

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

January 24, 2001  
8:30 AM

Hearing Room E  
Tapes 6 - 7

**MEMBERS PRESENT:**      **Rep. Betsy Close, Chair**  
                                 **Rep. Laurie Monnes-Anderson, Vice-Chair**  
                                 **Rep. Susan Morgan, Vice-Chair**  
                                 **Rep. Mark Hass**  
                                 **Rep. Bob Jenson**  
                                 **Rep. Deborah Kafoury**  
                                 **Rep. Al King**  
                                 **Rep. Jeff Kruse**  
                                 **Rep. Jan Lee**

**STAFF PRESENT:**            **Megan Palau, Committee Administrator**  
                                 **Shannon Relaford, Committee Assistant**

**MEASURE/ISSUES HEARD:**      **1999 House Water and Environment Committee Review**  
                                 **1000 Friends of Oregon**  
                                 **Oregon Farm Bureau**  
                                 **Oregonians in Action**  
                                 **Oregon Environmental Council**  
                                 **HB 2260 Public Hearing**

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**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.**

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 6, A</b> 002	Chair Close	Calls meeting to order at 8:30 a.m.
<b><u>1999 HOUSE WATER AND ENVIRONMENT COMMITTEE REVIEW</u></b>		
026	Jim Welsh	Gives an overview of last session's Water and Environment Committee by discussing some of the issues they addressed and those that this committee will be addressing: <ul style="list-style-type: none"><li>• HB 2176, conforms Oregon Drinking Water Quality Act to recent revision in the federal Safe Drinking Water Act</li><li>• HB 3356, provides the Director of the Water Resources Department the power to waive part or all of the fee for a transfer of permit amendment which involves changes that are part of a project authorized by the GWEB, authorizes purchase, gift or lease of water rights for in-stream purposes or is approved by state Fish and Wildlife, or is a change that is a net benefit to fish and wildlife habitat</li><li>• HB 2650 relating to irrigation districts, allows creation of</li></ul>

sub-districts within existing districts when the owners of more than 50% of the acreage in the district petition the board or is created by resolution of the board

- HB 3280 specifies that water use is exempt from a permit application to appropriate water, application to acquire new water right or purchase an existing water right to appropriate water
- HB 3390 relating to woody debris within a stream
- HB 2419 exempts surface mining activities from local land use determination of interruption or abandonment
- HB 2188 relating to the reclamation process
- HB 3456 addressed environmental contamination
- HB 2431 relating to community right to know programs regarding hazardous materials
- HB 3599 relating to the removal-fill law, expands state removal fill permit exemptions, applies to drainage and activities on wetlands that have been continuously managed for crop production
- Committee addressed the issue of Cougar taking
- HB 3168 was a pilot program put together for rearing of juvenile steelhead under the step program
- HB 3609 relating directly to wild fish policy, established some streams and rivers were exempt if located above Bonneville Dam and within areas seeded to federated tribes
- HB 3455 relating to motor vehicle emissions
- HB 3606 addressed pollution control tax credits
- HB 3616 relating to hazardous substances
- HB 2162 addressed hydroelectric projects
- HB 3346 requiring WRD to conduct comprehensive sediment study before a dam or structure is removed
- Dam removal was an issue discussed
- Land use issues
- HB 3278 authorized county to approve use of a recreational vehicle as a temporary hardship dwelling
- HB 2540 allows a person to establish a youth camp on lands zoned forest or mixed farm use
- HB 2838 established a different way for LCDC members to be assigned
- HB 2865 allowing siting of a utility facility in farming areas
- Addressed the \$80,000 test, farm and forest issues, lot of record issues, county issues, and Measure 7 issues
- Acted on House Joint memorials and Adjudication issues
- House Joint Memorial 13 requests action to prevent breaching of the dams on the Snake River

## 1000 FRIENDS OF OREGON

450 Randy Tucker Legislative Affairs Director, 1000 Friends of Oregon. Submits written testimony (**EXHIBIT A**) and gives overview of organization. Speaks of various legislation and the goals of 1000 Friends this session. Shows map reflecting the density of housing in the Willamette Valley in 1990.

### **TAPE 7, A**

156 Rep. Morgan Questions if pre-existing development means pre-existing to the institution of land use planning in the state.

158 Tucker Concurs, and continues with explanation of map, zoning, urban development.

190 Chair Close Asks what the annual budget is and where does funding come from.

193 Tucker Responds the annual budget is over \$1 million and the majority of funding comes from members, foundation grants, corporate money and fund raisers.

## OREGON FARM BUREAU

210 Pete Test Associate Director of Governmental Affairs, Oregon Farm Bureau. Gives overview of the Oregon Farm Bureau. Indicates where their funding comes from. Speaks of the staff and what issues they cover.

328 Chair Close Asks what is the annual budget.

329 Test Responds it is over \$1 million, but less than \$2 million.

## OREGONIANS IN ACTION

342 Larry George Executive Director, Oregonians in Action. Gives overview of the history of the organization, its members, and its goals. Discusses Goal 5 regulations, the \$100,000 income rule, urban land issues and housing density, and Ballot Measure #7.

### **TAPE 6, B**

077 Chair Close Asks what is the annual budget and major funding source.

078 George Responds that their major funding source is rural property owners and that their budget is approximately \$380,000 – \$400,000 per year. Explains that the Education Center and Legal Center have budgets of approximately \$120,000 to \$150,000 a piece and the Political Action Committees budget approached close to \$1 million this year.

092 Chair Close Asks how many members there are.

093 George Responds that there are 8000 to 9000 statewide.

095 Rep. Lee Referencing the \$80,000 gross test relating to an average of \$14,500 in net income, which seems low, asks if that is correct.

102 George Notes that a majority of people engaged in agriculture in the state are people who work other jobs and the idea is to keep the land in production. Responds that he feels it is an accurate statement, but more importantly it keeps the land in production.

131 Rep. Jenson Asks if a large farm's net income includes a deduction of all wages and salaries that are paid as part of the operation of the farm, whereas a small farm's net income does not.

144 George Responds that is correct. States when you look at the agricultural production per acre in comparison to small farms (10-20 acres) the small farm has significantly higher production.

## OREGON ENVIRONMENTAL COUNCIL

169	Matt Blevens	Legislative Affairs Director, Oregon Environmental Council. Submits written material ( <b>EXHIBIT B</b> ) and gives overview of staff and issues they are involved with. Discusses key issues for this session: <ul style="list-style-type: none"><li>• Clean water</li><li>• Pollution prevention</li><li>• Adequate flow</li><li>• A comprehensive Willamette Restoration Initiative</li><li>• Air quality bills</li><li>• SB 1010 issues</li><li>• Ballot Measure 7</li></ul>
317	Rep. Jenson	Questions whether having paid coordinators for the soil and water conservation districts would create a bureaucracy.
333	Blevens	Clarifies he meant watershed councils and responds that they believe in order to do the job the watershed councils need more resources to achieve their goals.
343	Rep. Jenson	Comments he has heard remarks about watershed councils wanting to organize and become one collective type of voice. Asks if that is what they are looking for.
349	Blevens	Responds the watershed councils are a great tool and a lot of times it is easier to achieve goals with permanent staff to help support the volunteers.
360	Rep. Close	Opens a public hearing on HB 2260.

## HB 2260 – PUBLIC HEARING

371	Megan Palau	Committee Administrator. Explains that HB 2260 will allow cougars and bears posing imminent threat to human safety to be taken without a permit. Defines what imminent threat means.
378	Test	Testifies in support of HB 2260.
403	Rod Harder	Executive Director, Oregon Sportsman Defense Fund. Emphasizes that this is not about hunting. Expresses concern that the bill goes into the damage statute and that muddies the water. States that the bill could be clearer and simpler.
415	Chair Close	Questions if this bill is the identical bill from last session.
417	Harder	Responds there are some changes, because last session's bill was a stand-alone bill that was not placed in the damage statute. Notes that last session's bill had several additional pieces they would like to see included in this bill that made it a little broader yet a little more definite as to what a citizen could do if they thought they were in jeopardy.
447	Rep. Lee	States she has a problem following the testimony without first having the agency testify what the bill is about.
451	Rep. King	Expresses concern that on the surface it appears the bill does not address a reasonable imminent threat definition. Asks for Mr. Harder's opinion of what constitutes a threatening predatory animal.
483	Harder	Explains that is one of the issues. Notes that last session's bill defined it as one repeatedly sighted during the day around people.
488	Rep. King	Comments on people moving to the country and feeding wildlife,

		thereby attracting cougars to their property. Clarifies that the intent is not to unnecessarily take wild animals, but to take this action into account when they draft legislation.
492	Harder	States that will be a little hard to address when talking about people's backyards. States it is something to consider, but at some point common sense has to enter into it also.
<b>TAPE 7, B</b>		
067	Rep. Jenson	Questions the nature and behavior of a cougar.
071	Harder	States Rep. Jenson's impression is absolutely correct, cougars are the ultimate predator in Oregon. Expresses his opinion that the larger and older cougar are running the younger ones out of the territory.
086	Rep. Jenson	States he thinks cougar are very territorial and cannibalistic.
091	Harder	States that the problem is the larger ones will eat the smaller ones, so the smaller ones can either stay around and get eaten or move to town.
093	Rep. Monnes Anderson	States Measure 18 was passed in 1994 to protect bears and cougars. Asks if this bill is a means to bypass this law.
099	Harder	States that it is not. Clarifies his concerns with what is taken out of the law and states that he sees no way this law, once it is rewritten, could be used for hunters to hunt.
110	Rep. Morgan	Adds perspective of emotion to the issue and comments on how urban and rural perspectives differ. Expresses hope for a workgroup to reach consensus.
123	Roy Elicker	Legislative Coordinator, Oregon Department of Fish and Wildlife (ODFW). Submits written testimony ( <b>EXHIBIT C</b> ) and testifies in support of HB 2260. States in 1999 the agency received over 1800 complaints concerning bear or cougar, and about half were concerns about human or pet safety. Notes that HB 2875 (1999), which was similar to this bill, was vetoed by the Governor because the issue between human safety and the law was unclear. States that this bill very clearly points out that if human safety is threatened, the individual has the right to take the bear or cougar.
165	Chair Close	Asks if ODFW had a position on last session's bill.
167	Elicker	States he wasn't present during the last session, but can get the information.
172	Chair Close	States it would be interesting to know.
176	Rep. King	Asks for clarification if renter and land owner disagree on taking, who prevails.
194	Elicker	States he'll have to get back to the committee on that.
195	Rep. Hass	Asks if there were actual attacks in any of the 1800 complaint calls.
198	Buckner	States there are no records of cougar attacks in Oregon, but there have been close encounters where people felt their safety or their lives were in jeopardy.
211	Rep. Monnes Anderson	Asks for information on situations where people have been threatened and they may have created the dangerous situation through providing human food.
220	Buckner	Responds there is no documentation that cougars become habituated in the way that bears do. Comments that anecdotal information from across the country leads them to believe that cougars are doing what coyotes have done over the past 50 years and have begun to associate humans with an easy source of food,

		and in that regard they are showing up in subdivisions all over the west.
240	Rep. Monnes Anderson	Comments that sometimes a growl or snarl can mean a number of things, perhaps protection of cubs or kittens, which is a natural response and doesn't necessarily mean that the animal will attack.
251	Buckner	States that they have listed a number of signs that a person has approached too close to a cougar and there is some warning being given by that animal. Notes that whether the person may be in danger is going to depend on the situation.
261	Rep. Jenson	References the Oregonian report of an ODFW contract employee that was out to take a cougar to protect sheep population. Asks if an attack is to be defined as when you've been mauled or when the effort has been made.
293	Buckner	States that this person was out tracking the sheep, not the cougars, and encountered a cougar at very close range, and destroyed that animal as the person felt his safety was in jeopardy.
300	Rep. Jenson	Asks if a charging cougar would be considered an attack.
307	Buckner	States he would consider this an attack.
311	Rep. Kruse	Expresses his hope for resolution on the issue. Notes that last session's bill was clearer than this one.
338	Rep. Hass	Questions if there is some language that looks at urban areas where there are homes.
359	Elicker	States he's not sure how to address that comment, but agrees with Rep. Morgan that they need to have a workgroup
370	Chair Close	States she agrees and will put together a workgroup.
378	Rep. Monnes Anderson	Comments on the number of e-mails she has received regarding this issue.
380	Rep. Morgan	Reiterates the pre-set emotions that come with this issue. States that the overriding issue is safety.
401	Kelly Peterson	Oregon Program Coordinator, Humane Society of the United States. States the Humane Society sees the bill as an attempt to clarify current law and they are not opposed to it as drafted. Expresses concern with subsection 6, where it says "but not limited to".
430	Chair Close	Closes the public hearing on HB 2260 and adjourns meeting at 10:00 a.m.

Submitted By,

Reviewed By,

Shannon Relaford,  
Committee Assistant

Megan Palau,  
Committee Administrator

**EXHIBIT SUMMARY**

- A – 1000 Friends of Oregon, written testimony, Randy Tucker, 6 pp.**
- B – Oregon Environmental Council, written material, Matt Blevens, 19 pp.**
- C – HB 2260, written testimony, Roy Elicker, 1 p.**