

SENATE COMMITTEE ON WATER AND LAND USE

April 6, 1999 Hearing Room B

1:00 p.m. Tapes 54 - 55

MEMBERS PRESENT: Sen. Veral Tarno, Chair

Sen. Tony Corcoran, Vice-Chair

Sen. Gary George

Sen. Marylin Shannon

Sen. Thomas Wilde

MEMBER EXCUSED:

STAFF PRESENT: Raymond J. Kelly, Administrator

Diana Bronson, Administrative Support

MEASURE/ISSUES HEARD: SB 832 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 54, A		
008	Chair Tarno	Opens meeting at 2:03 p.m. and apologizes for the delay. Opens public hearing on SB 832.
<u>SB 832 PUBLIC HEARING</u>		
012	Ray Kelly	Committee Administrator. Summarizes SB 832.

025	Joan Silver	Vice President, Oregon Farm Bureau. Presents (EXHIBIT A) . Testifies in opposition to SB 832. States that if the public is given land use, the ability of the upland landowner to manage is removed.
080	Silver	Continues testimony in opposition to SB 832.
102	Sharon Beck	President, Oregon Cattlemen's Association. Testifies in opposition to SB 832. States this bill takes away the rights of property owners.
130	Sen. Wilde	Explains that the law regarding navigable waters is not the total ownership of the deeded property.
164	Beck	States that in the 1997 Legislative Session, there was a process that directed the Division of State Lands (DSL) to set up a program for determining navigability.
180	Edmond Duyck	Washington County. Presents (EXHIBIT B) . Testifies in opposition to SB 832. States he has a deed dated in 1870, from the United States of America giving its land, "to have and to hold with all of its appurtenances thereof and to their heirs and assigns forever." States there should be limitations on the public use of streams, just as the government restricts the use of wilderness areas by limited entry and no vehicles.
235	Tan Hermens	Grant County. Testifies in opposition to SB 832. States her area does not have the funds for police protection. Asks if the state is prepared to fund all the issues involved with allowing the public on private property.
290	Phil Keisling	Secretary of State. States the land board has jurisdiction of navigable waters. Testifies in support of SB 832. States this is the framework that is needed to work these issues. States that if no action is taken, it may well doom Oregon to incomprehensible litigations.
356	Paul Cleary	Director, (DSL). Presents (EXHIBIT C) . Testifies in support of SB 832. States SB 832 is the best and most comprehensive solution to be offered to resolve the situation identified by the public, private land owners, the agencies, and the Joint Interim Committee.
452	Cleary	Continues testimony in support of SB 832. States that if this bill is accepted and enacted as presented, it will provide waterfront property owners, law enforcement officials, and all Oregonians a long lasting resolution to this situation.
TAPE 55, A		
035	Chair Tarno	Asks what will happen if Oregon does not deal with the navigability issues.
040	Cleary	Replies that the state will need to deal with study requests under the current process, and if the issues are not resolved, the issues will be pushed into the

		courts.
049	Sen. Corcoran	Asks if there is documentation to show the current status of navigable waters.
053	Cleary	Replies that whatever is available might be out of date, due to the courts rendering decisions to expand the navigable waters.
062	Sen. Corcoran	Asks if that includes the pending navigability studies on John Day and other rivers.
064	Cleary	Replies it does.
073	Sen. Corcoran	Asks about the various court cases concerning navigability.
081	John Lilly	Assistant Director, (DSL). Interjects with instances of the court cases that have been increasing in navigability laws.
096	Sen. Wilde	Asks if this is an overview of SB 832. Asks who brought in the ñ1 amendments.
099	Chair Tarno	Replies that he believes it was DSL.
101	Cleary	States there were amendments attached to EXHIBIT C but believes those were incorporated into the ones the Steelheaders presented.
116	Sen. Wilde	States he looks for sections that may cause conflicts. Describes the conflicts he finds in Section 6 and Section 7.
135	Cleary	Replies that Section 7 states that a person must legally access a river and cannot cross private property to get to the river. States that Section 6 says that while floating down the river, a person may come to an obstruction that requires leaving the water to circumvent that obstruction, and you would be able to portage around it.
157	Chair Tarno	Asks Cleary to check into the costs of litigation. Asks for potential costs to tax payers and landowners. States SB 832 will be brought back.
206	Gary Benson	Co-President , Association of Northwest Steelheaders. Presents (EXHIBIT D). Testifies in support of SB 832. States the association believes this bill addresses most of the legitimate problems raised during the stakeholder and navigability interim committee meetings.
278	Keith Jensen	American Whitewater Affiliation. Presents (EXHIBIT E). Reads testimony in support of SB 832.

352	Larry Beaver	Director of River Access for the Association of Northwest Steelheaders. Presents (EXHIBIT F) . Reads testimony in support of SB 832.
TAPE 54, B		
011	Sen. Corcoran	Asks if Benson, Jensen and Beaver were part of the stakeholder group and, if so, why they could not come to a conclusion.
013	Benson	Replies that the basic problem was that they could not agree over the ownership issue.
028	Chair Tarno	Closes public hearing on SB 832 and adjourns meeting at 3:05 p.m.

Submitted By, Reviewed By,

Diana Bronson, Raymond J. Kelly,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 832, written testimony, Joan Silver, 1 p.

B ñ SB 832, written testimony, Edmund Duyck, 3 pp.

C ñ SB 832, written testimony, Paul Cleary, 9 pp.

D ñ SB 832, written testimony, Gary A. Benson, 4 pp.

E ñ SB 832, written testimony, Keith Jensen, 1 p.

F ñ SB 832, written testimony, Larry Beaver, 1 p.