

SENATE COMMITTEE ON WATER AND LAND USE

April 24, 1997 Hearing Room C

8:30 AM Tapes 74-75

MEMBERS PRESENT:

Sen. Veral Tarno, Chair

Sen. Bob Kintigh, Vice-Chair

Sen. Ginny Burdick

Sen. Ted Ferrioli

Sen. Bill Fisher

Sen. David Nelson

Sen. Thomas Wilde

STAFF PRESENT:

Mark Volmert, Administrator

Nancy Masee, Administrative Support

MEASURE/ISSUES HEARD:

SR 6 Public Hearing and Work Session

SB 962 Public Hearing

SB 1029 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 74, A		
004	Chair Tarno	Opens meeting at 8:37 AM; opens public hearing on SR 6.
<u>SR 6</u> <u>PUBLIC</u> <u>HEARING</u>		
010	Mark Volmert	Committee Administrator, gives background on SR 6.

016	John Knutson	Rogue River Lodge Owners Association, Coos Bay, Oregon, gives background on ingress and egress of property access on the Rogue River. SR 6 is needed by lodge owners to run their businesses.
039	Chair Tarno	Asks if there are three lodges on the Rogue River.
043	Knutson	Responds there are three lodges in the association and another lodge currently being acquired. There are seven other private property owners who own cabins in the area. (EXHIBIT A)
057	Chair Tarno	Asks what brought about this concern.
062	Knutson	Says the U. S. Forest Service (USFS) imposed restrictions because jet boat activity was excessive in the wild and scenic river section. The restrictions extend to winter when there is much less activity and more water in the river. The USFS said there were complaints by floaters who want a true "wilderness" experience to remain on this stretch of the river.
075	Chair Tarno	Asks if the USFS proposal restricts property owners' use to one trip a day.
080	Knutson	Responds, yes, originally it evolved from a joint meeting of Gold Beach, Curry County, and USFS who tried to resolve this issue together. The issue was whether lodge owners needed a special permit to transport guests to and from their facilities. However, additionally in the summer there are: * shifts of workers * constant need for supplies in, garbage out * customers who cannot get on tour boats
106	Chair Tarno	Asks about the USFS flexibility.
110	Knutson	Says the Forest Service Supervisor has been fair minded, but the approach is to implement the restrictions now and to talk about exceptions later. Clarifies that access is by river, air, or hiking only.
162	Sen. Wilde	Asks when the lodges were established.
167	Knutson	Responds in the 1950's and 1960's.
183	Paul Donheffner	Director, Marine Board, supports SR 6. After the USFS established a parallel permit system, the Marine Board terminated its permit system with assurances from the USFS that the same terms and conditions as the state system would continue. Marine Board issued permits on the river until 1986. (EXHIBIT B)
212	Chair Tarno	Asks if the USFS is totally inflexible at this point.
238	Donheffner	Says they are waiting to hear the USFS response.
246	Sen. Wilde	Asks about emergency situations and other exemptions.
267	Sen. Ferrioli	Comments that in his experience, messages from federal agencies are conflicting. Federal policies on access are restrictive to the point of financially affecting the operation of the lodges and the enjoyment of

		private property.
297	Rick Garity	Brookings, Oregon, private landowner on the Rogue River, supports SR 6. Unlimited use was not abused in his opinion.
382	Sen. Kintigh	Asks if the original legislation spoke to private property rights.
390	Garity	Says, yes, it did.
405	Sen. Kintigh	Says it appears the USFS is going against the law provided.
414	Sen. Ferrioli	Asks if the National Inholders Association had been contacted. Inholders are those people who own private land surrounded by public lands.
419	Chair Tarno	Closes public hearing on SR 6.
420	Sen. Burdick	MOTION: Moves to SUSPEND the rules to record her vote on SB 1148, voted on April 22.
425	Chair Tarno	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. BURDICK to BE RECORDED as voting NAY on SB 1148. Hearing no objections, it is so ORDERED.
425	Chair Tarno	Opens work session on SR 6.
<u>SR 6 WORK SESSION</u>		
<u>TAPE 75,A</u>		
030	Sen. KINTIGH:	MOTION: Moves SR 6 be sent to the floor with a BE ADOPTED recommendation.
037	Chair Tarno	VOTE: 6-1 AYE: 6 - Ferrioli, Fisher, Kintigh, Nelson, Wilde, Tarno NAY: 1 - Burdick The motion CARRIES Sen. Tarno will lead the discussion on the floor.
048	Chair Tarno	Closes work session on SR 6 and opens public hearing on SB 962.
<u>SB 962 PUBLIC HEARING</u>		
050	Volmert	Gives background on SB 962.
075	Scott Ashcom	Oregon Association of Nurserymen (OAN), supports SB 962 and gives background on SB 962 which prompts needed change of direction in issuing water rights. Oregon Farm Bureau and Water for Life support SB 962. (EXHIBIT C)
145	Sen. Kintigh	Asks how this would be funded.

157	Ashcom	Describes how several land owners could go together to fund these projects. Discusses benefits of storage sites and small impoundments which are not expensive.
170	Sen. Kintigh	Asks how disbursement of the water from these impoundments would be regulated.
174	Ashcom	Says irrigation districts or county or water supply districts could administer the regulation of the water. Areas in the state and times of year when the critical water availability problems occur would be identified by the Water Resources Department.
199	Sen. Wilde	Says we have to address the use besides the storage of water.
205	Martha Pagel	Director, Water Resources Department, states: (EXHIBIT D) <ul style="list-style-type: none"> * agreement with concerns of the nurserymen * supports SB 962 * asks for amendments focusing on data and recommendations * needs for more funding to implement studies of a management plan, estimates over \$500,000 needed as SB 962 is written; \$179,000 to do a trimmed back version which the department recommends
287	Steve Hottovy	Monrovia Nursery Company, Yamhill County, OAN, supports SB 962; describes need for growth in the state in water storage capacity.
306	Sen. Burdick	Asks if narrowing the approach of SB 962 to SB 297A (1995), would the Nurserymen continue to support SB 962.
332	Hottovy	Says Nurserymen's Association would be willing to work with Water Resources Department to reach a mutual agreement.
317	Chair Tarno	Closes public hearing on SB 962; opens public hearing on SB 1029.
<u>SB 1029</u> <u>PUBLIC</u> <u>HEARING</u>		
333	Volmert	Gives background on SB 1029
360	Dave Hunnicutt	Oregonians in Action, (OIA), gives background on SB 588 presently in the Senate Livability Committee as related to SB 1029; asks committee to keep SB 1029 in case SB 588 does not pass through the Livability Committee.
398	Don Schellenberg	Oregon Farm Bureau, supports SB 1029.
<u>TAPE 74, B</u>		
10	Ron Eber	Department of Land Conservation and Development (DLCD), supports SB 1029; sees specific language problems in SB 1029; wait and see what happens to SB 588. (EXHIBIT E)
15	Chair Tarno	Asks for questions of committee.

20	Sen. Wilde	Asks about putting a processing plant behind homes.
23	Eber	Responds that the use would have some review for siting standards.
31	Schellenberg	Comments on right to farm law: * farm zoning activities allowed * vertical integration on the farm * enhancing a product and increasing profitability
42	Sen. Burdick	Asks about revising the bill to narrow it to DLCDC concerns.
43	Schellenberg	Responds Farm Bureau supports that.
047	Chair Tarno	Closes public hearing on SB 1029 and adjourns meeting at 9:40 AM.

Submitted By, Reviewed By,

Nancy Masee, Mark Volmert,

Administrative Support Administrator

EXHIBIT SUMMARY

A - SR 6, written testimony, John Knutson, 2 pp

B - SR 6, written testimony, Paul Donheffner, 1 p

C - SB 962, written testimony, Scott Ashcom, 8 pp

D - SB 962, written testimony, Martha Pagel, 6 pp

E - SB 1029, written testimony, Ron Eber, 6 pp

SENATE COMMITTEE ON WATER AND LAND USE

April 24, 1997 Hearing Room A

5:00 PM Tape 76A

MEMBERS PRESENT:

Sen. Veral Tarno, Chair

Sen. Bob Kintigh, Vice-Chair

Sen. Ginny Burdick

Sen. Ted Ferrioli

Sen. Bill Fisher

Sen. David Nelson

Sen. Thomas Wilde

STAFF PRESENT:

Mark Volmert, Administrator

Nancy Masee, Administrative Support

MEASURE/ISSUES HEARD:

SB 145 Public Hearing SB 418 Public Hearing

SB 461 Public Hearing SB 470 Public Hearing

SB 475 Public Hearing SB 560 Public Hearing

SB 571 Public Hearing SB 590 Public Hearing

SB 712 Public Hearing SB 731 Public Hearing

SB 842 Public Hearing SB 846 Public Hearing

SB 902 Public Hearing SB 920 Public Hearing

SB 1065 Public Hearing SB 1069 Public Hearing

SB 1070 Public Hearing SB 1072 Public Hearing

SB 1114 Public Hearing SB 1135 Public Hearing

SB 1140 Public Hearing SB 1146 Public Hearing

SB 1154 Public Hearing SB 1160 Public Hearing

SB 1169 Public Hearing

Due to technical difficulty, this meeting was unrecorded.

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Tape/#	Speaker	Comments
TAPE 76, A		
005	Chair Tarno	Opens meeting at 5:12 PM
<u>SB 145 PUBLIC HEARING</u>		
014	Chair Tarno	Opens public hearing on SB 145.
016	Mark Volmert	Committee Administrator, gives background on SB 145.
024	Chair Tarno	Closes public hearing on SB 145.
<u>SB 418 PUBLIC HEARING</u>		
025	Chair Tarno	Opens public hearing on SB 418.
126	Volmert	Gives background on SB 418.
130	Chair Tarno	Closes public hearing on SB 418.
<u>SB 461 PUBLIC HEARING</u>		
131	Chair Tarno	Opens public hearing on 461.
132	Volmert	Gives background on SB 461.
136	Chair Tarno	Closes public hearing on SB 461.
<u>SB 470 PUBLIC HEARING</u>		
137	Chair Tarno	Opens public hearing on SB 470
138	Volmert	Gives background on SB 470.
142	Chair Tarno	Closes public hearing on SB 470.
<u>SB 475 PUBLIC HEARING</u>		
144	Chair Tarno	Opens public hearing on SB 475.
146	Volmert	Gives background on SB 475.
154	Chair Tarno	Closes public hearing on SB 475.
<u>SB 560 PUBLIC</u>		

<u>HEARING</u>		
156	Chair Tarno	Opens public hearing on SB 560.
158	Volmert	Gives background on SB 560.
166	Chair Tarno	Closes public hearing on SB 560.
<u>SB 571 PUBLIC HEARING</u>		
168	Chair Tarno	Opens public hearing on SB 571.
170	Volmert	Gives background on SB 571.
178	Chair Tarno	Closes public hearing on SB 571
<u>SB 590 PUBLIC HEARING</u>		
180	Chair Tarno	Opens public hearing on SB 590.
182	Volmert	Gives background on SB 590.
190	Chair Tarno	Closes public hearing on SB 590.
<u>SB 712 PUBLIC HEARING</u>		
192	Chair Tarno	Opens public hearing on SB 712.
194	Volmert	Gives background on SB 712.
202	Chair Tarno	Closes public hearing on SB 712.
<u>SB 731 PUBLIC HEARING</u>		
204	Chair Tarno	Opens public hearing on SB 731.
206	Volmert	Gives background on SB 731.
214	Chair Tarno	Closes public hearing on SB 731.
<u>SB 842 PUBLIC HEARING</u>		
216	Chair Tarno	Opens public hearing on SB 842
218	Volmert	Gives background on SB 842.
226	Chair Tarno	Closes public hearing on SB 842.
<u>SB 846 PUBLIC HEARING</u>		
228	Chair Tarno	Opens public hearing on SB 846.
230	Volmert	Gives background on SB 846.
238	Chair Tarno	Closes public hearing on SB 846.
<u>SB 902 PUBLIC HEARING</u>		
240	Chair Tarno	Opens public hearing on SB 902.
242	Volmert	Gives background on SB 902.
250		

	Chair Tarno	Closes public hearing on SB 902.
<u>SB 920 PUBLIC HEARING</u>		
252	Chair Tarno	Opens public hearing on SB 920.
260	Volmert	Gives background on SB 920.
268	Chair Tarno	Closes public hearing on SB 920.
<u>SB 1065 PUBLIC HEARING</u>		
270	Chair Tarno	Opens public hearing on SB 1065.
272	Volmert	Gives background on SB 1065.
280	Chair Tarno	Closes public hearing on SB 1065.
<u>SB 1069 PUBLIC HEARING</u>		
282	Chair Tarno	Opens public hearing on SB 1069.
284	Volmert	Gives background on SB 1069.
292	Chair Tarno	Closes public hearing on SB 1069.
<u>SB 1070 PUBLIC HEARING</u>		
294	Chair Tarno	Opens public hearing on SB 1070.
296	Volmert	Gives background on SB 1070.
304	Chair Tarno	Closes public hearing on SB 1070.
<u>SB 1072 PUBLIC HEARING</u>		
306	Chair Tarno	Opens public hearing on SB 1072.
308	Volmert	Gives background on SB 1072.
314	Chair Tarno	Closes public hearing on SB 1072
<u>SB 1114</u>		
316	Chair Tarno	Opens public hearing on SB 1114.
318	Volmert	Gives background on SB 1114.
324	Chair Tarno	Closes public hearing on SB 1114.
<u>SB 1135 PUBLIC HEARING</u>		
326	Chair Tarno	Opens public hearing on SB 1135.
328	Volmert	Gives background on SB 1135.
336	Chair Tarno	Closes public hearing on SB 1135.
<u>SB 1140 PUBLIC HEARING</u>		
338	Chair Tarno	Opens public hearing on SB 1140.
240		

	Volmert	Gives background on SB 1140.
348	Chair Tarno	Closes public hearing on SB 1140.
<u>SB 1146 PUBLIC HEARING</u>		
350	Chair Tarno	Opens public hearing on SB 1146.
352	Volmert	Gives background on SB 1146.
360	Chair Tarno	Closes public hearing on SB 1146.
<u>SB 1154 PUBLIC HEARING</u>		
362	Chair Tarno	Opens public hearing on SB 1154.
364	Volmert	Gives background on SB 1154.
372	Chair Tarno	Closes public hearing on SB 1154.
<u>SB 1160 PUBLIC HEARING</u>		
374	Chair Tarno	Opens public hearing on SB 1160.
376	Volmert	Gives background on SB 1160.
384	Chair Tarno	Closes public hearing on SB 1160.
<u>SB 1169 PUBLIC HEARING</u>		
386	Chair Tarno	Opens public hearing on SB 1169.
388	Volmert	Gives background on SB 1169.
394	Chair Tarno	Closes public hearing on SB 1169.
396	Chair Tarno	Committee is advised to go through these bills and review for further discussion.
398	Chair Tarno	Adjourns meeting at 5:25 PM.

Submitted By, Reviewed By,

Nancy Masee, Mark Volmert,

Administrative Support Administrator
