

SENATE COMMITTEE ON WATER AND LAND USE

April 16, 2003
3:00 p.m.

Hearing Room D
Tapes 49 - 50

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 82 Public Hearing and Work Session**
 SB 590 Work Session
 SB 293 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 49, A		
003	Chair Ferrioli	Calls meeting to order at 3:10 p.m. and opens public hearing on SB 82.
<u>SB 82 – PUBLIC HEARING</u>		
010	Judith Callens	Committee Administrator. Provides overview of SB 82 and -3 amendments dated 4/14/03 (EXHIBIT A).
038	Sen. Ken Messerle	District 5 State Senator. States support of SB 82 and -3 amendments.
054	Steve Purchase	Division of State Lands (DSL). States support for SB 82 and -3 amendments.
058	Adam Sussman	Water Resources Department (WRD). States support for SB 82 and -3 amendments (EXHIBIT B).
059	Chair Ferrioli	Closes public hearing and opens work session on SB 82.
<u>SB 82 – WORK SESSION</u>		
060	Sen. Ringo	MOTION: Moves to ADOPT SB 82-3 amendments dated 4/16/03.
062		VOTE: 4-0
064	Chair Ferrioli	Hearing no objection, declares the motion CARRIED.
065	Sen. Ringo	MOTION: Moves SB 82 to the floor with a DO PASS AS AMENDED recommendation.
068		VOTE: 4-0
070	Chair Ferrioli	Hearing no objection, declares the motion CARRIED. SEN. MESSERLE will lead discussion on the floor.
		Closes work session on SB 82 and opens work session on SB 590.
<u>SB 590 – WORK SESSION</u>		
072	Callens	Provides overview of SB 590 and -2 amendments previously submitted.

087	Adam Sussman	WRD. Provides testimony for SB 590 and discusses a proposed amendment that would create a trigger event for the cancellation of a water right.
142	Richard Kosesan	Water for Life. Suggests a time frame of 180 days would allow WRD enough time to initiate proceedings for the cancellation of a water right.
165	Sussman	Explains why WRD chose one year as an acceptable time frame but states WRD is willing to work on a compromise.
175	Sen. Metsger	Asks how many water right cancellation requests WRD receives per year.
179	Sussman	Replies that the number varies from year to year but could average between five and ten requests per year.
187	Chair Ferrioli	Requests new amendments with a 270 day limit and a revised fiscal statement. Closes work session on SB 590 and states the committee will stand at ease for 10 minutes.
201	Chair Ferrioli	Calls committee meeting to order at 3:40 p.m. and opens public hearing on SB 293.

SB 293 – PUBLIC HEARING

210	Chair Ferrioli	Provides overview of SB 293 (EXHIBIT C).
238	Lawrence Edwards	Marion County. Provides testimony against SB 293 (EXHIBIT D). Expresses concerns about possible long-term unintended consequences of SB 293.
339	Edwards	Continues testimony against SB 293.
350	Sen. Atkinson	Comments on the Northwest Forest Pass.
357	Chair Ferrioli	Comments that “floatability” could be substituted for “navigability” and believes that every stream and river in Oregon is floatable.
369	Edwards	Explains a possible loophole.
TAPE 50, A		
015	Scott Ashcom	Oregon Agriculture Alliance. Provides testimony in support of SB 293 (EXHIBIT E). Believes that SB 293 preserves private property rights by creating a rational process to study conflicts between recreational users of waterways and private landowners who have deed and title to the banks of the waterways. Discusses a proposed amendment.
091	Greg Leo	Sandy River Property Owners. Provides testimony in support of SB 293 (EXHIBIT F). Requests three amendments to SB 293.
176	Sen. Ringo	Asks if the legal theories were questionable with regards to the navigability issue.
180	Leo	Affirms and elaborates.
198	Beverly Jones	Sandy River Property Owners. Provides testimony in support of SB 293. Agrees with Mr. Leo’s testimony and states the issue is about management.
212	Sen. Metsger	Commends Jones for her hard work on the issue.

220	Inga Deckert	Oregon State Treasury. Provides information on the results of the work group. Explains the four year pilot project chosen for the John Day River.
260	Sen. Metsger	Asks for clarification on why the John Day River was chosen for the pilot program.
268	Deckert	Explains that presentations were made to property owners along five rivers and the John Day River landowners were most interested because a navigability study was imminent.
296	Sen. Metsger	Wonders if landowners on other rivers are avoiding the issue.
301	Deckert	Affirms. Continues explaining the pilot project, which will focus on management. Discusses amendments which are generally acceptable to the work group.
350	John Lilly	Division of State Lands. Provides testimony in support of SB 293 and discusses the proposal section by section.
TAPE 49, B		
020	Lilly	Continues testimony in support of SB 293 and discusses key provisions in the work group's proposal.
085	Sen. Metsger	Inquires about including the Sandy River in the pilot program.
090	Lilly	Replies the Land Board's position on the Sandy River is unclear.
098	Chair Ferrioli	States that any river could be added to the recreation management plan under SB 293.
115	Deckert	Explains the focus of the work group.
123	Chair Ferrioli	Inquires about the work group's discussion about the provision that a person does not need to be accompanied by or in possession of a boat for recreational purposes.
145	Lilly	Explains different viewpoints on the uses of rivers and riverbanks..
160	Chair Ferrioli	Comments that there is no funding mechanism to implement the plan.
163	Deckert	Talks about revenue options.
170	Chair Ferrioli	States the needs for a fiscal analysis on the implementation of the management plan.
179	Lilly	Explains the work group's discussions about funding mechanisms.
197	Chair Ferrioli	Comments that there are costs associated with maintaining public waterways.
225	Phil Donovan	Northwest Steelheaders. States that Northwest Steelheaders disagrees with portions of SB 293 but wants to ensure the public right of access. Talks about available funding mechanisms.
310	Jean Wilkinson	Oregon Farm Bureau. Discusses the Oregon Farm Bureau's concessions to the work group.
397	Chair Ferrioli	Requests amendments from interested parties and summarizes issues surrounding SB 293.

TAPE 50, B

005

Chair Ferrioli

Continues summary of SB 293. Closes public hearing on SB 293 and adjourns meeting at 4:52 p.m.

EXHIBIT SUMMARY

A – SB 82, SB 82-3 amendments dated 4/14/03, staff, 2 pp.

B – SB 82, written testimony, Adam Sussman, 2 pp.

C – SB 293, SB 293-1 amendments dated 4/14/03, staff, 1 pp.

D – SB 293, written testimony, Lawrence Edwards, 3 pp.

E – SB 293, written testimony, Scott Ashcom, 1 p.

F – SB 293, written testimony, Greg Leo, 1 p.