

**HOUSE COMMITTEE ON LAND USE**

**May 09, 2005 Hearing Room 50**

**1:30 P.M. Tapes 87 - 90**

**Corrected 10/14/05**

**MEMBERS PRESENT:        Rep. Bill Garrard, Chair**

**Rep. Gordon Anderson, Vice-Chair**

**Rep. Mitch Greenlick, Vice-Chair**

**Rep. Robert Ackerman**

**Rep. Mary Nolan**

**Rep. Patti Smith**

**Rep. Mac Sumner**

**STAFF PRESENT:        Sam Litke, Committee Administrator**

**Lindsay Luckey, Committee Assistant**

**MEASURES/ISSUES HEARD:**

**SB 857 A – 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.**

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
---------------	----------------	-----------------

<b>TAPE 87, A</b>		
-------------------	--	--

002	Chair Garrard	Calls the meeting to order at 1:54 p.m. and opens a public hearing on SB 857A.
-----	---------------	--

**SB 857 A – PUBLIC HEARING**

036	Sen. Joanne Verger	SD 5. Submit and reads a prepared statement in support of SB 857 <b>(EXHIBIT A)</b> .
135	Michael Graybill	Manager, South Slough National Estuarine Research Reserve (SSNERR). Begins PowerPoint presentation <b>(EXHIBIT B)</b> . Defines and describes estuaries in Oregon.
152	Graybill	Details the origins of the (SSNERR).
188	Graybill	Continues PowerPoint presentation <b>(Page 3, EXHIBIT B)</b> .
220	Graybill	Continues PowerPoint presentation <b>(Page 4, EXHIBIT B)</b> .
285	Graybill	Continues PowerPoint presentation <b>(Page 5, EXHIBIT B)</b> .
315	Graybill	Continues PowerPoint presentation <b>(Page 6, EXHIBIT B)</b> .
324	Graybill	Continues PowerPoint presentation <b>(Page 7, EXHIBIT B)</b> .
375	Graybill	Continues PowerPoint presentation <b>(Page 8, EXHIBIT B)</b> .

**TAPE 88, A**

008	Chair Garrard	Asks what the amendments changed from the original bill.
010	Graybill	Explains the effect of the amendment and its effect on the boundary line.
033	Rep. Sumner	Asks if a specific parcel of land is privately owned and has a willing seller.
	Graybill	Responds that some of the land in question is in private ownership, the other in public ownership. Adds that the change of the line will

give the South Slough management legal authority to negotiate with property owners.

065	Nikki Whitty	County Commissioner, Coos County. Submits written testimony <b>(EXHIBIT C)</b> and speaks in support of SB 857.
	Rep. Greenlick	Asks for the opinion of the Coos County commission.
	Whitty	Reports that the county commissioners are not in agreement.
	Rep. Greenlick	Asks for the number of county commissioners.
	Whitty	Responds that there are three.
080	Ann Hanus	Director, Department of State Lands and Chair, South Slough Management Commission. Submits and highlights points in written testimony in support of HB 857 <b>(EXHIBIT D)</b> .
	Chair Garrard	Notes information that if the expansion does not take place, the grant money will go elsewhere and asks if she knows where the grant money goes.
	Hanus	Responds that the money will be used for estuaries outside the state of Oregon.
109	Diana Younker	Coos County. Speaks in support of SB 857.
147	Marvin Caldera	President, ILWU Local 12 Port of Coos Bay. Submits and reads from a prepared statement in opposition to SB 857 testimony <b>(EXHIBIT M)</b> .
	Chair Garrard	Asks how many people Caldera represents.
	Caldera	Reports he represents about 100 people.
	Rep. Greenlick	Asks about the position of the organization on the boundary.
	Caldera	Responds they do not want the boundary to be moved.

180	Frank Williams	Coos County Citizen's Caucus. Submits and reads written testimony in opposition to SB 857 <b>(EXHIBIT E)</b> .
250	Rep. Greenlick	Asks if he would have a problem with private property owner selling their land to the estuary.
	Williams	Responds it is their right and discusses issues of the area.
290	Chair Garrard	Asks for an example of a taking of land in this situation.
	Williams	Responds he can not give an example but discusses other issues.
309	Rep. Anderson	Asks how large the South Slough is now.
	Williams	Gives estimate.
	Rep. Anderson	Asks how much they are considering adding.
	Ruth Barker	Coos County. Discusses conversations with the county tax assessor and reports there is not a definitive number.
	Rep. Anderson	Asks for an estimate.
	Barker	References the map.
328	Barker	Submits written testimony and speaks in opposition to SB 857 A <b>(EXHIBIT F)</b> . Announces her appearance of behalf of 9 others unable to attend and references their testimonies included in the packet of information <b>(EXHIBIT F)</b> .

**TAPE 87, B**

026	Rep. Greenlick	Asserts that school funding will be the same regardless of this outcome.
	Barker	Reports her awareness of this.
	Rep. Greenlick	Notes inclusion in her packet of the National Oceanic and Atmospheric Administration (NOAA) Ocean and Coastal Research

Management Regulations and asks if those regulations would be in place even if there wasn't the South Slough management area.

	Barker	Responds she believes it says it is for the estuary.
	Rep. Greenlick	Restates his question.
	Barker	Reports she is unsure.
049	Graybill	Reports on NOAA's jurisdiction.
	Rep. Greenlick	Verifies that if the South Slough were not there, these regulations would not apply.
	Graybill	Confirms this.
066	John Griffith	County Commissioner, Coos County. Submits an informational packet and speaks in opposition to SB 857 ( <b>EXHIBIT G</b> ).
081	Griffith	Reviews legislative history of South Slough issues. Responds to previous testimony and references letters in opposition to SB 857 included in his packet of information.
187	Rep. Ackerman	Asks Griffith what private property rights are impaired by the movement of the boundary line.
	Griffith	Outlines his concerns and impaired usages of private land.
215	Rep. Ackerman	Verifies that the bill does not compel private property owners to sell land against their will.
	Griffith	Confirms this.
	Chair Garrard	Asks how much tax money the land in question is producing currently.
	Griffith	Responds that he does not know and comments that much of the land is forest land.

- 242 Thomas H. Younker Coquille Tribe, Coos County. Contiguous neighbor of the South Slough Estuary. Speaks in support of SB 857. Responds to previous testimony. Relays the support of the tribe for SB 857. Describes the possibility of future plank houses and elaborates on possible revenue raising opportunities.
- 399 Rep. Anderson Asks with 4700 acres if it would be possible to build his plank houses within those areas.
- Younker Describes the possibilities and notes he will pursue his plans regardless but would prefer the proposed area.

**TAPE 88, B**

- 014 Rep. Anderson References the Attorney General opinion on navigability and discusses kayak use in their area.
- Younker Describes the problem of wind for people to use the area.
- 032 David Ford Coos County. Speaks in support of SB 857. Responds to earlier criticisms and makes comments about eminent domain.
- Chair Garrard Asks if the interest goes to the school fund through the Division of State Lands.
- 050 Ford Responds that it does not go back into the account itself but accrues. Discusses benefits of expansion.
- 066 Anne Donnelly Coos County. Lives on property adjacent to South Slough. Speaks in support of SB 857. Describes their interest in selling their land to South Slough and their inability to do that without SB 857. Responds to earlier testimony. Notes that Port of Coos Bay has submitted their support with one concern. Discusses possible interest of South Slough to acquire more land.
- 141 Rep. Anderson Asks if their property is inside the estuary currently.
- Donnelly Responds that they are adjacent.
- Rep. Anderson Verifies that they would like to sell their property eventually.

	Donnelly	Responds affirmatively.
	Chair Garrard	Asks if the land has to be sold concurrently.
	Donnelly	Responds negatively.
	Chair Garrard	Asks about the shores of the estuary.
	Donnelly	Discusses the importance of the shoreline.
	Chair Garrard	Restates his question.
	Donnelly	Responds affirmatively.
	Chair Garrard	Verifies a hypothetical situation.
	Donnelly	Responds affirmatively.
182	Rep. Anderson	Asks if the estuary must be designated as such for federal government to purchase property or if they can be purchased piecemeal.
	Donnelly	Outlines the two types of legal issues.
	Rep. Anderson	Asks Younker if his tribe operates the casino in Coos Bay.
	Younker	Responds affirmatively.
	Rep. Anderson	References earlier testimony and asks if the tribe has considered putting down money instead of the state.
	Younker	Responds he cannot speak for the finances of his tribe and reiterates his plans.
234	Cam Parry	Resident, business operator, Coos County. Speaks in support of SB 857 and relays its beneficial effects.
296	Susan P. Smith	Coos County. Submits written testimony in support of SB 857 <b>(EXHIBIT H)</b> .

312	Paul L. Van Natta	Coos County. Speaks in support of SB 857. Stresses that there must be a willing seller and must have a willing buyer with overview. Submits brief written testimony <b>(EXHIBIT N)</b> .
358	Rep. Greenlick	Asks if all the land inside the current boundary is owned by the reserve.
	Van Natta	Responds negatively.
	Rep. Greenlick	Verifies that there will be public and private land inside the new boundary.
	Vannatta	Confirms this.
	Rep. Anderson	Asks Parry about earlier testimony and asserts he would be able to sell his land.
	Parry	Corrects to say that he could not sell to the South Slough if he wanted to.
	Rep. Anderson	Asks about Parry's land.
	Parry	States he is restricted from selling his land to South Slough.
	Rep. Anderson	Verifies he could sell it for the same purpose.
	Parry	Agrees, stating he could sell to the nature conservancy.

**TAPE 89, A**

006	Norma VanNatta	Coos County. Speaks in support of SB 857. Raises point about permitted residential development. Submits written testimony in support of SB 857 <b>(EXHIBIT O)</b> .
030	Rich Hamel	Coos County, Resident. Notes membership in Friends of South Slough and public representative of the South Slough Management team, but testifying as a citizen. Submits written testimony in support of SB 857 <b>(EXHIBIT I)</b> . Discusses importance of protecting the Slough.



	Chair Garrard	Asks if he would be in favor of a golf course in that area.
	Hamel	Responds he would be in favor of a specific golf course but expresses concern for inappropriately placed golf courses.
082	Chair Garrard	Asserts that Hamel's opinion gives weight to the opponent's argument.
	Hamel	Clarifies his testimony.
	Chair Garrard	Reviews what the opponents are saying and states that Hamel is confirming this by saying they will restrict development.
	Hamel	Relays his understanding is that nothing will change with regard to authority in South Slough.
105	Van Natta	Clarifies Hamel's testimony.
	Chair Garrard	Relays Hamel's testimony and comments.
	Hamel	Disagrees. Responds again.
170	Patricia Kunz	Coos County. Reads a letter on behalf of her husband in opposition to SB 857 <b>(EXHIBIT J)</b> .
198	James F. Galten	Coos County. Speaks in opposition to SB 857. Submits written testimony and a map <b>(EXHIBIT K)</b> .
280	Galten	Continues testimony.
400	Daniel Varoujean	Coos County. Submits written testimony in opposition to SB 857 <b>(EXHIBIT L)</b> . Stresses that the reserve is a research reserve not the other reasons mentioned in testimony. Raises issue of "willing seller".
<b>TAPE 90, A</b>		
050	Varoujean	Continues testimony. Stresses industrial and commercial industries should be allowed in bay to bring in revenue.

Chair Garrard

Closes the public hearing on SB 857 and adjourns the meeting at 4:20 p.m.

### **EXHIBIT SUMMARY**

- A. SB 857, written testimony, Sen. Joanne Verger, 3 pp
- B. SB 857, PowerPoint presentation, Michael Graybill, 8 pp
- C. SB 857, written testimony, Nikki Whitty, 1 p
- D. SB 857, written testimony and maps, Ann Hanus, 9 pp
- E. SB 857, written testimony, Frank Williams, 1 p
- F. SB 857, written testimony, Ruth Barker, 19 pp
- G. SB 857, packet of information, John Griffith, 29 pp
- H. SB 857, written testimony, Susan P. Smith, 1 p
  - I. SB 857, written testimony, Rich Hamel, 3 pp
  - J. SB 857, written testimony, Patricia Kunz, 1 p
- K. SB 857, written testimony and map, James F. Galten, 2 pp
- L. SB 857, written testimony, Daniel H. Varoujean II, 3 pp
- M. SB 857, written testimony, Marvin Caldera, 1 p
- N. SB 857, written testimony, Paul Van Natta, 1 p
- O. SB 857, written testimony, Norma Van Natta, 1 p