

HOUSE COMMITTEE ON
NATURAL RESOURCES

Hearing Room
January 27, 1995 Tapes 11 - 14

MEMBERS PRESENT:

Veral Tarno, Chair
Terry Thompson, Vice-Chair
Tony Corcoran
Bill Fisher
Tim Josi
Leslie Lewis
Dennis Luke
Lisa Naito
Chuck Norris
Judy Uherbelau
Larry Wells
Jim Welsh

STAFF PRESENT:

Mark Bauer, Committee Administrator
Paula Hird, Committee Assistant

MEASURES HEARD:

WORK SESSION on HJM3

INFORMATIONAL MEETING: Overview of Oregon Endangered Species Act

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings,
please refer to the tapes.

TAPE 11, SIDE A

005 CHAIR TARNO: Calls meeting to order at 1:30 p.m.

010 MARK BAUER, COMMITTEE ADMINISTRATOR: Review of HJM3.

018 Opens WORK SESSION on HJM3.

019 REP. FISHER: MEASURE INTENT: Bill was designed to have some input into
the House and Senate at the National level reauthorizing, perhaps changing
the Endangered Species Act. Not designed as a fix-all, perhaps alleviate
all the problems it had caused in the past.

025 MOTION: REP. FISHER: Moves for the ADOPTION of HJM3 to be sent to the
Floor with a RECOMMENDATION TO ADOPT. Subcommittee on Agriculture and
Forestry to ask this body not to amend it on its way.

040 VOTE: In a roll call vote, REPS. CORCORAN, FISHER, LEWIS, LUKE, NORRIS,
WELLS, WELSH AND CHAIR TARNO vote AYE. REPS. NAITO, THOMPSON AND UHERBELAU
vote NAY. REP. JOSI is EXCUSED.

REP. VAN LEEUWEN will lead discussion on the floor.

053 CHAIR TARNO: The motion is ADOPTED.

062 Closes WORK SESSION on HJM3.

Opens INFORMATIONAL MEETING on Oregon Endangered Species Act (ESA)

Witnesses: Rod Ingram, Oregon Department of Fish and Wildlife
Phil Ward, Oregon Department of Agriculture
Robin Biesecker,

080 ROD INGRAM, Oregon Department of Fish and Wildlife: Submits and reviews

testimony. (EXHIBIT A) Petitions to add Coho Salmon and Marbled Nurlett have been submitted.

204 REP. NORRIS: Notes phrasing on written testimony scientific data and noted by CHAIR TARNO.

221 REP. FISHER: Discusses land problems involving Spotted Owl. INGRAM responds to questions on Gray Wolf.

251 VICE-CHAIR THOMPSON: If information available is sufficient to list a species, there should be enough to delist. Inquiry of number needed for delisting Spotted Owl.

282 - INGRAM states process for listing or delisting is the same. Refers to Fishery staff for further information.

292 VICE-CHAIR THOMPSON: Questions how cost of a recovery plan can be determined without specific numbers.

305 INGRAM: Responding to REP. CORCORAN, names three species about to be delisted from Federal ESA.

339 - informs REP. WELSH that ESA criteria from other states and data on populations are available.

363 REP. FISHER: Comments on accuracy of numbers of Spotted Owl and interpretation of the scientific evidence.

TAPE 2, SIDE A

004 REP. JOSI: Speaks of natural state of decline in species.
- names Barn Owl as biggest enemy of Spotted Owl.
- INGRAM replies species can be listed whether cause is "natural" or "man".
- Continuing discussion on delisting in other states.

033 CHAIR TARNO: Requests input on the following questions throughout the days' testimonies:
- "Why do we need an Oregon Endangered Species Act if pre-empted by the federal government?"
- "What is the economic impact to our state?"
- "What does it cost the Oregon taxpayers to list, to recover and delist a species?"

045 PHIL WARD, Oregon Department of Agriculture: Submits and reviews written testimony on ESA pertaining to plants. (EXHIBIT B)

101 VICE-CHAIR THOMPSON: Could a number be "attached" at time plant is listed under ESA to allow it to be removal when obtained.

107 WARD: Recovery of plants may relate to distribution rather than number.

Review of list planned in fall with possible removal of some plants from list. Clarifies to CHAIR TARNO area covered is Oregon.

120 REP. NORRIS: Could a weed, thistle, be listed as endangered? Discusses federal definition with WARD. REP. FISHER inquires as to criteria for identifying "native" plants.

142 BOB MANEKE, PHD, Manager of Threatened and Endangered Plant Program, Oregon Department of Agriculture: "Native" plant identification uses

historical data. Responding to REP. UHERBELAU affirms and describes five year periodic review.

191 REP. UHERBELAU: Inquires about written criteria. MANEKE explains the difficulty of developing single set of criteria that would apply to any given species.

202 GORDON ROSS, Coos County Commissioner, Member of Board of Oregon Forest Trust Lands and Member of the State Weed Board: Urges consideration of "far reaching effects" and ESA effects on:

- Watershed management problems.
 - Reduced harvest of Elliott Forest and other.
 - Multiple use/single species land management.
- 347 - REP. FISHER comments on Elliott Forest harvest.

370 ROBIN BIESECKER, Forester, Rocking C Ranch, Elkton, Oregon: Testifies on cost to ranch where one Spotted Owl nest was found. (EXHIBIT C)

TAPE 11, SIDE B

006 Continuing testimony by BIESECKER.

036 REP. FISHER: "Pass on a word a thanks to Carol Whipple" for sending you here to testify.

044 BIESECKER: Identifies Crock & Holmes McMinnville for REP. UHERBELAU question of firm compiling report.

052 REP. LIZ VAN LEEUWEN, State Representative from District 37: Comments on "sound verifiable science" in place of "best available science", impact on school funds, and difficulty of delisting.

077 REP. UHERBELAU: Discussion with VAN LEEUWEN on figures relating to state school funds since start of ESA does not reveal amounts due to fire.

106 REP. FISHER: Effect of ESA on Elliott State Forest.
- VAN LEEUWEN: increased board feet value.

136 SARA LEIMAN, Oregon State Wildlife Association and Coast Range Confers, Monroe, Oregon: Submits and reviews written testimony. Urges support of SB 305.

216 STEPHEN KAFOURY, Oregon Wildlife Society and American Fisheries Society:

- State ESA only affects State lands.
 - Ecosystems in trouble.
 - Federal supersedes State Act. get economic
- 277 - Importance of State ESA.

325 Continuing testimony by KAFOURY:
- Comments on financial impact on property and economic benefits gained.
- Reference to PBS report on Oregon economy and owl listing.

358 VICE-CHAIR THOMPSON: Dialogue with fishermen reflect apathy due to vagueness by scientists regarding numbers for recovery. KAFOURY refers to complexity of criteria for delisting and will attempt to get firm answer.

TAPE 2, SIDE B

003 REP. WELSH: Referring to KAFOURY'S comments on preventing species endangerment, inquires into how it would be funded. KAFOURY alludes to new revenue source and comments on efforts by REP. NORRIS to change "vision" to encompass an ecosystem rather than single species..

025 REP. UHERBELAU: Framework needed to give process "some certainty". KAFOURY replies guidelines for listing is same as delisting, but will obtain an answer.

052 REP. CORCORAN: "The severity of economic problems speak to a political answer and not a biological answer".

090 - Comments on context of solution by KAFOURY and FISHER.

124 GREG MILLER, Representing the State Timber Purchasers Division, Oregon Forest Industries Council: Relative to CHAIR TARNO'S three questions offers testimony on:

- Maintains State ESA has not prevented species listing by federal government.
- Discusses effects of take enforcement of State and Federal ESAs.
- Explains conservation plan statute requirements for "setting priority"
- Directly impacts Common School Forest, County Forest Trust, Common School

Grazing and state park lands.

- State ESA doesn't necessarily bar but "represents significant procedural hurdles".
 - Contradicts prior testimony that State ESA only effects State lands via Forestry Practices Act.
 - Cites biennium dollar amounts and interprets impact of ESA on revenue.
- 221 - REP. FISHER restates Elliott State Forest's loss of revenue.

226 MILLER: Continues with financial information and suggests that figures on indirect impacts be obtained from Department of Fish and Wildlife and Department of Forestry.

242 MIKE MILLER, Associated Oregon Loggers: Describes Option 9, President's Forest Plan. Comments on:

- 271 - Effectiveness of Oregon's Conservation Plan on species recovery.
- Unnecessary expenditures in listing process by the state.

330 Continuing testimony by MIKE MILLER points out duplication and unnecessary costs.

346 REP. UHERBELAU: Asks GREG MILLER for revenue information source. MILLER cites "Oregon's Forest Report" published by the Oregon Department of Forestry and offers to submit report copies for committee.

357 REP. JOSI: "Do any other states have an ESA?" Rod names some states with ESA.

368 REP. LEWIS: Asks if State ESA does affect private forest land through Forest Practices Act.

390 MIKE MILLER explains FPA "linkage" to ESA and exemptions.

TAPE 13, SIDE A

009 REP. FISHER: Voices concerns involving private land, ESA and "checkerboard pattern" of O & C that prevents access.

016 JOHN FOSTER, Estacada, Oregon: Reads from written testimony. (EXHIBIT E)

060 REP. NORRIS: Discusses term "public interest" with FOSTER and CHAIR TARNO commenting.

080 JIM DENNISON, Past President of Oregon Small Woodlands Association: Speaks to problems caused by federal mandates.

- small landowners "total uncertainty" of property worth.
- 120 - Concern in listing Coho Salmon.
- 130 - Depicts specific problems.

152 FRANK SCHENCK, Small Woodlands Owners, OSWA and COAST RANGE CONIFERS: - Describes actions of landowners to avoid losses through ESA "confiscation".

- Portrays negative effect of ESA on threatened species.

218 REP. NAITO: "Do you have any suggestions of what we might actually be able to do to change this dynamic?" SCHENCK responds by
- Describing attempts to "recreate old growth ecosystem" and use of "selective cutting cycles".
- Suggests "mechanism" for government to work with landowner on land management beneficial to endangered species.

244 CHAIR TARNO: Inquires if land owners would be more willing to preserve land if they had specific number for recovering species. SCHENCK answers "potential is there".

267 PAUL HANNEMAN, Cloverdale, Oregon: Points to legal problems with ODFW application of the ESA to fisheries. (EXHIBIT F)
- Forestry Practices Act relating to Wildfish Policy. (EXHIBIT G)
- Urges significant changes to ESA.

TAPE 14, SIDE A

403 BILL PERRY, Oregon Farm Bureau, Director of Governmental Affairs: Relates Board examples of erroneous governmental species counts.
??? - Raises doubts that adequate manpower for adequate count.

TAPE 14, SIDE A

028 PERRY: Continues input with reference damage to Common School Fund.
- ODFW regulatory

043 RAY CRAIG, Assistant State Forester, Oregon Department of Forestry: Submits and reviews written testimony. (EXHIBIT G)
076 - confirms REP. FISHER's harvest level figures.

103 DAVID MOSKOWITZ, Oregon Trout: Testifies troubles exist in ecosystems and ineffectiveness of state agency plans.
150 - Continues testimony.

197 DAVE NELSON, EXECUTIVE SECRETARY, OREGON SEED COUNCIL: Recounts problems encountered with ESA while attempting to find alternate to field burning.

244 CHAIR TARNO: Meeting adjourned at 4:07 p.m.

Submitted by, Reviewed by,

Paula Hird Mark Bauer
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - Questions and Answers About the Oregon Threatened and Endangered Species Act - Rod Ingram - 12 pages
B - Facts and Background on Threatened and Endangered Plant Conservation - Phil Ward - 1 page
C - Spotted Owl Habitat: "At What Cost?" - Robin L. Biesecker - 7 pages
D - Testimony Given at an Informational Hearing Regarding Effects of Endangered Species Rules on Small, Private Landowners for House Natural Resources Committee - Sara Leiman - 3 pages
E - Written Testimony - John Foster - 1 page
F - Oregon Department of Fish and Wildlife Memorandum of December 20, 1994 - Paul Hanneman - 1 page
G - Hanneman & Associates correspondence to Pete Barnhisel dated February 22, 1994 - Paul Hanneman - 7 pages
H - Oregon Department of Forestry's Obligations under the State Endangered Species Act, correspondence dated January 27, 1995 - Ray Craig - 2 pages.

