

HOUSE COMMITTEE ON AGRICULTURE AND FORESTRY

February 16, 1999 Hearing Room D

8:30 a.m. Tapes 21 - 22

MEMBERS PRESENT: Rep. Larry Wells, Chair

Rep. Jeff Kropf, Vice-Chair

Rep. Terry Thompson, Vice-Chair

Rep. Roger Beyer

Rep. Ryan Deckert

Rep. Jim Hill

Rep. Elaine Hopson

Rep. Jerry Krummel

Rep. Judy Uherbelau

MEMBER EXCUSED:

STAFF PRESENT: Harrison Conley, Administrator

Samantha Demchak, Administrative Support

MEASURE/ISSUES HEARD: HB 2571Public Hearing

HB 2030Public 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 21, A		

014	Chair Wells	Opens public hearing at 8:34 a.m.. Announces there will be no hearing on Thursday.
<u>HB 2517 PUBLIC HEARING</u>		
032	Harrison Conley	Committee Administrator. Explains content of HB 2517.
053	Rep. Terry Thompson	Presents testimony in favor of HB 2517. States that commercial fisheries for salmon have declined in Oregon. Continues there is less market and fish available in the quotas. Cites the reason for the increase in the forty cap is the amount of boats. The commission will be allowed to sell any amount of permits they may need for any fisheries.
066	Jeff Feldner	Fish and Wildlife Commissioner, Fish and Wildlife Division (FWD). Presents testimony in favor of HB 2517. States the limited fish seller license does not take the place of the standard wholesale license. Notes this license was set up to allow sales right off the boat. Continues there was a fixed amount of fish the fishermen were allowed to land in the state.
082	Feldner	States the wording in HB 2517 is general, so the fisheries can track landing on a real time basis, and a restrictive number can be put on the permits. Adds there is no opposition to HB 2517 from the fish industry.
097	Rep Uherbelau	Asks if salmon is the only fish restricted under the law.
119	Feldner	Indicates this is correct.
129	Rep. Uherbelau	Asks if the new law would allow putting a limit on other types of fish.
139	Feldner	Answers there is no need right now to limit the restricted fish seller permits.
142	Rep. Beyer	Asks about the difference in salmon on different parts of the water off the Oregon coast.
150	Rep. Thompson	States that the difference is where the fish go to migrate. The fish off the south coast are in good shape.
164	Feldner	Notes the Sacramento winter run chinook are caught in early sport fisheries in the San Francisco Bay area.
173	Rep. Thompson	Concedes it is difficult to understand that on one part of the coast the fish are in great shape and on another part of the coast the fish are in real trouble.
180	Rep. Hill	Asks about the authority to limit the sale of salmon and if the commission is

		limiting the number of fisheries or just the number of permits available.
191	Feldner	Answers HB 2517 is limiting the fisheries, but it is subject to interpretation.
202	Joe Rohleder	<p>Assistant to the Director, Oregon Fish and Wildlife Division (OFWD). States the language in HB 2617 would allow the OFWD to limit the amount of fish seller permits for a particular fishery. Continues it is a tourist attraction and another way for the marinas to recover some of their economic development. Adds in 1987 when 40 permits were added, it was for quota management. OFWD does not think there needs to be a restriction on the number of permits to manage quotas.</p> <p>(EXHIBIT A).</p>
240	Rohleder	Continues OFWD can make it clear to the fisherman when a quota is getting close to being met. Fishermen need to call in and declare the number of fish on board. Supports HB 2517 as written.
245	Rep. Hopson	Asks for the composition of the commission .
253	Rohleder	Answers the commission is made up of 7 commissioners, one from each federal legislative district.
259	Rep. Hill	Asks if these are annual or lifetime permits.
261	Rohleder	Answers that the permits are annual.
264	Rep. Uherbelau	Questions if the intention of HB2517 is to limit the permits for any one species.
275	Rep. Krummel	Asks if the confusion about the shortage of salmon is perceived or real.
285	Rep. Thompson	Answers that the shortage is specific to certain areas of the ocean.
300	Rep. Krummel	Asks if HB 2517 would be setting permits by the area to be fished.
308	Feldner	Answers HB 2517 only refers to a sellers permit.
325	Chair Wells	Asks why OFWD needs this law in the first place.
332	Feldner	Answers that it is legal to be a fish buyer, HB 2517 would streamline, allowing direct sales off the boat.
342	Chair Wells	Asks why there needs to be a limit to the number of people who could sell off

		boats.
347	Feldner	Answers, that small amounts of coho salmon were allowed to be caught under the quota system, adds the fisheries went day by day until the quotas were met and the fishery was closed. States there was a fear that some fish would "slip through the cracks" and not be counted towards the quota.
354	Rep. Beyer	Asks about the makeup of the commission, are there any requirements that they can or can not be fisherman.
376	Feldner	Answers that the commission can not have financial interests, they can not be a fish processor, or a member of a fish marketing commission.
397	Rep. Thompson	Answers that members are appointed by the Governor.
TAPE 22,A		
006	Rep. Beyer	Asks if there is a prohibition about who is on the commission. Asks if this limits where the fish are caught.
022	Feldner	Answers that the Coast Guard flies over certain parts of the fishing area and monitors the boats by taking photographs.
028	Rep. Beyer	Inquires about "opening the door" to reporting. Asks what are the penalties for false reporting and the controls for correct reporting.
039	Feldner	Answers that the penalties are the same for non-reporting. States sales are easier to police because they are right off the boat. States there are fewer violations.
054	Rep. Thompson	States number of boats doing the fishing is approximately 125.
063	Rep. Krummel	Asks about the research the commission has done.
075	Rep. Thompson	States OFWD is going to restructure the commission in the future.
088	Chair Wells	Closes hearing on HB 2517, opens hearing on HB 2030
<u>HB 2030 PUBLIC HEARING</u>		
108	Rep. Hill	Explains contents of HB 2030.
116	Chair Wells	Asks who wrote HB 2030.

119	Rep. Hill	Answers Legislative Council.
124	Conley	Explains the issues addressed in HB 2030. Adds there are two issues to be raised <ul style="list-style-type: none"> • HB 2517 states responsible forest practices in the contract can not include a prohibition of clear cutting. Later in the language it suggests there is a requirement for selective harvest. • HB 2030 could make the state potentially liable for Federal endangered species listings.
152	Chair Wells	States there needs to be some sense of assurance that landowners will be able to harvest trees on their property.
188	Ted Lorensen	Board of Forestry Practices Program Manager (BFP). States regulatory stability is an issue in promoting investment. Notes BFP would like to remain the policy maker for forest practices on private land. (EXHIBIT C) .
211	Lorensen	States the BFP was directed by an executive order, relative to the Oregon land for salmon and watershed to review its practices and rules. Continues BFP is doing that right now with an advisory committee.
213	Chair Wells	Asks for a review of the impact of Measure 64.
224	Lorensen	Answers there would be a substantial impact.
237	Chair Wells	Asks if there is anything that can stop a public initiative like Measure 64.
243	Lorensen	Answers that the public must decide what kind of legislation they want. States 15 percent of the forest land base would be impacted. Notes BFP is under pressure from the federal government
269	Rep. Kropf	Asks if HB 2030 has a reasonable chance at passage.
273	Lorensen	Answers this does need to be addressed in the Legislature. BFP went to the emergency board and asked for money to offset legal expenses.
284	Rep. Kropf	Asks if he has any suggestions for amendments.
292	Lorensen	Answers he is unsure HB 2030 addresses these issues.
300	Rep. Kropf	Asks if this need to be addressed by constitutional takings issues.
308	Lorensen	Answers BFP is being sued for resource site protection, under the issue of

		property take.
316	Rep. Uherbelau	Sates there is need to address the issues of stability and incentives. Adds HB 2030 is a poorly crafted bill. Asks if the stakeholders have discussed how to meet the goal of stability in the industry.
334	Lorensen	Answers there was a bill last session that directed a committee be put together to together to work on that issue. States BFP has 13 members to address the issues of possible forest practices.
359	Chair Wells	Asks for background information regarding SB 160 (EXHIBIT B) .
361	Lorensen	Answers that SB 160 was tied to other legislation, to address the issue. States it was a Department of Forestry bill. Notes there was a proposal that came out of Washington that had a \$200 million dollar compensation fund that would have been available to non-industrial landowners that chose to operate a certain way.
TAPE 21,B		
005	Chair Wells	Comments about forestry in other parts of the country. States he is concerned about assurance to people who plant trees and being able to harvest at a later date.
014	Lorensen	Answers by stating the legislature did pass a bill that allows trees to be harvested that were planted as part of the aforestation program. Adds that is incentive to plant trees.
041	Rep. Hill	Asks how the aforestation program differs from HB 2030 in guaranteeing the harvest of trees.
047	Lorensen	Answers there are no contracts, HB 2030 has a statute provision that allows someone to aforest and there is a certain process to harvest those trees.
048	Rep. Uherbelau	Asks about the BFP group that is meeting. Adds there is pressure to address these issues. Asks if the Forestry Division realizes this needs to be addressed now.
058	Lorensen	Answers that a number of issues are being discussed with as much progress as possible being made by June. BFP is going to make progress on roads and fish passage progress will be made quickly.
065	Rep. Krummel	Asks how many landowners have been negatively impacted in regards to stream protection on their property.
070	Lorensen	Answers that the Forest Practices Program is directed to meet the Water Quality

		Standards Program. Landowners are required to leave a buffer if there is a stream on their property. Continues the annual impact is between \$30-\$50 million dollars. States BFP protects significant wetlands, sensitive bird nesting.
078	Rep. Krummel	Asks the benefits to land owners to protect their resources. Adds reforestation is to the property owners benefit.
098	Lorensen	Answers that in his experience, intensive management, in terms of growing and soil erosion management needs to be done well because it is a huge capitol investment.
141	Jeff Watkins	Lobbyist, Sierra Club (SC). States SC agrees with the forestry industry that there needs to be certainty to how the economics will work. (EXHIBIT C) .
174	Rep. Hill	Asks about enacting these things outside the political system which will be done by June.
189	Watkins	States, he has the same concerns about the legislature being over before SC comes up with another proposal. Adds if the advisory committee does not produce a recommendation, SC is happy with HB 2039 now. States right now there is no choice but to wait 18 months for the next session.
194	Rep. Hill	Asks if SC considers a second growth forest a wild place.
201	Watkins	Answers it is not as wild as it could be. Continues there are ways to manage resources.
209	Rep. Hill	Asks if HB 2030 is the correct vehicle to make the SC ideas work. Asks the proper way to buy land to set aside for parks.
262	Watkins	States he has no specific answer.
266	Chair Wells	Asks if SC was involved in Measure 64.
273	Watkins	States there was some concern from the SC. Adds SC was supportive of the measure.
283	Chair Wells	Asks about concern over harvesting trees larger than 34 inches in diameter.
290	Watkins	Answers that whenever there is a regulation on the landowner, that is a closed activity, a regulation from the forestry department. Continues that is not a net loss, there is always a gain somewhere else.
300	Rep. Uherbelau	Asks about the concern of the committee not meeting again 2001, can the time

		line be pushed up.
323	Lorensen	Answers proposals from SC should be done before June. Continues it will be difficult to push things up. There are some issues SC might agree to easily.
345	Terry Lamers	Oregon Small Woodlands Association (OSWA) also a member of the Sierra Club. States there are many groups meeting that are trying to get the word out. Stresses education is a key factor. Adds there is possibly a media bias.
403	Rep. Uherbelau	States about a positive article in the Tribune in District52.
418	Chair Wells	Asks what other initiative is out there now concerning issues such as Measure 64. Asks who the main proponents of measure 64 are.
447	Lorensen	Explains Measure 64 was drafted by people out of state.
452	Chair Wells	Closes hearing on HB 2030.

Submitted By, Reviewed By,

Samantha Demchak, Harrison Conley,
Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 2517, Written testimony, Joe Rohleder, 1p.

B - HB 2030, SB 106, (1995), distributed by staff, 11pp.

C - HB 2030, Written testimony, Ted Lorensen, 3pp.

D - HB 2030, Written testimony, Jeff Watkins, 1p.