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**SENATE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES**

**May 28, 1997 Hearing Room C**

**8:00 A.M. Tapes 112 - 113**

**MEMBERS PRESENT:**

**Sen. Bob Kintigh, Chair**

**Sen. Bill Fisher, Vice-Chair**

**Sen. Bill Dwyer**

**Sen. Ted Ferrioli**

**Sen. Gary George**

**Sen. Veral Tarno**

**Sen. Thomas Wilde**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**Glen Stonebrink, Administrator**

**Linda Spaulding, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 1211 Public Hearing**

**HB 2607A Work Session**

**HB 3252A Public Hearing and Work Session**

**HB 2498 Public Hearing and Work Session**

**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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 112, A</b>		
002	Chair Kintigh	Calls the meeting to order at 8:04 a.m. Opens public hearing on HB 2607A.
<b><u>HB 2607 - WORK SESSION</u></b>		
010	Rep. Mike Lehman	State Representative, District 47 Submits proposed -6 amendments to HB 2607 ( <b>EXHIBIT A</b> ). Supports HB 2607 with proposed -6 amendments.
029	Sen. Tarno	<b>MOTION: Moves to ADOPT HB 2607A-6 amendments dated 05/27/97.</b>
		<b>VOTE: 6-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Sen Fisher</b>
	Chair Kintigh	<b>The motion CARRIES.</b>
043	Sen. Tarno	<b>MOTION: Moves HB 2607A to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Sen. Fisher</b>
	Chair	<b>The motion CARRIES.</b>

	<b>Kintigh</b>	
028	Chair Kintigh	Closes work session on HB 2607A. Opens public hearing on HB 2498.
<b><u>HB 2498A - PUBLIC HEARING</u></b>		
060	Jerry Bieberle	Representing Oregon Fryer Commission ( <b>EXHIBIT B</b> ) Supports HB 2498A. Provides overview of the bill; explains provisions and proposed -5 amendments ( <b>EXHIBIT C</b> ).
083	Chair Kintigh	Closes public hearing on HB 2498A. Opens work session on HB 2498A.
<b><u>HB 2498A - WORK SESSION</u></b>		
084	Sen. Tarno	<b>MOTION: Moves to ADOPT HB 2498A-5 amendments dated 05/27/97.</b>
	Chair Kintigh	<b>Hearing no objection, declares the motion CARRIED.</b>
088	Sen. Tarno	<b>MOTION: Moves HB 2498A to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 7-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
	Chair Kintigh	<b>The motion CARRIES.</b> <b>SEN. KINTIGH will lead discussion on the floor.</b>
100	Chair Kintigh	Calls the meeting at ease.
147	Chair Kintigh	Opens work session on HB 3252A.
148	Sen. Fisher	<b>MOTION: Moves HB 3252A to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 3-4</b> <b>AYE: 3 - Fisher, Tarno, Kintigh</b> <b>NAY: 4 - Dwyer, Ferrioli, George, Wilde</b>
	Chair Kintigh	<b>The motion FAILS.</b>
158	Chair	Closes work session on HB 3252A. Opens public hearing on SB 1211.

	Kintigh	
<b>SB 1211 - PUBLIC HEARING</b>		
162	Glen Stonebrink	Committee Administrator, submits proposed -2 amendments to SB 1211 <b>(EXHIBIT D)</b> ; enters written testimony from Sharron Kelley <b>(EXHIBIT E)</b> .
170	Chair Kintigh	Remarks he introduced SB 1211 at the request of Department of Forestry and Board of Forestry.
173	Charlie Stone	Director, Forest Practices, Department of Forestry (DOF) <b>(EXHIBIT F)</b> Outlines several landslide incidences in 1996 prompting the proposed legislation. Describes geographic areas under current and future study. DOF pledges to continue hazard mapping for identifying areas subject to landslides and debris torrent.
217	Stone	States DOF has begun notifying down-slope landowners of potential risks.
245	Stone	Addresses concern that landowners may not voluntarily defer harvest. DOF is considering mandatory deferral. Current authority does not extend to regulation of public safety.
268	Sen. Tarno	Asks for definition of "high-risk site" in ORS 527.710.
271	Stone	Answers "high-risk site" falls under Board of Forestry administrative rules.
279	Sen. Dwyer	Estimates sites will be given priority status.
288	Stone	Outlines primary elements of criteria for voluntary deferral:  * operation on high-risk sites  * high-risk site is above home that is occupied or two-lane or larger paved highway  * data based on geotechnical analysis
316	Sen. Dwyer	Asks degree of subjectivity in data analysis.
318	Stone	Replies it is applied conservatively; objective relative to geotechnical terms.
332	Stone	Provides section-by-section overview of SB 1211.
346	Sen. Dwyer	Asks confirmation that provision under discussion allows DOF to prohibit logging.
348	Stone	Answers affirmatively.
345	Sen. Dwyer	Questions intent.
351	Stone	Clarifies intent is temporary solution prior to in-depth study by task force.
363	Sen. Dwyer	Asks number of operations affected by the delay.

366	Stone	Answers he is unable to provide a number of specific operations.
381	Jim Brown	DOF, discusses shared responsibility approach taken by SB 1211.
471	Stone	Continues section overview.
<b>TAPE 113, A</b>		
053	Sen. Wilde	Ask for explanation of language regarding two-lane highway.
058	Stone	Answers language is subject to amending.
063	Sen. Tarno	Asks why language specifies paved highways.
064	Stone	Explains primary arteries were objects under consideration.
074	Sen. George	Asks number of fatalities in Oregon due to slides over past five years.
077	Stone	Cites incidences resulting in fatalities over past year.
091	Sen. George	Comments 35 fatalities result from road ice; suggests keeping issue in perspective.
096	Stone	Replies task force will attempt to determine appropriate State policy for dealing with landslides.
099	Sen. Dwyer	Comments regarding shared responsibility. Asks what percentage of sites will slide.
114	Stone	Says he does not have percentage information.
143	Sen. Dwyer	Inquires as to risk with different types of wood.
149	Stone	States the study provides opportunity to learn of various conditions of land where slides have occurred. Continues describing sections of the bill.
173	Sen. Dwyer	Asks how provisions address Highway 38.
179	Stone	Answers Doug Tindall will address highways.
185	Sen. George	Expresses concern for language regarding road authorities "shall close;" suggests language amended to "may."
192	Stone	Replies ODF does not disagree with recommendation. Continues section description.
216	Sen. Dwyer	Asks for clarification of "high risk."
230	Stone	Clarifies bill addresses situations that pose threat to human life.
248	Sen. Dwyer	Comments.
250	Stone	Says hazard mapping will provide county authorities with ability to identify debris flow run-out zones.
257	Sen. George	Addresses concern for excessive restrictions.
268	Stone	Clarifies intent is to ensure that people understand risks.
276	Sen. Wilde	States liability to State should be issue of concern; prefers information versus prohibition.
300	Sen. Tarno	Opposes section 6 of the bill.
308	Brown	Explains equity issue.
347	Sen. Fisher	Asks number of people killed in Oregon because of slides over past 25

		years.
349	Brown	Answers ODF does not have statistics; estimates fewer than one dozen.
353	Sen. Fisher	Comments risk is low for fatalities as a result of landslides.
414	Brown	Replies proposed legislation is opportunity for government to look at shared responsibility for public safety.
425	Sen. Fisher	Comments.
430	Brown	Agrees; ODF knows there will be more slides.
<b>TAPE 112, B</b>		
022	Sen. George	Offers proposed amendment page 2, line 1: eliminate "not." Replace "shall not issue a building permit for construction" with "The State Building Code shall notify a landowner of potential risk of building in any area subject to landslide."
030	Sen. Dwyer	Adds " . . . any area designated as subject to landslide."
036	Stone	Discusses task force intent and proposed organization.
049	Sen. Dwyer	Asks rationale for task force organization.
053	Stone	Explains intent.
067	Sen. Kintigh	Asks clarification with respect to recommendations of task force.
070	Stone	Replies.
078	Marvin Pyles	Forest Engineering Department, Oregon State University ( <b>EXHIBIT G</b> )  Express neutrality on SB 1211. Addresses scientific process of landslides; lists three landslide characteristics:  * velocity  * distance mass travels  * temporal frequency
124	Sen. Dwyer	Comments regarding classification of Mount St. Helens as debris avalanche.
127	Pyles	Agrees; describes landslide hazard as spatial characteristic.
141	Pyles	Lists physical features that define hazard zones with regard to public safety:  * historic debris torrent tracks  * historic debris fans  * level areas (home sites or roadways) adjacent to steep hillslope
160	Pyles	Continues with description of high-risk sites.
185	Chair	Asks confirmation that site-specific analysis does not ensure prediction.

	Kintigh	
187	Pyles	Replies affirmatively.
250	Pyles	Discusses management options.
32	Andy Stahl	Executive Director, Forest Service Employees for Environmental Ethics (FSEEE) ( <b>EXHIBIT H</b> ) Opposes SB 1211.
426	Sen. Tarno	Asks for clarification with respect to section 2.
430	Stahl	Replies section is permissive; expresses mandatory preference.
444	Sen. Dwyer	Opposes language that stipulates "mandatory."
447	Stahl	Suggests consistency in language is preferable.
<b>TAPE 113, B</b>		
457	Sen. Dwyer	Comments.
460	Stahl	Expresses lack of confidence in DOF.
<b>TAPE 113, B</b>		
033	Sen. Fisher	Questions Mr. Stahl with regard to building permits for Hubbard Creek.
039	Stahl	Replies building permits were not required at the location.
041	Sen. Fisher	Disagrees.
051	Stahl	Comments regarding proposed language changes.
065	Sen. Dwyer	Responds.
071	Stahl	Replies regarding State liability resulting from damage.
081	John Beaulieu	Oregon Department of Geology and Mineral Industries (DOGAMI) Expresses neutral position ( <b>EXHIBIT I</b> ).
105	Sen. Dwyer	Asks if DOGAMI participated in 1996 landslide litigation workshop.
108	Beaulieu	Replies yes.
126	Gary Springer	Logger, Corvallis ( <b>EXHIBIT J</b> ) Opposes SB 1211. Describes family property which qualifies as State mandated clear-cut "deferral site." Urges committee to adopt sunset provisions.
177	Sen. Dwyer	Urges task force consideration of impact on small owner; suggests exemptions.
197	Springer	Agrees.
202	Sen. Dwyer	Suggests compensation for persons negatively impacted.
214	Springer	Discusses inheritance tax with respect to deferred timber sites.
218	Sen. Dwyer	Agrees.
220	Springer	Recommends temporary deferral of building permits on high-risk sites.
232	Chair	Asks if semi-mature timber downslope would stop slide originating on

	Kintigh	clear-cut.
237	Pyles	Replies all possibilities may occur. Suggests timbered buffer is capable of arresting landslide.
256	Sen. Dwyer	Comments many variables in landslides.
262	Sen. Fisher	Asks if slides always start from the top.
263	Pyles	Replies too few eye witnesses to determine starting point.
275	Sen. Dwyer	Comments catalysts such as trees or boulders start slides.
283	Chair Kintigh	Closes public hearing on SB 1211. Adjourns the meeting at 9:43 a.m.

**Submitted By, Reviewed By,**

**Linda Spaulding, Glen Stonebrink,**

**Administrative Support Administrator**

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**EXHIBIT SUMMARY**

**A - HB 2607A, proposed -6 amendments, staff, 2 pp**

**B - HB 2498A, written testimony, Jerry Bieberle, 1 p**

**C - HB 2498A, proposed -5 amendments, staff, 1 p**

**D - SB 1211, proposed -2 amendments, staff, 1 p**

**E - SB 1211, written testimony, staff, 1 p**

**F - SB 1211, written testimony, Charlie Stone, 4 pp**

**G - SB 1211, written testimony, Marvin R. Pyles, 7 pp**

**H - SB 1211, written testimony, Andy Stahl, 4 pp**

**I - SB 1211, written testimony, John D. Beaulieu, 1 p**



**J - SB 1211, written testimony, Gary Springer, 3 pp**

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