

HOUSE COMMITTEE ON  
NATURAL RESOURCES

Hearing Room  
Tapes - 31

MEMBERS PRESENT:

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

STAFF PRESENT:

Mark Bauer, Committee Administrator  
Sandy Ceballos, Committee Assistant

MEASURES HEARD:

HB 2065 - Work Session  
HB 2296 - Work Session  
HB 2428 - Work Session  
HB 3093 - Public Hearing  
HB 3094 - Public Hearing

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 , SIDE A (Tape is defective; recording is difficult to understand;  
minutes are as accurate as possible.)

05 CHAIR TARNO: Opens the meeting at 1:34 PM.

07 Opens WORK SESSION on HB 2065

011 MARK BAUER, COMMITTEE ADMINISTRATOR: Summarizes HB 2065.

031 MOTION: REP. LUKE: Moves HB 2065 to the Floor with a DO PASS  
recommendation.

VOTE: In a roll call vote, all members present vote AYE. REP. FISHER is  
EXCUSED, but later votes AYE.

CHAIR TARNO: The motion CARRIES.

REP. UHERBELAU will lead the discussion on the Floor.

CHAIR TARNO: Closes the Work Session on HB 2065  
Opens the Work Session on HB 2296

049       BAUER: Summarizes HB 2296.

080       MOTION: REP. LUKE: Moves HB 2296 to the Floor with a DO PASS recommendation.

086       REP. UHERBELAU: Asks if the bill has taken gross negligence into consideration.

091       REP. CORCORAN: Responds that he isn't sure those issues were taken into consideration.

Discussion follows. (Tape is difficult to understand)

115       VOTE: In a roll call vote, the motion CARRIES with a majority vote of 10 AYE, 1 NO (REP. NAITO); REP. FISHER is EXCUSED.

REP. CORCORAN will lead the discussion on the Floor.

CHAIR TARNO: Closes the Work Session on HB 2296  
Opens the Work Session on HB 2428.

174       MARK BAUER, COMMITTEE ADMINISTRATOR: Summarizes HB 2428, as amended in subcommittee. (HB 2428 -1)

MOTION: REP. LUKE: Moves HB 2428, AS AMENDED, to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE; REP. FISHER is EXCUSED but later votes AYE.

CHAIR TARNO: The motion CARRIES.

REP. LEWIS will lead the discussion on the Floor.

CHAIR TARNO: Closes Work Session on HB 2428

221       Opens Public Hearing on HB 3093 & HB 3094

Witnesses: SENATOR BILL BRADBURY

Neil Conan, Oregon Department of Fish & Wildlife  
Paul Heikkila, Pacific States Marine Fisheries Commission  
Tom Davis  
Rob Ashton, Port Orford Fishermens Association  
Kenneth Martinson  
Wayne Gage  
Russell Smotherman

Paul Hanneman  
Dave Duncan  
Nick Rusinovich  
Ray Monroe  
Kay Brown, Oregon Department of Fish & Wildlife  
Rod Moore, West Coast Seafood Processors Association  
Jerry Bates, Depoe Bay Fish Company  
Lynn Miller  
Terry Miller, Oregon Dungeness Crab Vessels  
Jim Nichols  
Charles Davis  
Howard Rigel  
Mike Griffith  
Paul Davis  
Karen Davis  
Debbie Rigel Southward  
Chris Aiello

John Corbin  
Dale Beasley  
Todd Whaley  
Lloyd Whaley  
Doug Creasy  
John Warner  
Gary Jackson  
Floyd Bodfield  
David Rickel  
Gary Ripka  
Jeff Mulkey  
Gary Hampel  
Robert Manning  
Rick Nice  
Stanley Schones

245 SEN. BILL BRADBURY: Feels that a limited entry time has come for Oregon. Speaks in support of HB 3093 & HB 3094

249 Gives history of attempts to enact this type of legislation in prior legislative sessions.

Suggests amending HB 3094, to change criteria for permits.

Urges keeping historic crab fleet in place and encouraging reciprocity with California.

REP. LUKE: Requests clarification of difference between HB 3093, and HB 3094.

SEN. BRADBURY: HB 3094 is the latest version of the limited entry system, a result of many meetings on the coast.

- HB 3093 tries to enact the limited entry system; originally, it would have dramatically increased the total number of permits; not sure what form

it is in now. Thinks this bill will enable crab fisherman who have started within the last year or so to get in to the fishery.

- Historic fisherman vs. new ones.

430 CHAIR TARNO: Reads from a letter from Assemblyman Dan Hauser, California. (Exhibit C, page 2); "Positively no way that we would ever accept a reciprocity with any state that required only a one year landing."

440 REP. THOMPSON: Questions SEN. BRADBURY whether he feels California will be more receptive to a 2 year landing requirement.

TAPE 27, A

SEN. BRADBURY: Responds, that if we keep it to one year they won't. Doesn't know what it will take to have reciprocity.

030 REP. NORRIS: Asks one year of what.

032 SEN. BRADBURY: Responds one year of landings.

035 REP. NORRIS: Questions if California and Washington crabbers can come into Oregon waters now.

037 SEN. BRADBURY: Oregon is the last open fishery on the West Coast.

Discussion follows regarding the Pacific Fishery Task Force.

055 NEAL CONAN, OREGON DEPARTMENT OF FISH & WILDLIFE: Introduces EXHIBIT A

and testifies in support of HB 3093 & HB 3094. Reads from Exhibit A.

Continues to testify, with illustrative overheads on crab biology, and fleet statistics.

200 Discusses limited entry programs.

239 Limited entry as a management tool; timelines.

265 REP. UHERBELAU: Questions qualification dates used when programs were put in place; effect on recent additions to program.

274 CONAN: Responds it is a contest between those who have been in the program a long time and those who want to get in "before the door slams". Attrition mechanisms are incorporated.

285 REP. NAITO: Asks how important it would be to get a bill that would achieve reciprocity.

290 CONAN: Responds that it is very important. Explains why. Discusses the issue of reciprocity.

300 REP. NAITO: Asks what they could tell the people who will miss out.

335 CONAN: Explains that it must be handled very delicately. Outlines the many attempts to enact this type of legislation, and people have known a limited entry program was coming.

370 REP. UHERBELAU: Questions when Washington put in limited entry program.

376 CONAN: January of this year, or later this year; California started theirs in April of 1994.

400 PAUL HEIKKILA, THE PACIFIC STATES MARINE FISHERIES COMMISSION: Submits Exhibit B, and testifies in support of HB 3093 & HB 3094.

TAPE 26, B

064 Continues by giving history of the drafting of this legislation.

073 CHAIR. TARNO:: Asks what is going on in California.

075 HEIKKILA: Responds that they are going through problems with the legislation that had passed there.

Discussion follows.

148 REP. UHERBELAU: Asks about the amendments which have been discussed.

154 CHAIR TARNO: Responds that they do not have amendments to the bill.

160 REP. UHERBELAU: Asks if there is value in the permits.

165 HEIKKILA: Responds that they can be very valuable, depending on the transferability.

181 REP. UHERBELAU: Asks if there is any way to track how many permits were sold in the first year of the limited program.

190 HEIKKILA : Responds that it depends of the system, how it's set up, etc. Says after the first couple of years they tend to flatten out.

224 - Most systems have confining provisions.

240 REP. WELSH: Asks how permits will be sold.

245 HEIKKILA: Says systems are in place to sell permits.

355 REP. LUKE: Asks if it also protects the crab as well as the fisherman.

270 HEIKKILA: Discusses limited entry and how it relates to the biology of crabs.

380 TOM DAVIS: Introduces Exhibit C, and testifies in support of HB 3094.

473 REP. WELLS: Asks for an explanation of one, two and three participation.

TAPE 27 SIDE B

103 DAVIS: Explains terms.

REP. FISHER arrives, 3:07 PM.

129 DAVIS: Explains the difference between HB 3093 and HB 3094.

138 REP. WELLS: Asks why California can dictate these conditions.

143 DAVIS: Responds that over half of the catch for Brookings comes from California. Cannot fish California waters without their permit or a reciprocity agreement.

175 REP. WELLS: Expresses concerns about how California can limit Oregon fishing; discusses limited entry system and farming. Can appreciate what fishermen are going through, difficult to decide who gets limited entry and who doesn't. Hard to understand differences between the two bills.

203 REP. CORCORAN: Questions process of the meetings of the fishermen where the bills were discussed and voted on. Requests vote results.

235 DAVIS: Provides votes from Brookings.

Discussion follows regarding prices for crabs and differences per port.

276 ROB ASHTON, PORT ORFORD FISHERMEN'S ASSOCIATION: Submits and reads Exhibit D.

300 KENNETH MARTINSON: Longtime crab fisherman; testifies to decisions reached by Newport fishermen.

333 WAYNE GAGE: Main interest is preservation of historic fleet; supports HB 3094.

342 RUSSELL SMOTHERMAN: Supports HB 3094.

412 CHAIR TARNO: Calls a 10 minute recess.

TAPE 28, SIDE A

005 PAUL HANNEMAN, OREGON DUNGENESS CRAB VESSEL OWNERS: Testifies in support of HB 3093. Submits (-1) amendments to HB 3093, Exhibit E; and testimony, Exhibit F.

050 - Continues discussing amendments to HB 3093.

075 - Asserts that some of the proponents of HB 3093 were excluded from the port meetings.

098 REP. NORRIS: Questions regarding 1000 pounds for one season to qualify.  
Would HB 3093 not facilitate reciprocity with California.

114 HANNEMAN: Suggests that game playing is going on, referring to political posturing.

132 REP. WELLS: Questions votes on his proposal.

152 DAVE DUNCAN: Responds to REP. WELLS  
Discussion follows

297 NICK RUSINOVICH: Submits Exhibit G, and speaks in support of HB 3093.

414 Continues to testify in support of HB 3093.

TAPE 29, A

028 CHAIR TARNO: Asks about the number of boats involved.

035 REP. LUKE: Questions the basis of the numbers.

061 RUSINOVICH: States that the number of vessels does have an economic impact.

108 REP. UHERBELAU: Asks what were the reasons for changing the pounds.

112 RUSINOVICH: States that they started out with 1000 pounds and that is what they have stayed with.

120 REP. WELSH: Asks how many new boats since 1991.

131 REP. LUKE: Asks how many boats left the entry.

137 RAY MONROE: States that the amount of new almost equals those that have gone out.

147 MONROE: Testifies in support of HB 3093.

243 REP. WELSH: Asks questions about the reciprocity problem between California and Oregon.

250 MONROE: Responds that if you are transporting fish out of the state, you must have a transportation permit.

276 KAY BROWN, OREGON DEPT. OF FISH AND WILDLIFE: Really looking at two issues - how do we determine who the participants are, reciprocity aside. Why should someone who was in the fishery and has left, and may or may not

have intentions of returning, be included. They attempted to include as many citizens as possible.

344 - States all citizens deserve to participate in the natural resource. Comments on the difficulty of determining who the fleet is to be.

404 REP. UHERBELAU: Asks if they have limited entry permits for other types of fishing.

TAPE 28,B

002 All three respond yes.

010 CHAIR TARNO: Asks how many vessels HB 3093 would allow.

019 The gentlemen state that they will get those figures to the committee.

030 BAUER: Explains why the members are coming and going from the meeting room periodically.

045 ROD MOORE, WEST COAST SEAFOOD PROCESSORS ASSOCIATION: Testifies in support of HB 3093. Gives examples of the value of permits. (Exhibit H) Asks the committee to look at amendments they have drawn up.

105 JERRY BATES, DEPOE BAY FISH COMPANY: Testifies in support of HB 3093. Urgent need for limited entry.

149 LYNN MILLER: Testifies in support of HB 3093.

210 TERRY MILLER, OREGON DUNGENESS CRAB VESSELS: Testifies in support of HB 3093. (Exhibit S)

230 JIM NICHOLS: Introduces Exhibit I, and speaks in support of HB 3094.

250 CHARLES H. DAVIS: Introduces Exhibit J, and speaks in support of HB 3094.

330 HOWARD E. RIGEL: Testifies in support of HB 3094.

Discussion of fishing depths and areas follows.

379 REP. WELSH: Question about California permits.

380 DAVIS: Any product brought out of California requires a transportation permit. Notes that he has always worked California waters because it is safer.

410 MIKE GRIFFITH, PRESIDENT, BROOKINGS FISHERMEN'S MARKETING ASSOCIATION: Submits Exhibit K, and testifies in support of a 2 year limited entry bill.

(HB 3094)

445 PAUL DAVIS: Testifies in support of HB 3094. Discusses SB 911.

TAPE 29, B

035 KAREN DAVIS: Submits and reads testimony from Spence Moore, supporting HB 3094 (Exhibit M).

070 REP. UHERBELAU: Clarify the "sticking point" between the two bills; between the two groups - is it the time frame or the poundage?

073 PAUL DAVIS: It is the boat limitations, and size requirements.

103 DEBBIE RIGEL SOUTHWORD: Testifies in support of HB 3094.

CHRIS AIELLO: Testifies in support of HB 3094.

200 JOHN CORBIN: Testifies in support of HB 3094. (Exhibit N)

210 RUSSELL SMOTHERMAN: Questions amendment mentioned by food processor witness. Supports HB 3094.

260 DALE BEASLEY: Testifies in support of HB 3094. (Exhibit O) Suggests the committee entertain a strong appeal portion to the bill; discusses his experiences with appeals.

305 TODD WHALEY: Testifies in support of HB 3093.

360 LLOYD WHALEY: Testifies in support of HB 3093.

381 DOUG CREASY: Testifies in support of HB 3093, as amended.

445 REP. THOMPSON: To Mr.L. Whaley, tell the committee the size of your vessel and investment.

455 L. WHALEY: The vessel is 103 feet; investment of 1.5 million dollars.

TAPE 30, A

062 JOHN WARNER: Submits Exhibit P, and testifies in support of HB 3094.

087 GARY JACKSON: Submits Exhibit Q, and testifies in support of HB 3094.

FLOYD BODFIELD: Testifies in support of HB 3094.

DAVID RICKEL: Originally supported HB 3094, but has since changed his support to HB 3093 due to all the changes in requirements incorporated in HB 3094.

190 GARY RIPKA: Testifies in support of HB 3094, because of numbers of boats.

219 JEFF MULKEY: Speaks in support of HB 3094.

237 REP. LUKE: Comments that it is difficult when people in the same profession differ over such an emotional issue.

265 GARY HAMPEL: Testifies, hopes to see a compromise between the two bills. States HB 3094 takes the fisherman out of the fishery. Feels it has turned into an issue of big boats versus small boats.

315 REP. NORRIS: Thinks there are elements of the two bills that should be combined. Thinks there are elements which would accomodate all parties.

339 ROBERT MANNING: Speaks in support of combining the two bills. Wants the fishermen included in the bill.

380 RICK NICE: Speaks in support of HB 3093 as amended. Speaks on the problems of reciprocity on both ends of the coast. Comments that he was asked not to attend meetings in Astoria regarding this issue.

TAPE 31, A

REP. FISHER: Asks for details on people being excluded from the meetings to vote on the issues.

020 NICE: Recounted that he was politely asked not to attend because his presence might inhibit others from speaking out. Further discusses crab fishing and crab fisherman.

050 STANLEY SCHONES: Submits Exhibit R; offers a compromise between the two bills. Suggests amending HB 3093 with a built-in buy back of limited entry crab permits funded by an ad valorem tax. Suggests that permits should be transferable under certain criteria.

CHAIR TARNO: Closes the PUBLIC HEARING ON HB 3093 & HB 3094

112 REP. JOSI: Requests the rules be suspended so that REP. FISHER can enter his votes on HB 2065, HB 2296 and HB 2428.

113 CHAIR TARNO: Hearing no objections, the rules are suspended. REP.



FISHER, how do you vote?

115 REP. FISHER: HB 2065, AYE; HB 2296, AYE: HB 2428, AYE.

CHAIR TARNO: ADJOURNS THE MEETING AT 6:08 PM.

Submitted by, Reviewed by,

Sandy Ceballos Mark Bauer  
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - Statement on HB 3093 and HB 3094 -- Oregon Department of Fish & Wildlife  
B - Testimony on HB 3093 and HB 3094 -- Paul Heikkila, Pacific States Marine Fisheries Commission -- 2 pages  
C - Testimony On HB 3094; Letter from California Assemblyman Dan Hauser -- Tom Davis-- 2 pages.  
D - Testimony on HB 3094 -- R. Ashton, Port Orford Fishermens Association -- 1 page  
E - HB 3093, Proposed Amendments (-1) -- Paul Hanneman, Oregon Dungeness Crab Vessel Owners Association -- 1 page  
F - Testimony on HB 3093 -- Paul Hanneman, Oregon Dungeness Crab Vessel Owners Association -- 1 page  
G - Testimony on HB 3093 -- Nick Rusinovich -- 2 pages  
H - Testimony on HB 3093 -- Rod Moore, West Coast Seafood Processors Association -- 4 pages  
I - Testimony on HB 3094 -- Jim Nichols -- 2 pages  
J - Testimony on HB 3094 -- Charles Davis -- 1 page  
K - Testimony on HB 3094 -- Mike Griffith, Brookings Fishermen's Marketing Association -- 1 page  
L - Testimony on HB 3094 -- Paul Davis -- 1 page  
M - Testimony on HB 3094 -- Karen Davis, for Spence Moore -- 1 page  
N - Testimony on HB 3094 -- John Corbin -- 1 page  
O - Testimony on HB 3094 -- Dale Beasley -- 1 page  
P - Testimony on HB 3094 -- John Warner -- 2 pages  
Q- Testimony on HB 3094 -- Gary Jackson -- 13 pages  
R - Testimony on HB 3093 and HB 3094 -- Stanley Schones -- 4 pages  
S - Testimony on HB 3093 -- Terry Miller -- 2 pages  
Submitted for the record:  
T - Testimony on HB 3094 -- David Hazen -- 1 page  
U - Testimony on HB 3094 -- Martin Rice -- 2 pages  
V - Testimony on HB 3093 & HB 3094 -- George Merrin -- 1 page  
W - Testimony on HB 3094 -- Fred Kirk -- 2 pages