

HOUSE COMMITTEE ON  
NATURAL RESOURCES  
SUBCOMMITTEE ON AGRICULTURE & FORESTRY

Hearing Room  
Tapes - 14 A

MEMBERS PRESENT:

REP. BILL FISHER, Chair  
REP. TONY CORCORAN, Vice-Chair  
REP. LARRY WELLS  
REP. JIM WELSH  
REP. TIM JOSI

STAFF PRESENT:

PAT ZWICK, Committee Administrator  
GAIL E. BOESCH, Committee Assistant

MEASURES HEARD:

HB 2296 - Public Hearing and Work Session  
HB 2120 - Public Hearing and Work Session  
HB 2420 - Public Hearing and 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 , A

- 005 CHAIR FISHER: Calls the meeting to order at 1:36 PM.
- 018 Opens the Public Hearing on HB 2296  
Witnesses: Rep. Kevin Mannix  
Mike Sims, the Tillamook County Creamery Association  
John Brenneman, Idaho Power  
Richard Angstrom, OCAPA  
Ken Armstrong, Oregon Public Ports Association  
Rod Ingram, Oregon Department of Fish & Wildlife
- 023 STAFF ZWICK: Presents overview of HB 2296, and engrossed version (-4), Exhibit A. Submits for the record proposed amendments suggested at 1/30 hearing (Exhibit C).
- 044 REP. KEVIN MANNIX: Introduces amendments ( Exhibit B).
- 096 REP. WELLS: Questions ORS's deleted, and differences from current statutes.
- 099 REP. MANNIX: Clarifies statutes; discusses standard of liability (willful, wanton & reckless).
- 156 REP. CORCORAN: Suggests insertion of "educational activities" into language of HB 2296. States that it had previously been agreed upon in work

group.

157 CHAIR FISHER: Poses question about negligence of visitor to property and liability of landowner.

170 MIKE SIMS, THE TILLAMOOK COUNTY CREAMERY ASSOCIATION: Supports HB 2296 as amended.

190 JOHN BRENNEMAN, IDAHO POWER: Member of group that drafted amendments. Supports the amended version.

197 DICK ANGSTROM, OCAPA: Supports HB 2296 as amended.

208 KEN ARMSTRONG, EXEC. DIR, OREGON PUBLIC PORTS ASSOC. Supports HB 2296 as amended.

224 ROD INGRAM, DEPUTY DIRECTOR, OREGON DEPARTMENT OF FISH & WILDLIFE: Supports HB 2296 as amended.

239 CHAIR FISHER: Closes Public Hearing on HB 2296  
Opens the Work Session On HB 2296

MOTION: REP. CORCORAN: Moves to ADOPT the -4 amendments to HB 2296 including the insertion of " educational activities" into the language of the bill.

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

267 MOTION: REP CORCORAN: Moves that HB 2296 as AMENDED be sent to the Full Committee with a DO PASS recommendation.

VOTE: All members are present and vote AYE.

REP. CORCORAN will lead the discussion in Full Committee.

295 CHAIR FISHER:  
Closes the Work Session on HB 2296.  
Opens the Public Hearing on HB 2120 and HB 2420 Concurrently.  
Witnesses:

Rep. VanLeeuwen  
Jill Bowling, Department of Forestry  
Dan Ten Eyck, Reynolds Metals Company  
Tom Reynolds  
Greg Miller, Oregon Forest Industries Council  
Stephen Kafoury, American Fisheries Society  
Marlin Arney, United Paperworkers of Oregon  
John McCulley, Oregon Cattlemen's Association  
Rudy Rosen, Oregon Department of fish & Wildlife  
Jim Greer, State Department of Forestry

310 STAFF: Presents overview of HB 2120 (Exhibit D), and HB 2420 (Exhibit E).

336 CHAIR FISHER: Explains plans to blend HB 2120 and HB 2420 into one bill, also including terminology from HB 2463 and HB 2446.

353 REP. LIZ VANLEEUEWEN: Supports combining HB 2120 and HB 2420, and notes that HB 2463 and HB 2446 are "in HB 2120".

TAPE 13, A

015 JILL BOWLING, DEPARTMENT OF FORESTRY: Submits and reads from Exhibit F. Provides comments about how to craft state Endangered Species listing; notes key policy issues.

076 REP. CORCORAN: Questions "sound verifiable" vs. " best available".

080 BOWLING: Prefers "sound verifiable".

083 REP. CORCORAN: Suggests that the term "sound verifiable" will cause problems in delisting; feels it is a higher standard.

- Questions Exhibit F, ecosystem approach rather than single species approach; "unintended negative consequence".

095 BOWLING: Provides clarification; discusses decoupling of listing process and the recovery planning process. Long range management planning effort, holistic view of forest. Downside of concentrating on a few species, is that other species tend to fall by the wayside. Look at planning process, important to use common sense, give managers flexibility at the local level.

130 REP. WELSH: Concerned about appeal process, Exhibit F; need to look at it.

140 BOWLING: No appeal process at this time.(In planning).

150 REP. JOSI: Discusses scientific and political processes involved. Science is involved in listing/delisting; questions if politics are then involved in planning/recovery process.

168 BOWLING: Responds, "We're making some trade-offs and balancing things".

186 - Important to separate the listing and planning processes.

206 REP UHERBELAU: Questions if analysis of social and economic factors happens during the recovery period.

214 BOWLING: We need to do more thinking about where this is more appropriate.

224 REP JOSI: Need to design public input "so as not to derail the original intent".

230 DAN TEN EYCK, REYNOLDS METALS COMPANY, MGR. OF PUBLIC AFFAIRS: Comments that HB 2420 is simpler, supports it. Discusses fish issues on Columbia River.

Regarding HB 2120, generally supports it, notes that the bill is much more complicated, technical, could benefit by additional consideration of language.

286 TOM REYNOLDS: Calls for balance and understanding of environmental impacts.

330 GREG MILLER, STATE TIMBER PURCHASERS DIVISION OF OREGON FOREST INDUSTRIES COUNCIL: Submits Exhibit G, amendments to ORS 496.004. Questions differences made by listing at the state level.

Recovery is the main concern; narrow the focus by definition. Suggests

amendment.

403 REP. JOSI: Notes that amendment seems limited to birds.

TAPE 12, B

015 REP. JOSI: Requests clarification of "to not qualify."

093 STEVE KAFOURY, AMERICAN FISHERIES SOCIETY: Here to solve problems, comments to testimony preceding him. Economics should be other than biologist's concern.

- Notes regarding the term "verifiable science", that peer review is done all the time; asked by other scientists continually to do it. Standard of science should be set by peer review.

- Ecosystem management is important in terms of cutting costs.

156 MARLIN ARNEY, UNITED PAPERWORKERS OF OREGON: Speaks in support of HB 2120.

200 JOHN MCCULLEY, OREGON CATTLEMEN'S ASSOCIATION: Makes general comments in support of HB 2120. Change is good, direction is good, like human element in legislation.

235 RUDY ROSEN, OREGON DEPARTMENT OF FISH AND WILDLIFE: Submits Exhibit H and reads from it, providing constructive comments related to changing and improving the Oregon Threatened and Endangered Species Act.

300 "Cooperative programs should involve the public" (Exhibit H).

334 - Need to avoid listing species in the first place.

345 REP. LEWIS: Refers speaker to Mr. Miller's remarks, solicits his opinion.

355 ROSEN: Responds, in terms of handing over state's responsibility to federal government, "we give up opportunity to create management plans that can allow for state redemption for rights of management". Cites example.

383 JIM GREER, STATE DEPARTMENT OF FORESTRY: Responds, management plan by state allows for flexibility.

404 REP. LEWIS: Referring to Exhibit G, asks for comments from Mr. Rosen regarding listing issues.

TAPE 13, B

002 ROSEN: Prefer not to give up state's rights. Biological determination should not be feared here in Oregon. Danger of reproductive failure should

be watch list; then once species are listed, this simply identifies species as being in danger of reproductive failure.

030 REP. LEWIS: Questions what it costs the state to go through its own independent listing.

074 REP. UHERBELAU: Requests clarification regarding whether economic impacts are frozen in time. Questions if ODFW has the means to determine future impacts.

087 ROSEN: If I understand you correctly, no. Explains social and economic impacts.

113 REP. UHERBELAU: Lack of clarity, if a species is endangered, purely biological determination. Questions where we bring in the discussion of economics and people.

160 MIKE MILLER, EXECUTIVE VICE-PRESIDENT, OREGON ASSOCIATION OF LOGGERS: Doesn't want any species to become extinct. We have limited capability to recover a species.

222 CHAIR FISHER: Closes the Public Hearing on HB 2120 and HB 2420  
Opens the Work Session on HB 2120 and HB 2420

General discussion follows regarding forming a work group.

355 CHAIR FISHER: Discusses work group make up.

377 REP. WELSH: Suggests a two week time line.

TAPE 14, A

003 STAFF : Submits Exhibits J & K, testimony on HB 2120 and HB 2420

010 CHAIR FISHER:  
Closes Work Session on HB 2120 and HB 2420  
Opens Public Hearing on HB 2420

023 SYBIL ROSE ACKERMAN: Speaks, opposing HB 2420, submits Exhibit I. Expresses concerns about the fact that the Legislature meets only every two years and gap in listing process.

065 CHAIR FISHER: Closes the Public Hearing on HB 2420.

ADJOURNS THE MEETING AT 3:25 PM.

Submitted by, Reviewed by,

GAIL E. BOESCH PAT ZWICK  
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A - HB 2296, Hand engrossed by Staff -- Pat Zwick, Committee Administrator -- 5 pages
- B - HB 2296, Proposed Amendments -- Staff -- 1 page
- C - HB 2296, Proposed Amendments -- Staff -- 1 page
- D - HB 2120, Staff Measure Summary -- Pat Zwick, Committee Administrator -- 2 pages
- E - HB 2420, Staff Measure Summary -- Pat Zwick, Committee Administrator -- 1 page
- F - Testimony on HB 2120 and HB 2420 -- Jill Bowling, Oregon Department of Forestry -- 3 pages
- G - Testimony on HB 2120 and HB 2420 -- Greg Miller, Oregon Forest

Industries Council -- 1 page

H - Testimony on HB 2120 and HB 2420 -- Rudy Rosen, Oregon Department of  
Fish & Wildlife -- 3 pages

I - Testimony on HB 2420 -- Sybil Ackerman -- 1 page

J - Fax Opposing HB 2120 and HB 2420 -- Tonia L. Moro, Ashland, Oregon -- 3  
pages

K - Letter and attached documents, HB 2420 -- David B. Marshall, The  
Wildlife Society --  
10 pages