

## SENATE COMMITTEE ON WATER AND LAND USE

March 03, 2003  
3:00 p.m.

Hearing Room D  
Tapes 20 - 22

**MEMBERS PRESENT:**     **Sen. Ted Ferrioli, Chair**  
                                  **Sen. Charlie Ringo, Vice-Chair**  
                                  **Sen. Jason Atkinson**  
                                  **Sen. Rick Metsger**

**STAFF PRESENT:**         **Judith Callens, Committee Administrator**  
                                  **Megan Jensen, Committee Assistant**

**MEASURE/ISSUES HEARD:**     **SB 398 Public Hearing**  
  **SB 399 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 20, A</b>		
005	Chair Ferrioli	Calls meeting to order at 3:06 p.m. and opens public hearings on SB 398 and SB 399.
<b>SB 398 and SB 399 – PUBLIC HEARING</b>		
010	Sen. Ken Messerle	Senate District 5. Gives testimony in support of SB 398 and SB 399.
068	Sen. Ringo	Inquires who purchases farmland for wetlands preservation.
075	Messerle	Replies that private nonprofit organizations and state and federal government agencies purchase farmland for wetlands preservation.
080	Sen. Ringo	Asks if that land is taken out of the tax base.
087	Messerle	Replies that the biggest concern is that the land is removed from the farming economy.
089	Chair Ferrioli	Asks about the repealed sections of the bill.
091	Messerle	Defers to Coos County Commissioner.
099	Chair Ferrioli	Closes public hearing on SB 399.
<b>SB 398 – PUBLIC HEARING</b>		
110	John Griffith	Coos County Commissioner. Gives testimony in support of SB 398 ( <b>EXHIBIT A</b> ). Provides an overview of SB 398 and explains that Coos County is losing agricultural areas to federal acquisitions.
205	Chair Ferrioli	Asks about the revenue loss to Coos County.
210	Griffith	Replies that the revenue loss is minimal and elaborates.
218	Chair Ferrioli	Inquires if agricultural land prices are being inflated by the federal purchases prices.
220	Griffith	Affirms.
247	Don Schellenberg	Oregon Farm Bureau. Provides testimony in support of SB 398 ( <b>EXHIBIT B</b> ). Believes that local governments should participate in the planning process of its land.
269	Sen. Ringo	Asks about a possible amendment to SB 398 to allow the county to approve land use purchases notwithstanding a state decision.
279	Schellenberg Glen Stonebrink	Agrees an amendment might be necessary. Oregon Cattlemen Association. Provides testimony in support of SB 398 ( <b>EXHIBIT C</b> ). Recommends amendments to the bill.

387	Chair Ferrioli	Asks if the committee should consider adding the repealed clauses back to the bill.
389	Stonebrink	Affirms.
393	Chair Ferrioli	Requests information on repealed sections in SB 398.
<b>TAPE 21, A</b>		
002	Griffith	Clarifies.
018	Tom Bowerman	Lane County. Provides testimony against SB 398.
048	Brendan McCarthy	Legislative Counsel. Explains constitutional issues regarding SB 398 <b>(EXHIBIT D)</b> .
091	Chair Ferrioli	Requests clarification of the requirement that the federal government acquire a state's consent to purchase lands for environmental purposes.
095	McCarthy	Explains.
104	Chair Ferrioli	Inquires if the state would have to approve any county land acquisitions under SB 398.
125	McCarthy	Advises that the Legislature's consent would only be necessary if the state deemed it desirable to give the federal government exclusive jurisdiction on lands that it had acquired.
138	Chair Ferrioli	Repeats that if the state is willing to concede exclusive jurisdiction to the federal government on lands it acquired, the state would go through a process of approval to release its jurisdiction.
154	McCarthy	Responds and clarifies.
176	Chair Ferrioli	Summarizes the bill and suggests an amendment is in order. Closes public hearing on SB 398 and opens public hearing on SB 399.

The following prepared testimony is submitted for the record without public testimony for SB 398:

Robin Hartmann	Submits written testimony <b>(EXHIBIT K)</b> .
----------------	--

**SB 399 – PUBLIC HEARING**

219	Judith Callens	Committee Administrator. Gives overview of SB 399.
275	Teresa Miller	Nature Conservancy. Gives testimony in opposition to SB 399 <b>(EXHIBIT E)</b> .
287	Chair Ferrioli	Asks about the Nature Conservancy's view on the protection of farm zones for wetland use.
290	Miller	Offers to present that information at a later date.
316	Sen. Atkinson	Inquires if the Defenders of Wildlife organization owns land.
318	Miller	Responds that the Defenders of Wildlife most likely does own land and offers to research the subject.
320	Sen. Atkinson	Asks how SB 399 would derail progress in wetlands preservation.
330	Miller	Offers to research that information.
360	Chair Ferrioli	Inquires how much land the Nature Conservancy owns in Oregon.
370	Miller	Offers to research that information.
383	Mark Knaupp	Polk County. Provides testimony against SB 399 <b>(EXHIBIT F)</b> . Believes that restrictions on wetlands restoration could have negative implications on farm operations.
467	Sen. Atkinson	Inquires if he owns farmland zoned for exclusive farm use.
<b>TAPE 20, B</b>		
003	Knaupp	Affirms.
018	Sen. Metsger	Asks for clarification on how conservation compensation programs work.
024	Knaupp	Explains the compensation program.

039	Chair Ferrioli	States that a farmer could use money received from wetlands preservation to purchase more land for agricultural use.
042	Knaupp	Affirms.
048	Chair Ferrioli	Asks about taxes on the wetlands.
050	Knaupp	Replies that property taxes remain the same.
052	Chair Ferrioli	Asks if his conversion to wetlands is irrevocable.
053	Knaupp	Affirms.
056	Sen. Metsger	Asks about permanent and temporary conversion programs.
058	Knaupp	Responds that there are both permanent and temporary program and elaborates.
067	Sen. Atkinson	Suggests that SB 399 might be too broad. Asks if the Oregon Plan has been as successful as the Conservation Reserve Program.
097	Chair Ferrioli	Asks when wetlands restoration projects began on his land.
100	Knaupp	Replies that the initial project began in 1996.
102	Chair Ferrioli	Inquires if the wetlands mitigation bank was a result of the current farm bill.
104	Knaupp	Clarifies the wetlands mitigation process.
112	Chair Ferrioli	Inquires if the program is funded by the state of Oregon.
113	Knaupp	Replies that the mitigation banks are funded by farmers.
118	Chair Ferrioli	Asks how mitigation credits are sold.
120	Knaupp	Explains the process.
128	Chair Ferrioli	Asks who is in charge of mitigation banks.
130	Knaupp	Replies that the Division of State Lands is responsible.
132	Chair Ferrioli	Talks about conversion of private lands to public property.
150	Knaupp	Discusses the conversion of his farmland to public wetlands.
194	David Buchanan	Benton County. Provides testimony against SB 399 <b>(EXHIBIT G)</b> .
259	Chair Ferrioli	Asks if his tax base changed after converting farmland to wetlands.
260	Buchanan	Responds that the tax rate has risen slightly.
274	Tom Jones	Ducks Unlimited. Provides testimony against SB 399 <b>(EXHIBIT H)</b> . Believes that without an active program of wetland restoration, waterfowl hunting would decrease.
331	Sen. Atkinson	Asks for his organization's position on SB 398.
336	Jones	Responds that SB 399 is more significant to Ducks Unlimited.
346	Chair Ferrioli	Asks why Ducks Unlimited might have difficulties working with county jurisdictions.
351	Jones	Responds that it would deter farmers' willingness to proceed with conversion projects.
362	Chair Ferrioli	Suggests that Ducks Unlimited has been very successful.
380	Jones	Talks about the Ducks Unlimited program.
<b>TAPE 21, B</b>		
002	Sen. Atkinson	Comments that the number of waterfowl has decreased in southern Oregon.
011	Sen. Metsger	Comments on the growing numbers of non-migratory Canadian geese.
030	Glen Stonebrink	Oregon Cattlemen Association. Gives testimony in support of SB 399.
065	Don Schellenberg	Oregon Farm Bureau. Provides testimony in support of SB 399 <b>(EXHIBIT I)</b> . Believes that exclusive farm use zones should remain farmland. Discusses the permit process for non-farm use of farm zone land.
093	Chair Ferrioli	Asks if there is a public process regarding the issue of the

		permit.
095	Schellenberg	Describes the public hearing process and discusses amendments options for SB 399.
154	Richard Angstrom	Oregon Concrete and Aggregate Producers. Gives testimony in support of SB 399 and suggests an amendment to the bill.
195	Tom Bowerman	Lane County. Provides testimony against SB 399.
228	John Griffith	Coos County Commissioners. Provides testimony in support of SB 399. Suggests amendments to the bill.
303	Sen. Atkinson	Asks how much Coos County land is being turned into public land.
305	Griffith	Replies that 5000 acres are public lands.
321	Sen. Atkinson	Inquires how much land is included in South Slough.
323	Griffith	Responds that the South Slough is 4000 acres.
327	Sen. Metsger	Asks if SB 398 could be limited to specific areas of the state.
340	Griffith	Responds that it could be an option.
350	Chair Ferrioli	Discusses issues surrounding SB 399.
<b>TAPE 22, A</b>		
010	Karlene McCabe	Greenbelt Land Trust. Gives testimony against SB 399 <b>(EXHIBIT J)</b> . Discusses work done by the Greenbelt Land Trust and expresses the concern that it puts another hurdle in the process of land conservation projects.
050	Chair Ferrioli	Confirms that the Greenbelt Land Trust would not like the bill to pass.
052	McCabe	Affirms.
063	Sen. Atkinson	Asks for clarification about the Greenbelt Land Trust.
064	McCabe	Explains.
069	Sen. Atkinson	Asks what easement the Greenbelt Land Trust works for.
070	McCabe	Replies that it is an easement to protect wetlands along both sides of Muddy Creek.
072	Chair Ferrioli	Inquires if the project is funded by the Oregon Watershed Enhancement Board.
074	McCabe	Responds that the project is funded by the North American Wetland Conservation Act.
The following prepared testimony is submitted for the record without public testimony for SB 399:		
	Robin Hartmann	Submits written testimony <b>(EXHIBIT L)</b> .
077	Chair Ferrioli	Closes public hearing on SB 399 and adjourns the meeting at 5:00 p.m.

## **EXHIBIT SUMMARY**

- A – SB 398, written testimony by John Shank, J. Griffith, 12 pp.**
- B – SB 398, written testimony, Don Schellenberg, 1 p.**
- C – SB 398, written testimony, Glen Stonebrink, 1 p.**
- D – SB 398, written testimony, staff, 1 p.**
- E – SB 399, written testimony, Teresa Miller, 2 pp.**
- F – SB 399, written testimony, Mark Knaupp, 1 p.**
- G – SB 399, written testimony, David Buchanan, 1 p.**
- H – SB 399, written testimony, Tom Jones, 2 pp.**
- I – SB 399, written testimony, Don Schellenberg, 3 pp.**
- J – SB 399, written testimony, Karlene McCabe, 2 pp.**
- L – SB 399, written testimony, Robin Hartman, 3 pp.**

**The following exhibit is listed out of order in the body of the tape log:  
K – SB 398, written testimony, Robin Hartmann, 3 pp.**