

HOUSE COMMITTEE ON AGRICULTURE & FORESTRY

April 03, 2001
3:30 PM

Hearing Room 50
Tapes 55 - 60

MEMBERS PRESENT: Rep. Jeff Kropf, Chair
Rep. Al King, Vice-Chair
Rep. Donna Nelson, Vice-Chair
Rep. Robert Ackerman
Rep. Dan Doyle
Rep. Wayne Krieger
Rep. Mary Nolan
Rep. Tootie Smith

MEMBER EXCUSED: Rep. Elaine Hopson

STAFF PRESENT: Ray Kelly, Committee Administrator
Michael Reiley, Committee Assistant

MEASURE/ISSUES HEARD: HB 3811 – Public Hearing and Work Session
SB 315 A – Public Hearing
HM 1 – Public Hearing and Work Session
HB 3363 – 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 50, A		
003	Chair Kropf	Calls meeting to order at 3:36 p.m. Opens public hearing on HB 3811.
<u>HB 3811 – PUBLIC HEARING</u>		
016	Ray Kelly	Committee Administrator. Explains HB 3811 and –1 amendment.
029	Bruce Bishop	Attorney, Perennial Ryegrass Bargaining Association (PRBA). Submits prepared testimony in support of HB 3811 (EXHIBIT A).
041	Jim Carnes	PRBA. Submits and reads prepared testimony in support of HB 3811 (EXHIBIT B).
133	Chair Kropf	Asks what the cost of production was for the 2000 product year.
135	Carnes	Answers that before the price of fertilizer went up, it was approximately 48-50 cents per pound.
140	Chair Kropf	Asks if there is carryover regarding pounds of production.
143	Carnes	Answers that there is carryover with overproduction and the AgriBioTech bankruptcy.
151	Jim Mountain	Attorney, PRBA. Explains the setting of price for seed with farmers and bargaining associations and seed dealers. States that HB 3811 would solve the problem of allowing farmers to negotiate the price with seed dealers.
273	Chair Kropf	Asks if Oregon Department of Agriculture (ODA), Department

		of Justice have “signed off” on HB 3811 and the scope has been limited to only affect perennial rye grass.
278	Mountain	Answers yes.
279	Chair Kropf	Asks if any regulatory programs or negotiations have to be conducted with antitrust laws in mind.
282	Mountain	Answers yes.
283	Chair Kropf	Asks if a more severe problem would be created and “all bases are covered.”
285	Mountain	Answers that all the bases are covered.
290	Chair Kropf	Asks why this needs to be done now.
293	Carnes	Answers that growers need to determine a price around the first part of June. Notes that it needs to be done to avoid damaging the industry.
322	Rep. Nelson	Asks if there is protection from foreign dealers in HB 3811.
339	Mountain	Answers that HB 3811 “completes the picture.” Explains the collective bargaining process.
364	Rep. Nelson	Asks how Oregon and the United States protects its entity dealing seed.
385	Mountain	Explains treaties and agreements. Notes that there are provisions to protect entities.
403	Bishop	Explains –1 amendment.
433	Rep. Nelson	Asks if negotiations occur with U.S. currency.
435	Carnes	Answers yes.
450	Jean Underhill- Wilkinson	Associate Director of Governmental Affairs, Oregon Farm Bureau. Submits and reads prepared testimony supporting HB 3811 (EXHIBIT C) .
489	Brent Searle	ODA. Submits and summarizes prepared testimony in support of HB 3811 (EXHIBIT D) .
509	Chair Kropf	Asks if ODA has the staff to implement the program.
TAPE 56, A		
038	Searle	Notes that it is a new venture for ODA and they will attempt to implement it as best they can.
045	Dave Nelson	Executive Secretary, Oregon Seed Council. Testifies in support of HB 3811. Explains history of legislation regarding the issue.
074	Rep. Nelson	Asks what is meant by “parties to the process.”
078	Searle	Answers that it would be the groups such as the dealers and growers.
082	Rep. Nelson	Asks how they are determined.
087	Searle	Answers that they work with dealers and growers and other groups.
111	Chair Kropf	Closes public hearing on HB 3811. Opens work session on HB 3811.
<u>HB 3811 – WORK SESSION</u>		
114	Kelly	Explains –1 amendment (EXHIBIT E) .
122	Rep. Nolan	MOTION: Moves to ADOPT HB 3811-1 amendments dated 3/29/01.
		VOTE: 8-0
		EXCUSED: 1 – Hopson
125	Chair Kropf	Hearing no objection, declares the motion CARRIED.
127	Rep. Nolan	MOTION: Moves HB 3811 to the floor with a DO PASS AS AMENDED recommendation.
130	Rep. Doyle	States that HB 3811 is a positive alternative to what the bargaining association and growers had to deal with in the past. Declares potential conflict of interest.

146	Chair Kropf	Declares potential conflict of interest. VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 – Hopson
157	Chair Kropf	The motion CARRIES.
161	Rep. Nelson	MOTION: Moves HB 3811 be placed on the CONSENT CALENDAR. VOTE: 8-0 EXCUSED: 1 – Hopson
163	Chair Kropf	Hearing no objection, declares the motion CARRIED.
164	Chair Kropf	Closes work session on HB 3811. Opens public hearing on SB 315A.

SB 315A – PUBLIC HEARING

190	Kelly	Explains SB 315A.
200	William Krueger	Head of Department of Rangeland Resources, Oregon State University (OSU). Submits and summarizes written information in support of SB 315A (EXHIBIT F).
350	Rep. Nelson	Asks if fertilizer could cut growth in half.
356	Krueger	Answers yes, but the rate of return would not be worth doing it.
368	John Buckhouse	Research Scientist in Hydrology, Department of Rangeland Resources, OSU. Submits and summarizes written information in support of SB 315A (EXHIBIT G).

TAPE 55, B

084	Chair Kropf	Clarifies that as junipers expand, they essentially create desert.
089	Buckhouse	Concurs.
098	Tim Deboodt	OSU Extension Service, Crook County. Submits and summarizes prepared testimony in support of SB 315A (EXHIBIT H).
323	Rep. Krieger	Notes severity of juniper’s role in the water issue.
350	Rep. Nelson	Asks how the relationships of junipers to the land are different in different areas of the state and how they are considered.
360	Krueger	Answers that there are 15 ecological provinces in Oregon within each are approximately 60-100 different range sites that have different vegetation.
382	Rep. Nelson	Asks if there is a task force to deal with the issue.
385	Krueger	Answers that there is not a task force, but the information exists and just needs to be put together.
391	Deboodt	States that it is being done on a local level. Explains the local expertise that helps deal with the issue.
420	Larry Swan	U.S. Forest Service. Submits and summarizes prepared testimony (EXHIBIT I).

TAPE 56, B

048	Rep. Nelson	Asks how juniper responds to fire.
052	Swan	Answers that they try to run the fire into juniper because it is easier for them to gain control of the fire.
057	Rep. Nelson	Asks if that has any bearing on managing juniper around the state.
059	Swan	Answers that they are not concerned and would like to control through burning rather than other methods.
078	Warren Aney	Wildlife Ecologist, Board of Oregon Chapter of The Wildlife Society. Submits and reads prepared testimony regarding SB 315A (EXHIBIT J).
151	Gillian Lyons	Grassroots Coordinator, Oregon Natural Desert Association. Submits and reads prepared testimony opposing SB 315A

(EXHIBIT K).

202 Rep. T. Smith Asks if landowners own juniper in addition to other lands.
207 Lyons Answers that she is not aware of any.
212 Rep. T. Smith Asks about the term “juniper woodlands.”
214 Lyons Explains “juniper woodlands.”
224 Dick Springer Oregon Sierra Club. Submits and summarizes prepared testimony opposing SB 315A **(EXHIBIT L)**.

290 Ted Lorensen Forest Practices Program Director, Oregon Department of Forestry (ODF). Submits and summarizes prepared testimony in support of SB 315A **(EXHIBIT M)**.

374 Gregg Cline Policy Manager, Forest Practices Program, ODF. Testifies in support of SB 315A.

402 Chair Kropf Asks about Sierra Club’s testimony that “the cumulative effects of juniper in arid ecosystems has been understood or sufficiently studied.”

410 Lorensen Points out that the cumulative effects of not doing juniper management are well known.

434 Chair Kropf Asks if ODA would assume oversight of 2 million acres of juniper lands.

445 Lorensen Explains how the Forest Practices Act determines oversight.
495 Chair Kropf Asks if land that is currently being grazed is overseen by ODA and ODF.

500 Lorensen Answers yes, but only during commercial operations.

TAPE 57, A

036 Rep. T. Smith Asks if the management of juniper is related to private land only.
040 Lorensen Explains that the Forest Practices Act only directly regulates non-federal land.

044 Rep. T. Smith Asks if the state is prepared to engage in activities on state lands that would fix the problem.

046 Lorensen Answers that the Division of State Lands administers most of the state lands in eastern Oregon.

050 Rep. T. Smith Asks about management practices on private lands.
051 Lorensen Answers that many landowners have different objectives and manage their lands differently.

061 Rep. T. Smith Asks if it is a mandate on private landowners on how to manage their land.
062 Lorensen Answers that it is not a mandate and does not require them to do anything, but if they choose to do juniper management, it would remove them from the Forest Practices Act.

066 Rep. T. Smith Asks if it would make juniper an agricultural crop.
072 Lorensen Explains provisions of SB 315A.
090 Chair Kropf Clarifies amendments for SB 315A.
103 Rep. Krieger Asks about environmentalists’ concerns about forest diversity in western Oregon and their seemingly different views about eastern Oregon.

111 Lorensen Explains that environmentalists are concerned about disturbance and impacts of juniper management choices. Explains juniper management. Discusses old growth management.

140 Rep. Krieger Asks if ODF recognizes that juniper is a resource, but it needs to be managed.

142 Lorensen Answers yes. States that it is ultimately the landowners’ choice of how to manage juniper.

152 Rep. Nolan Asks Mr. Cline to describe the work that has been done on potentially forthcoming amendment to SB 315A.

162	Cline	States that the major emphasis is harvesting over large areas and the impacts that it would have on soil productivity and wildlife values.
170	Rep. Nolan	Asks how the value of SB 315A would be affected from the perspective of ODF.
173	Cline	Answers that it would not impact much. States that the major concern is if it fits under the statute of the Forest Practices Act.
186	Rep. Nolan	Asks if the amendment would create an obstacle that would remove the value of SB 315A.
194	Cline	Answers that it would not be a hardship on the landowner.
197	Rep. Nelson	Asks if juniper is native to the Northwest.
202	Cline	Answers that it is a native species to dry climates in eastern Oregon. Notes that expansion has occurred due to overgrazing and fire suppression.
210	Rep. Nelson	Asks if juniper exists elsewhere in the United States and asks what is being done elsewhere to deal with it.
212	Lorensen	Answers that there are several species of juniper. Explains different types of juniper and affected regions.
228	Rep. Nelson	Asks if burning is used for control.
230	Lorensen	Answers that fire is an option where enough underbrush exists, but when it does not, mechanical methods are used.
234	Rep. Nelson	Asks if there are programs to try different methods of dealing with juniper.
245	Cline	Answers that different methods are being examined.
256	Pete Test	Associate Director of Governmental Affairs, Oregon Farm Bureau (OFB). Submits and reads prepared testimony (EXHIBIT N) .
343	Rep. T. Smith	Asks if OFB supports the –3 amendments.
345	Test	Answers no.
350	Rep. Krieger	Asks what landowner does after juniper management.
357	Test	Answers that it depends on method of management and environmental conditions.
380	Katie Cate	Oregon Cattlemen’s Association. Testifies in support of SB 315A.
393	Rep. T. Smith	Asks if juniper’s spread is attributable to overgrazing.
396	Cate	Answers that it is not overgrazing, but land management methods years ago.
415	Jim Myron	Oregon Trout. Testifies against SB 315A. Disputes contention that juniper are always “water sucking weeds that create desert.” Discusses SB 1010 provisions and their effect on juniper.
490	Chair Kropf	Closes public hearing on SB 315A. Opens public hearing on HM 1.

TAPE 58, A
HM 1 – PUBLIC HEARING

031	Kelly	Reads summary of HM 1.
041	Rep. Susan Morgan	House District 46. Submits written information in support of HM 1 (EXHIBIT O) . Testifies in support of HM 1. Explains softwood lumber competition between Canada and the United States. Explains effects of timber harvest on small towns that depend on it.
133	Rep. T. Smith	Asks what the federal government is doing to address the problem of softwood lumber agreements.
136	Rep. Morgan	States that it will be answered with later testimony.
141	Rep T. Smith	Asks if negotiations are with the Canadian government.

142	Rep. Morgan	Answers yes.
143	Rep. T. Smith	Asks if the U.S. is responsible for setting tariffs.
144	Rep. Morgan	Answers yes.
160	Underhill-Wilkinson	Testifies in support of HM 1.
189	Neil Westfall	Chairman, Oregon Farm Bureau Forestry Committee, American Farm Bureau Forestry Committee. Submits and summarizes prepared testimony in support of HM 1 (EXHIBIT P).
222	Rep. Krieger	Asks how costs compare between U.S. and Canadian timber harvests.
227	Westfall	Explains his logging costs for timber harvesting.
245	Rep. Krieger	Asks about taxes Mr. Westfall has paid.
253	Westfall	Answers how much he has paid in taxes related to timber harvesting.
257	Rep. Krieger	Asks about timber values and harvest.
260	Westfall	Answers about inheritance tax and return on his harvest.
276	Chair Kropf	States potential impact of U.S.-Canadian softwood lumber agreements on the U.S. economy.
309	Westfall	Explains value of timber and effects of trade.
337	Rep. Nelson	Asks if imports can go elsewhere once they enter the U.S.
355	Rep. Morgan	Explains the type of lumber imported from Canada.
391	Rep. Nelson	Asks if wood comes to the U.S. and stays here.
393	Rep. Morgan	Answers yes.
400	Chair Kropf	Clarifies that HM 1 is to encourage the President to re-establish a trade agreement with Canada that protects the U.S. timber industry.
409	Rep. Morgan	Answers yes, notes that rather than protection, it is “leveling the playing field.”
415	Roy Hathaway	Oregon Farm Bureau Forestry Committee. Submits and reads prepared testimony in support of HM 1 (EXHIBIT Q).
TAPE 57, B		
060	Denny Scott	Economist, United Brotherhood of Carpenters and Jointers of America. Testifies in support of HM 1. Describes trade acts and Canadian trade practices with the U.S. regarding softwood lumber.
140	Chair Kropf	Asks about pricing disparity between the U.S. and Canada and costs of compliance with issues such as endangered species.
151	Scott	Answers that there is a tremendous subsidy to Canada because they do not face the costs of complying with environmental regulations.
163	Brad Witt	American Federation of Labor-Congress of Industrial Organizations (AFL-CIO). Submits and reads prepared testimony in support of HM 1 (EXHIBIT R).
215	Rep. Krieger	Asks Mr. Witt to address the effects of job loss on families and communities.
234	Witt	Explains the effects of job loss. Describes loss of cultural fabric and social underpinnings with loss of jobs. States that the impact is greater in rural areas since options are more limited.
260	Chair Kropf	Asks what the direct and indirect job loss would be if the Canadians capture larger market share in softwood lumber.
268	Scott	Answers that the surge of Canadian imports could cause lumber prices to decline 10%. States that there would be a “permanent, long-term change in the industry.”
300	Chair Kropf	Reads into the record letters from Governor Kitzhaber and the United States Senate to the President (EXHIBIT O). Closes

HM 1 – WORK SESSION

320	Rep. Krieger	public hearing on HM 1. Opens work session on HM 1. MOTION: Moves HM 1 be sent to the floor with a BE ADOPTED recommendation. VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Doyle, Nolan The motion CARRIES. REP. MORGAN will lead discussion on the floor.
340	Chair Kropf	
342	Rep. Krieger	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. HOPSON to BE RECORDED as voting AYE on HB 3811. VOTE: 7-0 EXCUSED: 2 - Doyle, Nolan Hearing no objection, declares the motion CARRIED.
353	Chair Kropf	
354	Chair Kropf	Closes work session on HM 1. Opens public hearing on HB 3363.

HB 3363 – PUBLIC HEARING

363	Kelly	Explains HB 3363 and issues previously discussed.
400	Tanya Paul	Education Coordinator, Wolf Haven International. Submits and reads prepared testimony against HB 3363 (EXHIBIT S).
TAPE 58, B		
066	Tom Buckley	Northwest Outreach Coordinator, Defenders of Wildlife. Submits and summarizes prepared testimony against HB 3363 (EXHIBIT T).
115	Rep. King	Asks what a typical compensation would be for a livestock kill.
119	Buckley	Answers that the fund pays the full fall market value of the market date price.
142	Rep. T. Smith	Asks who funds Defenders of Wildlife.
143	Buckley	Answers that they have membership dues and other sources of funding.
148	Rep. T. Smith	Asks if there is a chance for the organization to run out of money.
149	Buckley	Explains membership dues and their financial situation.
157	Rep. Nelson	Asks if Defenders of Wildlife is taking action to control population.
164	Buckley	Answers that there are actions being taken to determine where wolves are appropriate and ensure that they are able to live where it is ecologically sound.
263	Rep. Krieger	Asks how a management plan is measured and if society could take private property.
278	Buckley	Answers that it is not a private property issue and the goal of a management plan would be determined by an environmental study.
312	Rep. Krieger	States that it has been difficult to obtain consensus as to what an acceptable number of animals would be. Cites example of owl recovery plans.
321	Buckley	Notes that there is a difference between the biology of wolves and owls and their situations are different.
346	Rep. Krieger	Suggests that the poll cited in Mr. Buckley’s testimony might not be accurate.
356	Buckley	States that he did not conduct the poll and explains its data and methods.
386	Rep. Krieger	Expresses concern that all aspects of the issues were not

394 Buckley addressed in the poll.
Explains that the issue is still being examined and information is still being gathered on the issue.

410 Rep. Krieger Asks if Mr. Buckley knows where in Oregon wolves have been natively.

412 Buckley Answers no.

413 Rep. Krieger Explains that they are in Curry County.

423 Rep. T. Smith Asks what percentage of livestock kills have been paid for by Defenders of Wildlife.

433 Buckley Answers question by citing his written testimony.

448 Rep. T. Smith Asks if they have paid on actual kills.

449 Buckley Answers that they have paid on actual kills and probable kills.

456 Rep. T. Smith Asks for actual percentage of kills paid for by Defenders of Wildlife.

465 Buckley Offers concluding testimony.

TAPE 59, A

026 Brett Brownscombe Conservation Director, Hells Canyon Preservation Council. Submits and reads prepared testimony against HB 3363 **(EXHIBIT U)**.

113 Chair Kropf Asks Mr. Brownscombe to address the idea that HB 3363 would make it more difficult to de-list the wolf.

117 Brownscombe Explains state and federal laws and how HB 3363 would impact them. Continues testimony.

237 Rep. Nelson Asks if Mr. Brownscombe has ever encountered a wolf in the wild.

238 Brownscombe Answers no.

324 Chuck Woosley Oregon Division, Isaak Walton League of America. Submits and summarizes prepared testimony against HB 3363 **(EXHIBIT V)**.

377 Janice Jenkins Multnomah County. Testifies against HB 3363. Proposes that rather than declare wolves predatory, people should be educated on how to co-exist with them.

420 Bill Gawlowski Silverton. Testifies against HB 3363. Explains wolves' place in the ecosystem. States desire for the committee to act on facts, not misconceptions.

TAPE 60, A

034 Sharon Beck Oregon Cattlemen's Association. Submits and reads prepared testimony **(EXHIBIT W)**.

192 Chair Kropf Asks if HB 3363 would make it harder to de-list wolves later.

211 Beck Answers that there is not state management plan for the gray wolf and the endangered species listing is a federal listing not a state listing.

246 Chair Kropf Closes public hearing on HB 3363.

243 Rep. T. Smith **MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. NOLAN to BE RECORDED as voting AYE on HM 1 be sent to the floor with a BE ADOPTED recommendation.**

252 Chair Kropf Adjourns meeting at 7:56 p.m.
Written testimony against HB 3363 submitted by Janet Baker **(EXHIBIT X)**.
Written testimony against HB 3363 submitted by Kelly Peterson, Oregon Program Coordinator, The Humane Society of the United States **(EXHIBIT Y)**.
Written testimony against HB 3363 submitted by Gillian Lyons, Oregon Natural Desert Association **(EXHIBIT Z)**.

Submitted By,

Reviewed By,

Michael Reiley,
Committee Assistant

Ray Kelly,
Committee Administrator

EXHIBIT SUMMARY

- A – HB 3811, written testimony, Bruce Bishop, 3 pp.**
- B – HB 3811, written testimony, Jim Carnes, 4 pp.**
- C – HB 3811, written testimony, Jean Underhill-Wilkinson, 1 p.**
- D – HB 3811, written testimony, Brent Searle, 3 pp.**
- E – HB 3811, -1 amendments, staff, 4 pp.**
- F – SB 315A, written information, Bill Krueger, 4 pp.**
- G – SB 315A, written information, John Buckhouse, 13 pp.**
- H – SB 315A, written testimony, Tim Deboodt, 6 pp.**
- I – SB 315A, written testimony, Larry Swan, 5 pp.**
- J – SB 315A, written testimony, Warren Aney, 2 pp.**
- K – SB 315A, written testimony, Gillian Lyons, 1 pp.**
- L – SB 315A, written testimony, Dick Springer, 1 p.**
- M – SB 315A, written testimony, Ted Lorensen, 3 pp.**
- N – SB 315A, written testimony, Pete Test, 2 pp.**
- O – HM 1, written information, Rep. Susan Morgan, 8 pp.**
- P – HM 1, written testimony, Neil Westfall, 11 pp.**
- Q – HM 1, written testimony, Roy Hathaway, 1 p.**
- R – HM 1, written testimony, Bradley Witt, 3 pp.**
- S – HB 3363, written testimony, Tanya Paul, 3 pp.**
- T – HB 3363, written testimony, Tom Buckley, 27 pp.**
- U – HB 3363, written testimony, Brett Brownscombe, 5 pp.**
- V – HB 3363, written information, Chuck Woosley, 1 p.**
- W – HB 3363, written testimony, Sharon Beck, 6 pp.**
- X – HB 3363, written information, Janet Baker, 1 p.**
- Y – HB 3363, written information, Kelly Peterson, 1 p.**
- Z – HB 3363, written testimony, Gillian Lyons, 1 p.**