keith, 6 pp**
3. **C. Climate Outlook, prepared testimony, Jim Johnson, 2 pp**
4. **D. Climate Outlook, informational material, Jim Johnson, 17 pp**
5. **E. Climate Outlook, informational material, Jim Johnson, 13 pp**
6. **F. HB 2729, prepared testimony, Thomas Tuchmann, 5 pp**
7. **G. HB 2729, prepared testimony, Mike Hayward, 2 pp**
8. **H. HB 2729, prepared testimony, David Morman, 20 pp**
9. **I. HB 2929, prepared testimony, Paul Rainey, 3 pp**
10. **J. HB 2929, prepared testimony, LeRon Howland, 1 p**
11. **K. HB 2929, prepared testimony, Glenn Summers, 1 p**
12. **L. HB 2929, prepared testimony, Bill McCormack, 1 p**
13. **M. HB 2929, prepared testimony, Al Elkins, 2 pp**
14. **N. HB 2929, prepared testimony, Ron Anglin, 2 pp**