

HOUSE COMMITTEE ON  
NATURAL RESOURCES

Hearing Room  
Tapes - 45

MEMBERS PRESENT:

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

MEMBER EXCUSED: Rep. Dennis Luke

STAFF PRESENT:

Mark Bauer, Committee Administrator  
Sandy Ceballos, Committee Assistant

MEASURES HEARD:

SB 334A - Public Hearing and Work Session  
                          SB 403 - Public Hearing and Work Session  
                          HB 2178 - Work Session  
                          HB 2547 - Work Session  
                          HB 3044 - Work Session  
                          HB 3111 - Work Session  
                          HB 2895 - Work Session  
                          HB 3043 - Work Session  
                          HB 3378 - Work Session  
                          HB 2006 - Work Session  
                          HCR6 - Work Session  
                          SCR 1AA - Work Session  
                          SCR 2AA - Work Session

+

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

CHAIR TARNO: Opens the meeting at 1:33 PM.

009 Opens the PUBLIC HEARING on SB 334A.  
Witnesses: Mike Propes, Polk County Commissioner  
            Ted Molinari  
            Rod Ingram, Oregon Department of Fish & Wildlife

011 MARK BAUER, COMMITTEE ADMINISTRATOR: Summarizes SB 334A

017 MIKE PROPES, POLK COUNTY COMMISSIONER: Testifies in support of SB 344 explains that this bill came through the House and Senate last session and was a pilot program for wildlife enhancement for two counties. Gives the incentive for people to do wildlife enhancement on their property.

057 TED MOLINARI: Testifies in support of SB 344. Explains that to implement an agricultural plan on smaller parcels often required the owner to engage in poor farm practices, and engage in practices that were destructive to the habitat. He began to think in terms that if you think

could integrate the farming practices with the habitat enhancement, you would get the best of both.

104 REP. NAITO: Expresses concern that people are going to be able to qualify for dwellings in areas that they wouldn't otherwise qualify for?

107 MOLINARI: Absolutely not. They must show under the comprehensive plan for both Polk and Marion County that they can otherwise qualify. The difference would be that if the wildife biologist has a plan to be implemented that would conflict with components of the agricultural plan, the owner would be required to comply with the wildlife habitat plan.

148 REP. NORRIS: Asks for a clarification on subsection of Section 3. They list five qualifications there, A thru E, and at the end of D there is an and as though that means all five of those tests must be met. Is that the intent?

157 MOLINARI: Yes, that's correct.

158 REP. NORRIS: So every one of those must be met.

158 MOLINARI: It cannot be used on Class 1 or Class 2 because we didn't want it to interfere with important farming ground.

163 PROPE: Wanted to limit the pilot until we see how it works, so we put a lot of constraints in there so you couldn't do it everywhere.

169 ROD INGRAM, DEPUTY DIRECTOR, OREGON DEPARTMENT OF FISH AND WILDLIFE: Testifies in support of SB 334A from written testimony, EXHIBIT A.

184 REP. NAITO: What would prevent someone from submitting a wildlife plan and qualifying for a dwelling and then later changing or just not protecting the wildlife?

189 INGRAM: The plan does have to be submitted to our field staff and approved.

195 CHAIR TARNO: Mr. Molinari wouldn't they lose their farm exempt status?

197 MOLINARI: Yes, and it's important to understand that we built that into the original bill. ODFW checks every two years and if they're out of compliance they have six months to get back into compliance, and if they don't then they are at the highest and best use.

212 MOLINARI: Along with that I think in terms of a White Oak grove or some of the wildlife habitat out there, just keeping it in place is what were looking at rather than any type of enhancement.

218 REP. WELLS: I understand that this bill would still only apply to the pilot program.

220 MOLINARI: That's correct.

221 REP. WELLS: Is it not true that currently the reason those White Oak stands are still there is because they would't support agriculture in the first place because the soils are so poor.

228 MOLINARI: That language was prescribed by Legislative Counsel. The owner would have been required to harvest the thirty six acres of the oak to implement a farm plan.

239 REP. WELLS: My point is that the reason most of those White Oak stands are still there in Marion and Polk counties is because the soils won't support any legitimate farming operation anyway. Questions whether any of that property would qualify for a house under this plan.

247 PROPE: In Polk county a lot of our White Oak stands are in the Prime and Unique classification.

258 REP. WELLS: Questions the minimum lot size.

260 PROPE: Right now the minimum lot size is 80 acres and you can't create

any new lots under this bill. Points out that they have approved five wildlife plans in the interim and all of them had houses on them.

277 CHAIR TARNO: Closes the PUBLIC HEARING on SB 334A.

Opens the WORK SESSION on SB 334A.

281 MOTION: REP. NORRIS: Moves SB 334A to the Floor with a DO PASS recommendation.

286 REP. WELLS: Will not be supporting this bill because he is quite aware how this works and in agreement with the desire to maintain wildlife habitat, but has concerns that it is tied in with the fact you can put a residence there and are improving the wildlife with more residences.

327 REP. NAITO: Thinks she will vote no as a matter of caution and do more research to raise her comfort level and may change her mind by the time the bill gets to the Floor.

332 VOTE: In a roll call vote, REP'S. CORCORAN, FISHER, JOSI, LEWIS, NORRIS, THOMPSON, WELSH & TARNO vote AYE; REP'S NAITO, UHERBELAU & WELLS vote NO; REP. LUKE is EXCUSED.

CHAIR TARNO: The motion CARRIES.

REP. WELSH will lead the discussion on the Floor.

363 CHAIR TARNO: Closes the WORK SESSION on SB 334A.

Opens the PUBLIC HEARING on SB 403.  
Witnesses: REP. TERRY THOMPSON

366 CHAIR TARNO: Gives a brief description of SB 403.

377 REP. THOMPSON: In order to be able to harvest the fish they need to be able to come closer to the mouth of the river.

393 REP. NAITO: So this is to harvest fish that are raised in the hatcheries?

394 REP. THOMPSON: Yes.

395 REP. CORCORAN: Asks REP. THOMPSON if there a presumption in this bill that it will assist the commercial fisherman.

400 REP. THOMPSON: Yes. It will allow you to harvest more fish.

403 CHAIR TARNO: And the intent is also to take as many of these hatchery fish before they can possibly stray up river.

Explains the (-1) amendment will allow the fishermen to fish this year's season.

411 MOTION: REP. JOSI: Moves the (-1) amendments to SB 403, BE ADOPTED.

414 CHAIR TARNO: Hearing no objections, the amendments are ADOPTED.

419 MOTION: REP. JOSI: Moves SB 403, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

422 VOTE: 11-0  
AYE: In a roll call vote, all members present vote Aye.  
EXCUSED: 1 - REP. LUKE

CHAIR: The motion CARRIES.

REP. THOMPSON will lead discussion on the Floor.

443 CHAIR TARNO: Closes the WORK SESSION on SB 403

Opens the WORK SESSION on HB 2178.

449 MARK BAUER, COMMITTEE ADMINISTRATOR: Summarizes HB 2178.

468 MOTION: REP. CORCORAN: Moves HB 2178 be sent to the Floor with a DO  
PASS recommendation.

472 VOTE: 11-0  
AYE: In a roll call vote, all members present vote Aye.  
EXCUSED: 1 - LUKE

CHAIR: The motion CARRIES.

REP. WELLS will lead discussion on the Floor.

489 CHAIR TARNO: Closes the WORK SESSION on HB 2178.

Opens the WORK SESSION on HB 2547.

494 MARK BAUER, COMMITTEE ADMINISTRATOR: Summarizes HB 2547.

TAPE 45, SIDE B

043 CHAIR TARNO: Asks if the subcommittee approved the (-1) amendments.

043 MARK BAUER: Yes, they did.

044 MOTION: REP. JOSI: Moves HB 2547 as amended by the dash one amendments  
to the Floor with a DO PASS recommendation.

049 REP. UHERBELAU: States this is the first time she has seen the proposed  
amendments and is very happy to see them because she was prepared to vote  
against HB 2547, but these amendments take care of her questions.

052 VOTE: 11-0  
AYE: In a roll call vote, all members present vote Aye.  
EXCUSED: 1 - LUKE

CHAIR: The motion CARRIES.

REP. UHERBELAU will lead discussion on the Floor.

070 CHAIR TARNO: Closes the WORK SESSION on HB 2547.

Opens the WORK SESSION on HB 3044.

073 MARK BAUER, COMMITTEE ADMINISTRATOR: Summarizes HB 3044.

082 CHAIR TARNO: Calls attention to the fiscal impact statement.

085 REP. THOMPSON: Asks why the amount doubles in the 1995 - 1997 biennium.

096 DAVE NELSON: The question is asked why the actual impact delayed until  
later in the biennium.

108 REP. THOMPSON: States that the question was why does the amount double  
in 1997 - 99 biennium over what it would be in 1995 - 1997.

110 NELSON: The bill the way it's written will not have any effect on the  
1995 field burning season. The transfer will not occur until mid-season  
and then you have a twelve month for this biennium versus a twenty four  
month for the next biennium.

113 REP. CORCORAN: In the issues discussed by the subcommittee, was there  
any discussion of why it was going from DEQ to AG?

118 REP. UHERBELAU: Yes there was. The specific questions were would they  
continue to use DEQ enforcement rules and the answer was yes they would be  
using the same rules; it would just be done administratively by the Dept.  
of Agriculture.

125 REP. LEWIS: The farmers are way ahead of schedule in the proposed  
phase-down of field burning. In 1993 they would have been allowed to burn  
140,000 acres but only burned 76,000. In 1994 they would have been allowed

to burn 120,000 but only burned 80,000. Because they were so far ahead of  
the phase-down was one of the driving forces in this bill.

133 REP. WELLS: Askes Mr. Nelson to explain the split between the duties in this program between DEQ and the Dept. of Agriculture.

135 NELSON: Wanted to use the most efficient use of the remaining field burning fees for research as opposed to having the over head split between the two agencies. All of the technical aspects of the field burning smoke management program, including the weather analysis, the communications, the decision making apparatus on a day to day basis is done by the Dept. of Agriculture. DEQ handles the enforcement activity, and the operation of a monitoring network which measures smoke impact.

157 MOTION: REP. LEWIS: Moves HB 3044 be sent to the Floor with a DO PASS recommendation.

156 CHAIR TARNO: Any further discussion?

163 REP. WELLS: Mentions some changes on page two regarding propane burning.

170 NELSON: States that 1991 legislation required an emission standard which no existing propane flamer could meet.

196 VOTE: 11-0  
AYE: In a roll call vote, all members present vote Aye.  
EXCUSED: 1 - LUKE

CHAIR: The motion CARRIES.

REP. WELLS will lead discussion on the Floor.

210 CHAIR TARNO: Closes the WORK SESSION on HB 3044  
Opens the WORK SESSION on HB 3111.

215 MARK BAUER, COMMITTEE ADMINISTRATOR: Summarizes HB 3111-1.

MOTION: REP. WELSH: Moves HB 3111, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

219 VOTE: 10-0  
AYE: In a roll call vote, all members present vote Aye.  
EXCUSED: 2 - CORCORAN, LUKE

CHAIR: The motion CARRIES.

REP. JOSI will lead discussion on the Floor.

238 CHAIR TARNO: Closes the Work Session on HB 3111  
Opens the Work Session on HB 2895

244 REP. LEWIS: Gives some background of the bill in the Energy & Environment subcommittee and introduces amendments (-1).

275 REP NAITO: Would the DEQ or the DQC be able to determine the air polution problem in the local areas in the sense of sharing an air shed.

297 REP. UHERBELAU: Has some problems with this bill. Doesn't feel that she can support the bill. Asks if the people from DEQ can be called forth to discuss the amendments.

330 CAROLYN YOUNG, ACTING ASSISTANT DIRECTOR, DEPARTMENT OF ENVIRONMENTAL QUALITY: Says she would like others at her department to review the amendments.

365 REP. CORCORAN: Expresses strong concerns, if we start manipulating the work that the DEQ is doing and we fall back under EPA guidelines.

TAPE 44, B

119 MOTION: REP. LEWIS: Moves the (-1) amendments to HB 2895, BE ADOPTED.

CHAIR TARNO: Hearing no objections, the amendments are ADOPTED.

REP. LEWIS: Moves HB 2895 AS AMENDED to the Floor with a DO PASS

recommendation.

145 VOTE: 8-3  
AYE: 8 - Fisher, Josi, Lewis, Norris, Tarno, Thompson, Wells, Welsh  
NAY: 3 - Corcoran, Naito, Uherbelau  
EXCUSED: 1 - Luke

CHAIR: The motion CARRIES.

REP. LEWIS will lead discussion on the Floor.

CHAIR TARNO: Closes the Work Session on HB 2895  
Opens the Work Session on HB 3043

165 MARK BAUER: Summarizes HB 3043.

170 MOTION: REP. JOSI: Moves HB 3043, AS AMENDED, be sent to the Floor

with a DO PASS recommendation.

180 VOTE: 11-0  
AYE: In a roll call vote, all members present vote Aye.  
EXCUSED: 1 - LUKE

CHAIR: The motion CARRIES.

REP. JOSI will lead discussion on the Floor.

186 CHAIR TARNO: Closes the Work Session on HB 3043  
Opens the Work Session on HB 3378

191 MARK BAUER: Summarizes HB 3378.

200 MOTION: REP. LEWIS: Moves HB 3378, AS AMENDED, be sent to the  
Floor with a DO PASS recommendation.

Discussion follows, clarifying the version of amendments being moved with  
the bill.

242 VOTE: 11-0  
AYE: In a roll call vote, all members present vote Aye.  
EXCUSED: 1 - LUKE

CHAIR: The motion CARRIES.

REP. JOSI will lead discussion on the Floor.

252 CHAIR TARNO: Closes the Work Session on HB 3378.  
Opens the Work Session on HB 2006

251 MARK BAUER: Summarizes HB 2006-1.

285 MOTION: REP. LEWIS: Moves HB 2006, AS AMENDED, be sent to the Floor

with a DO PASS recommendation.

290 VOTE: 11-0  
AYE: In a roll call vote, all members present vote Aye.  
EXCUSED: 1 - Luke

CHAIR: The motion CARRIES.

REP. luke will lead discussion on the Floor.

340 CHAIR TARNO: Closes the Work Session on HB 2006  
Opens the Work Session on HCR6

331 MARK BAUER: Summarizes HCR6, AS AMENDED.

386 MOTION: REP. NORRIS: Moves HCR6, AS AMENDED, be sent to the Floor  
with a BE ADOPTED recommendation.

Discussion follows.

410 VOTE: 11-0  
AYE: In a roll call vote, all members present vote Aye.  
EXCUSED: 1 - LUKE

CHAIR: The motion CARRIES.

REP. NORRIS will lead discussion on the Floor.

420 CHAIR TARNO: Closes the Work Session on HCR6  
Opens the Work Session on SCR 1A

419 MARK BAUER: Summarizes SCR 1A. Discusses amendments, which need to be adopted at this time. (-2)

Discussion follows regarding the history of this bill.

TAPE 45, SIDE B

041 REP. UHERBELAU: Clarifies that as originally discussed, SCR 1A only dealt in terms of the federal timber lands. Asks where the federal grazing fees go.

051 BAUER: Clarifies amendments, which incorporate grazing lands.

060 REP. UHERBELAU: Questions if county, city or state shares in federal grazing fees.

058 CHAIR TARNO: Thinks the same principle applies; refers to BLM.

061 REP. CORCORAN: Responds and clarifies.

075 REP. NORRIS: Discussing the language of the resolution, notes that "any" funds should read "net" funds.

Discussion follows.

114 MOTION: REP. JOSI: Moves the -A2 AMENDMENTS to SCR 1A, BE ADOPTED.

Discussion follows.

133 REP. UHERBELAU: Expresses concerns about O&C and process; suggests possibility of lawsuits and potential costs. She will vote no.

162 REP. FISHER: Notes a "major problem" if public school is inserted on line 13.

178 BAUER: Clarifies amending language and intent.

VOTE: In a roll call vote, all members present vote AYE: REP. LUKE is EXCUSED.

CHAIR TARNO: The amendments are ADOPTED.

198 MOTION: REP. JOSI: Moves SCR 1A, AS AMENDED, be sent to the Floor with a BE ADOPTED recommendation.

VOTE: In a roll call vote, the motion CARRIES with 9 AYE, 2 NO (REP'S. NAITO & UHERBELAU); REP. LUKE IS EXCUSED.

REP. WELSH will lead the discussion on the Floor.

215 CHAIR TARNO: Closes the Work Sessin on SCR 1A  
Opens the Work Session on SCR 2A

218 MOTION: REP. CORCORAN: Moves SCR 2AA to the Floor with a BE ADOPTED recommendation.

211 REP. UHERBELAU: Gives reasons why she will not be able to support the measure.

230 VOTE: In a roll call vote, the motion CARRIES with a majority vote of 9 AYE, 2 NO (REPS. NAITO & UHERBELAU); REP. LUKE is EXCUSED.

REP. CORCORAN will lead the discussion on the Floor.

231 CHAIR TARNO: Adjourns the meeting at 3:15 PM.

Transcribed by, Reviewed by,

Gail Boesch        Mark Bauer  
Committee Assistant     Committee Administrator

EXHIBIT SUMMARY:

- A - Statement on SB 334A -- Rod Ingram, Oregon Department of Fish and Wildlife -- 1 page
- B - Testimony on SB 334A -- 1000 Friends of Oregon -- 2 pages
- C - Testimony on SB 403 -- Joe Rohleder, Oregon Guides and Packers -- 1 page
- D - HB 2006 : Summary of History -- Deschutes Valley Water District -- 2 pages