

SENATE COMMITTEE ON WATER AND LAND USE

May 1, 1997 Hearing Room C

8:30 AM Tapes 79 - 80

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 417 Public Hearing

SB 712 Public Hearing and Work Session

SB 920 Public Hearing and Work Session

SB 1114 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.

Tape/#	Speaker	Comments
TAPE 79, A		
005	Chair Tarno	Opens meeting at 8:30 AM, and opens public hearing on SB 712.
<u>SB 712</u> <u>PUBLIC</u>		

<u>HEARING</u>		
010	Sen. Gene Timms	District 30, gives background on SB 712. (EXHIBIT A)
020	Reed Marbut	Water Resources Department, gives further background on SB 712, certificated rights, Klamath Basin water rights are vested rights pre-1909; SB 712 adds classes of individuals who have rights to file exceptions. There are thousands of claimants who have filed as of yesterday.
042	Sen. Kintigh	Asks what happens to water rights when the Klamath tribe transferred title to land.
051	Marbut	Says water rights were not given up at the time of the reservation termination in the 1950s. The Ninth Circuit Court affirmed that the termination did not affect the water rights. A strategy is still developing regarding negotiations with the Klamath tribe for water rights.
069	Sen. Kintigh	Asks what is the purpose of the water.
072	Marbut	Says the tribe needs water to support their hunting, fishing, and gathering; those who still have land need water to irrigate. There is a substantial amount of land held by the tribe; wildlife, ponds, big water right claims involved.
080	Sen. Ferrioli	Says the news coverage has confused some of the issues. SB 712 seems to help resolve some of the problems.
090	Marbut	Refers to a 1995 case, Ninth Circuit, saying individuals' standing in regards to the endangered species act, lake levels, and irrigation use need to be heard in order to develop a comprehensive management plan; SB 712 should bring everybody to the table on equal footing.
110	Chair Tarno	Closes public hearing on SB 712, and opens work session on SB 712.
<u>WORK SESSION SB 712</u>		
112	Sen. Kintigh	MOTION: Moves SB 712 to the floor with a DO PASS recommendation.
		VOTE: 6-0 EXCUSED: 1 - Burdick
114	Chair Tarno	Hearing no objection, declares the motion CARRIED. SEN. TIMMS will lead discussion on the floor.
116	Chair Tarno	Closes work session on SB 712, and opens public hearing on SB 417.
<u>SB 417 PUBLIC HEARING</u>		

124	Kip Lombard	Oregon Water Resources Congress; gives background on SB 417. Explains the -2 amendments delete the new subsection 3, add to existing subsection 2 of ORS 537.230; last sentence in subsection 2 now says, "In determining the extension, the department shall give due weight to the considerations described under ORS 539.010 sub 5, and whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right. " The rest of the amendments would not be necessary. (EXHIBIT B)
178	Martha Pagel	Director, Water Resources Department, supports SB 417 as amended.
187	Jeff Curtis	WaterWatch, supports SB 417 as amended. Appreciates efforts of Water Resources Congress.
230	Chair Tarno	Closes public hearing on SB 417, and opens public hearing on SB 920.
<u>SB 920</u> <u>PUBLIC</u> <u>HEARING</u>		
246	Mark Volmert	Committee Administrator, gives background on SB 920.
290	Richard Benner	Director, Department of Land Conservation and Development (DLCD), gives background on SB 920, and describes four pilot programs which address land use issues in counties. The changes suggested came out of the advisory committee on regional problem solving established during the special session (EXHIBIT C) * allows additional pilot programs * allows Ways and Means to decide how programs will develop * extends completion date from 12/31/98 to 6/30/99
311	Chair Tarno	Asks about ground water pollution in LaPine sub-basin.
316	Benner	Says the Deschutes pilot addresses the LaPine issues which include transportation and big game habitat. SB 920 will allow the project to continue into the biennium. Gives definition of "region" as flexible by the committee. If the pilots are successful, which seems likely, they will be mainstreamed into the planning program.
386	Rep. Repine	District 49, Josephine County, Grants Pass, comments on regional problem solving issues; SB 920 attempts to reach different areas through pilot programs on land use issues.
TAPE 80, A		
019	Rep. Repine	Supports land use policy of SB 920; says the pilot programs have made positive progress so far.

022	Art Schlack	Association of Oregon Counties, supports SB 920; regional problem solving program advocate. (EXHIBIT D)
033	Schlack	Looks at regional differences and address issues of secondary lands to urban issues; will get state, cities, and counties together to come to solutions.
040	Chair Tarno	Closes public hearing on SB 920; opens work session on SB 920.
<u>SB 920 WORK SESSION</u>		
048	Chair Tarno	Asks for discussion on SB 920.
050	Sen. Nelson Chair Tarno:	MOTION: Moves SB 920 to the floor with a DO PASS recommendation. Hearing no objection, declares the motion CARRIED. Sen. WILDE will lead discussion on the floor
<u>SB 1114 PUBLIC HEARING</u>		
060	Chair Tarno	Closes work session on SB 920, and opens public hearing on SB 1114.
062	John Ledger	Association of Oregon Industries (AOI). SB 920 helps Department of Environmental Quality (DEQ) streamline, and encourages privatization. It speeds up permitting and allows applicant to pay fees, which DEQ then holds. DEQ can hire a contractor to speed up permitting.
104	Carolyn Young	DEQ, gives background and support for SB 1114. Currently under discussion in Ways and Means. Six positions are requested. (EXHIBIT E)
115	Sen. Burdick	Asks about smaller companies' ease in using.
125	Ledger	Responds smaller companies would be able to use this rather than waiting for a permit.
126	Young	Explains the -1 amendments which relate to 401 certifications. Unusual and large projects need fees. DEQ is excluding small businesses from fees. An example of an enormous project requiring fees is dredging of the Columbia River.
153	Sen. Kintigh	Asks about fees. Are they flat fees?
155	Young	Says DEQ establishes a fee paid to the department based on the anticipated hours department will spend on a project. When the project is completed and a certificate issued, there could be a refund.
163	Sen. Nelson	Asks about the 401 cattle certifications.
166	Young	Says DEQ does not know. It will depend upon court actions, 401 certificates

		could potentially be covered under this bill.
178	Sen. Burdick	Asks about the money to cover the base expenses.
193	Young	Comments the money is generated from this bill. The companies come to DEQ and pay the fee, and DEQ performs the service.
198	Young	Says the -1 amendments declare no charge for the small projects.
218	Joni Low	League of Oregon Cities, supports SB 1114, which should expedite permits.
224	Scott Ashcom	Pacific Northwest Paint Council. supports SB 1114. Asks for amendment to clarify authority to DEQ.
243	Chair Tarno	Asks that amendments be dealt with on the House side.
245	Chair Tarno	Closes public hearing on SB 1114; opens work session.
<u>SB 1114 WORK SESSION</u>		
252	Sen. Nelson	MOTION: Moves to adopt the -1 amendments.
253	Chair Tarno	Asks for discussion; hearing none, asks if there are objections.
254	Chair Tarno	Hearing no objection, it is so ORDERED.
255	Sen. Nelson	MOTION: Moves SB 1114 to the floor with a DO PASS AS AMENDED with subsequent referral to the Ways and Means Committee by prior reference.
		VOTE: 7-0
256	Chair Tarno	Hearing no objection, declares the motion CARRIED.
291	Chair Tarno	Adjourns meeting at 9:50 AM.

Submitted By, Reviewed By,

Nancy Masee, Mark Volmert,

Administrative Support Administrator

EXHIBIT SUMMARY

A - SB 712, written testimony, Gene Timms, 1 pp

B - SB 412, written testimony, Kip Lombard, 4 pp

C - SB 920, written testimony, Richard Benner, 1 p

D - SB 920, written testimony, Arthur Schlack, 1 p

E - SB 1114, written testimony, Carolyn Young, 2 pp
