

SENATE COMMITTEE ON
AGRICULTURE AND NATURAL RESOURCES

May 28, 2003
8:00 AM

Hearing Room HR B
Tapes 75 - 77

MEMBERS PRESENT: **Sen. Frank Shields, Chair**
 Sen. Roger Beyer, Vice-Chair
 Sen. Tony Corcoran
 Sen. Bill Fisher

STAFF PRESENT: **Judith Callens, Committee Administrator**
 Patricia Nielsen, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2473A – Public Hearing**
 HB 3094A – Public Hearing and Work Session
 HB 3013 – Public Hearing
 HB 2754 – Public Hearing and Work Session

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 75, A		
005	Chair Shields	Calls the meeting to order at 8:10 a.m. Opens public hearing on HB 2473A.
<u>HB 2473A – PUBLIC HEARING</u>		
010	Rep. Tom Butler	District 60. Testifies in support of HB 2473A, which repeals sunset of State Department of Fish and Wildlife's aquaculture products purchasing program. Discusses –A2 amendments dated 5-13-03 (EXHIBIT A). Submits written materials (EXHIBITS B, C).
075	Chair Shields	Asks about change to sunset provision in amendments.
080	Rep. Butler	Explains and reviews sunset provision. Discusses potential lawsuits.
100	Sen. Fisher	Asks about –A2 not covering all issues, and need for additional amendments.
105	Rep. Butler	Responds and explains concerns over the ten percent purchase and potential hatchery closure.
130	Sen. Corcoran	Asks how private providers can raise fish less expensively than government agency.
135	Rep. Butler	Discusses economics of private hatcheries.
140	Sen. Fisher	Asks about proposed amendment.
145	Rep. Butler	Explains the ten percent limit is being addressed in another amendment.
160	Chair Shields	Closes public hearing on HB 2473A. Opens public hearing on HB 3094A.
<u>HB 3094A – PUBLIC HEARING</u>		
175	Rep. Betsy Johnson	District 31. Testifies in support of HB 3094A, which allows State Fish and Wildlife Commission to establish pilot program for sale of fish at locations away from vessels participating in

200	Sen. Joan Dukes	nontreaty Columbia River fisheries. District 16. Testifies in support of HB 3094A. Discusses assistance to fishermen in difficult economic times.
225	Jon Westerholm	Columbia River Fishermen's Protective Union. Testifies in support of HB 3094A. Submits written testimony (EXHIBIT D). Discusses pricing of fish caught in the Columbia River. Describes similar legislation in process in Washington State.
280	Sen. Beyer	Asks about what species are covered.
285	Westerholm	Responds it covers all fish caught in Columbia.
290	Sen. Beyer	Asks how the catches will be tracked.
295	Rep. Johnson	Advises Oregon Department of Fish and Wildlife (ODFW) is prepared to draft rules immediately.
325	Roy Elicker	ODFW. Testifies in support of HB 3094A.
340	Kay Brown	ODFW. Testifies in support of HB 3094A. Submits written testimony (EXHIBIT E). Explains support is partly because it is a pilot program.
360	Sen. Beyer	Asks about compliance with Department of Agriculture (DOA) rules regarding food handling and sales.
370	Elicker	Explains the DOA rules will apply.
385	Chair Shields	Asks about requirements for food handling.
390	Elicker	Responds the DOA will assist ODFW in rulemaking.
400	Chair Shields	Closes public hearing on HB 3094A. Opens work session on HB 3094A.

HB 3094A – WORK SESSION

405	Judith Callens	Committee Administrator. Discusses fiscal and revenue impacts.
410	Sen. Beyer	MOTION: Moves HB 3094A to the floor with a DO PASS recommendation.
		VOTE: 4-0
		AYE: In a roll call vote, all members present vote Aye.
415	Chair Shields	The motion CARRIES.
		SEN. DUKES will lead discussion on the floor.

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010	Chair Shields	Closes work session on HB 3094A. Opens public hearing on HB 3013.
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HB 3013 – PUBLIC HEARING

015	Rep. Johnson	District 31. Testifies in opposition to HB 3013, which authorizes issuance of permit for mining from resource site not included in inventory in acknowledged comprehensive plan. Discusses statewide planning Goal 5, regarding surface mining. Asserts mining is necessary but destructive.
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060	Chair Shields	Discusses issue of significant mining sites, and asks if compromise is possible.
070	Rep. Johnson	Recommends amendment to put sideboards on activities covered by HB 3013. Expresses concern about Columbia County, where gravel is plentiful and negative impact on local residents has been ignored. Offers to work toward compromise.
095	Chair Shields	Reviews some concerns to be addressed by amendments.
105	Rep. Johnson	Describes appropriate sites between significant and automatic conditional use permit. Submits written testimony (EXHIBIT F).
125	Cliff Kenagy	Farmer, Benton County. Testifies in opposition to HB 3013. Submits written testimony (EXHIBIT G).
135	Bruce Chapin	Oregon Farm Bureau Federation Aggregate Committee. Testifies in opposition to HB 3013. Submits written testimony (EXHIBIT H). Discusses Goal 5 requirements.
225	Art Schlack	Association of Oregon Counties (AOC). Testifies in support of HB 3013. Submits written testimony (EXHIBIT I). Discusses process of locating quarries.
270	Chair Shields	Asks about balance between small sites which cannot afford to go through the Goal 5 process and other potential approaches.
280	Schlack	Acknowledges there are other possibilities.
285	Chair Shields	Asks about alternatives and compromise.
295	Schlack	Discusses history of permitting process and possibilities.
310	Doug Tindall	State Maintenance Engineer, Oregon Department of Transportation (ODOT). Submits written testimony (EXHIBIT J). Describes ODOT processes for operation of small sites for road-building. Explains some pits do not qualify for conditional use permits, which makes permitting more complicated and expensive.
370	Chair Shields	Asks for clarification and alternatives.
380	Tindall	Defers to land use experts at Department of Land Conservation and Development (DLCD) for suggesting language.
395	Chair Shields	Asks about work group discussions on compromise.
TAPE 75, B		
005	Tindall	Explains some sites are used, then not used so permit lapses, and then re-permitted, so need language to cover that actuality. Expresses concern that companies will not invest in producing aggregate to fulfill road-building contracts.
025	Liz Frenkel	League of Women Voters. Testifies in opposition to HB 3013. Discusses alternatives and expresses concern over agricultural rights. Submits written testimony (EXHIBIT K).
075	Frank Parisi	Attorney. Testifies in support of HB 3013. Discusses alternative language to reach the goal for changing conditional use permit process. Describes isolated markets and areas with unusual geology which need access to the conditional use permit process.
	Mike Crennen	Roseburg Paving, Beaver State Sand and Gravel. Testifies in support of HB 3013. Discusses attempts to excavate a Douglas County site with a conditional use permit. Explains the Goal 5 rules are incomplete and are focused only on the Willamette Valley.

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235	Rich Angstrom	President, Oregon Concrete and Aggregate Producers Association (OCAPA). Testifies in support of HB 3013. Submits written testimony (EXHIBIT L). Discusses rights of landowners to exploit mineral resources on their property. Asserts the conditional use process is far less costly and lengthy than the Goal 5 process. Describes 1996 agreement between farm bureau and aggregate producers (EXHIBIT M). Offers to work during the interim on specific compromise.
400	Chair Shields	Asks whether the measure puts back the system in place before the Beaver Creek case, or does more.
405	Angstrom	Discusses other possible language to reach a compromise. Discusses review by OCAPA membership for possible collateral effects and intent for a return to status quo.
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020	Chair Shields	Comments on importance of aggregate to state building projects. Asks about effect of proposed amendments on aggregate industry.
040	Angstrom	Responds and offers to enter into discussions. Discusses increased costs to transportation and building projects without some change.
085	Gary Lynch	Assistant Director, Department of Geology and Mineral Industries (DOGAMI). Explains Goal 5 process is effective, but expensive and cumbersome. Recommends some type of conditional use process for small sites. Pledges support to interim discussions.
115	Bob Rindy	DLCD. Testifies in support of HB 3013. Submits written testimony (EXHIBIT N). Offers support for interim discussions. Explains the measure is intended to return the system to the status quo. Acknowledges potential effects outside the intent.
155	Chair Shields	Clarifies the measure does not exactly restore the status quo and further discussions are needed.
165	Rindy	Confirms. Communicates agreement from Governor's office to work on amendments.
200	Carrie MacLaren	1000 Friends of Oregon. Testifies in opposition to HB 3013. Discusses Beaver State case decision and requirement for inventory on significant sites. Describes importance of agriculture industry. Refers to amendments in process. Offers to work toward better balance in statute and to participate in discussions.
265	Don Schellenberg	Oregon Farm Bureau. Discusses conditional use process and Goal 5 process. Offers to work toward compromise: <ul style="list-style-type: none"> • Maintain inventory requirement but add language to provide for non-significant sites and grandfather in sites already in existence • Allow mining on farmland under certain circumstances • Allow small parcel exemption for mining permit • Add sunset provision to allow further discussion

330 Chair Shields Asks whether all the proposed amendments are necessary to return to the status quo.
 335 Schellenberg Responds probably not.
 340 Chair Shields Comments the Governor's office wants a week to work on amendments. Recommends finding a compromise measure and continuing discussions during the interim.
 380 Sen. Fisher Asks about conducting an inventory at the county level.

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005 Schellenberg Explains the county should be doing an inventory under Goal 5.
 010 Sen. Fisher Asks how to get small parcels on some type of inventory.
 015 Schellenberg Recommends a case by case basis. Describes how an owner brings a parcel to county's attention and asks for parcel to be put on inventory, which might be mined right away or later.

The following prepared testimony is submitted for the record without public testimony for HB 3013:

Mark Tipperman Submits written testimony (**EXHIBIT O**).
 020 Chair Shields Closes public hearing on HB 3013. Reopens public hearing on HB 2473A.

HB 2473A – PUBLIC HEARING

025 Chair Shields Advises amendments are not ready.
 030 Joe Rohleder Representing Desert Springs Trout Farm. Testifies in support of HB 2473A. Discusses amendments proposed after the measure passed the house, in connection with proposed –A2 amendments (**EXHIBIT A**).
 080 Tom MacDonald Desert Springs Trout Farm. Testifies in support of HB 2473A. Submits photographs and letter from Steve Koch (**EXHIBITS P, Q**). Discusses trout-raising operation.
 110 Chair Shields Asks about Diamond Lake tui chub problem.
 115 MacDonald Advises a larger trout can eat the chub.
 120 Chair Shields Asks about cost of stocking larger fish versus poisoning the chub.
 125 MacDonald Responds about \$100,000 to \$150,000 per year. Continues the warmer water in his area causes the fish to grow much faster.
 140 Chair Shields Advises amendments are coming. Closes public hearing on HB 2473A. Opens public hearing on HB 2754.

HB 2754 – PUBLIC HEARING

150 Judith Callens Committee Administrator. Presents overview of HB 2754, which allows soil and water conservation district to acquire conservation easement and highway scenic preservation easement.
 165 John McDonald Oregon Association of Conservation Districts; Tualatin Soil and Water Conservation District. Testifies in support of HB 2754. Submits written testimony (**EXHIBIT R**).
 180 Chair Shields Closes public hearing on HB 2754. Opens work session on HB 2754.

HB 2754 – WORK SESSION

185	Sen. Beyer	MOTION: Moves HB 2754 to the floor with a DO PASS recommendation.
		VOTE: 4-0
190	Chair Shields	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
		SEN. BEYER will lead discussion on the floor.
195	Chair Shields	Closes work session on HB 2754. Adjourns the meeting at 10:15 a.m.

EXHIBIT SUMMARY

A – HB 2473A, -A2 amendment (5-13-03), staff, 2 pp
B – HB 2473A, written testimony, Rep. Tom Butler, 1 p
C – HB 2473A, written testimony, Rep. Tom Butler, 16 pp
D – HB 3094A, written testimony, Jon Westerholm, 1 p
E – HB 3094A, written testimony, Kay Brown, 1 p
F – HB 3013, written testimony, Rep. Betsy Johnson, 2 pp
G – HB 3013, written testimony, Clif Kenagy, 1 p
H – HB 3013, written testimony, Bruce Chapin, 8 pp
I – HB 3013, written testimony, Art Schlack, 1 p
J – HB 3013, written testimony, Doug Tindall, 1 p
K – HB 3013, written testimony, Liz Frenkel, 1 p
L – HB 3013, written testimony, Rich Angstrom, 2 pp
M – HB 3013, written agreement, Rich Angstrom, 3 pp
N – HB 3013, written testimony, Bob Rindy, 1 p
O – HB 3013, written testimony, Mark Tipperman, 2 pp
P – HB 2473A, photographs, Tom MacDonald, 3 pp
Q – HB 2473A, letter from Steve Koch, Tom MacDonald, 1 p
R – HB 2754, written testimony, John McDonald, 4 pp