

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON AGRICULTURE AND FORESTRY

March 26, 1993 Hearing Room D 1:00 p.m. Tapes 41 - 44

MEMBERS PRESENT: Rep. Liz VanLeeuwen, Chair Rep. Ray Baum Rep. Marilyn Dell Rep. Sam Dominy Rep. Bill Fisher Rep. Tim Josi Rep. Dennis Luke Rep. Bill Markham Rep. Chuck Norris

STAFF PRESENT: Catherine Fitch, Committee Administrator Sue Nichol, Committee Clerk

MEASURES CONSIDERED:

HB 2927 - Public Hearing HB 2930 - Public Hearing HB 2985 - Public Hearing HB 3274 - Public Hearing HJM9 - Public Hearing HB 2924 - Public Hearing HJM10 - Public Hearing HB 2980 - Public Hearing

WITNESSES: Mike Miller, Associated Oregon Loggers, Inc. Greg Miller, Oregon Forest Industries Council Jim Myron, Oregon Trout Andy Kerr, Oregon Natural Resources Council David Marshall, The Wildlife Society of Oregon Glen H. Spain, Pacific Coast Federation of Fishermen's Associations, Inc. Dave Schmidt, Council of Forest Trust Land Larry George, Oregonians in Action Jeff Curtis, Water Watch Daniel Stotter, Oregon Chapter of the Sierra Club Paul Ketchum, Portland Audubon Society Bill Gee, Eastern Oregon Mine Association

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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. [--- Unable To Translate Graphic ---]

TAPE 41, SIDE A

005 CHAIR VanLEEUEWEN: Calls the meeting to order at 1:07.

OPENS PUBLIC HEARING ON HB 2927, 2930, 2985, 3274, 2924, 2980, HJM9 AND 10

020 CATHERINE FITCH: Gives overview of the bills which relate to either the State or Federal Endangered Species Act and/or the listing of the

Northern Spotted Owl. There are five measures which address the way the Department of Fish & Wildlife will perform Endangered Species Act activity. Submits information and matrix on all the bills (Exhibit A).

132 MIKE MILLER, Associated Oregon Loggers, Inc.: Gives testimony in favor of HB 2927. Reads Exhibit B.

225 GREG MILLER, State Timber Purchases Division of Oregon Forest Industries Council: Gives testimony in favor of HB 2927. Reads Exhibit C.

260 HB 2927 does not prevent the State Fish and Game Commission from listing a threatened or endangered species.

357 REP. JOSI: How does it make sufficient any federal recovery plan? Does that mean if the federal government has a recovery plan in place, with

federal lands, that would be sufficient?

370 GREG MILLER: Yes.

377 REP. JOSI: The State Forester is in a bind because no conservation plan has been established. They are limited to what they can cut because of

implications of a taking as it applies to the federal government. How does this apply to this bill?

400 MIKE MILLER: The state is trying to establish a habitat conservation plan to get around this problem.

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030 GREG MILLER: The action of recovery speaks specifically to federal actions on federal lands. We are trying to address the issue of take

through a habitat conservation plan.

047 REP. JOSI: So there's a difference between "take" and "recovery?"

055 MIKE MILLER: That's the idea. We want to deal with the taking issue versus the recovery issue which would require a lot less land. The

federal land will deal with the recovery issue.

073 REP. JOSI: Your bill deals with the enabling of the take or it doesn't diminish the enabling of the take issue in Oregon law, correct?

080 MIKE MILLER: Not the way I see it, it doesn't diminish it at all. It simply says that, in the case of a wide range of species, where the

federal government has a plan that will do the job, then the state still has to have a way to avoid the take. There are a number of ways under

federal law to do that. This bill is not intended to weaken the process that the state would go through.

088 REP. NORRIS: HB 2927 seems to leave out the National Marine Fisheries Service? Is this to address broadly the endangered species issue, or

does it just focus on the owl?

102 MIKE MILLER: I would like to include the National Marine Fisheries Service in the bill.

105 REP. NORRIS: We might consider plants also.

109 REP. DOMINY: Where should that be inserted?

111 MIKE MILLER: Page 5, line 3.

130 JIM MYRON, Oregon Trout: Testifies against HB s 2927, 2930, 2985, 327 4, HJM9 (Exhibit D). They attempt to weaken the protections provided by

the State Endangered Species Act.

164 The timber industry represents 6% of the employment base in the State of Oregon according to an article by Ed Whitelaw, an economist from Eugene.

171 REP. NORRIS: According to the Whitelaw article, what is the percentage of income from the timber industry and how does the ripple effect affect Oregonians?

180 MYRON: The top five employment sectors do not include agriculture, timber or tourism.

216 REP. NORRIS: Agriculture and timber create wealth. The other sectors cited absorb wealth.

217 REP. JOSI: The figures by Ed Whitelaw for agriculture and timber employment are a lot lower than anything I've heard before.

220 MYRON: This was a pretty controversial article. The Oregon Business Editorial suggests maybe it's time to rethink our traditional thoughts

on this issue.

233 ANDY KERR, Oregon Natural Resources Council: Testifies against the bills. Reads Exhibit E.

313 REP. DOMINY: Is there no other problem than that with our virgin forest?

326 KERR: No.

329 REP. DOMINY: Can any old growth timber be harvested without driving the spotted owl to extinction?

345 KERR: The conclusion is heading toward the idea that we can't harvest any old growth. The spotted owl is not the only species in jeopardy. A

new report lists 667 species that are associated with old growth forests.

360 REP. DOMINY: Is not the environmental community doing this for

their own political gain?

389 KERR: That report went through scientific peer review. Listing a species is a scientific decision.

TAPE 41, SIDE B

010 CHAIR VanLEEUEWEN: What are you classing as "old growth"?

013 KERR: It is trees that are generally in the late successional state. Usually over 200 years old.

027 CHAIR VanLEEUEWEN: How much ancient and virgin forests are left?

029 KERR: Virgin forest is that which has never been cut.

033 CHAIR VanLEEUEWEN: How much ancient forest is left?

037 KERR: Less than 10% of our virgin forests are left in the Northwest. Ancient forest comprise about 2/3 of that.

040 REP. BAUM: How much of the 4.6 million acres of forest that is set aside for wilderness areas is virgin or ancient forest?

045 KERR: About 10% of the wilderness in National Parks was old growth forests.

078 REP. BAUM: We have set aside acreage for wilderness areas. Where do we draw the line on how much acreage we need?

095 KERR: The lines change because of new scientific information. Our principles haven't changed. We want to keep the last of our virgin

forests.

134 REP. BAUM: I think if we banned all log exports, we'd still have the same problem. I think if we had the Endangered Species Act in 1850, we

would never have settled the west.

140 CHAIR VanLEEUEWEN: When the Northern Spotted Owl was listed, there were 300 known pairs, now there are at least 3,500 mated pairs and many

individuals. How do you justify continued support for the listing of the Northern Spotted Owl?

151 KERR: We know there are more owls, but their numbers have not increased from what had been estimated.

176 REP. DOMINY: We have lost 90,000 timber related jobs. Which issue got rid of the most jobs from your list?

196 KERR: I'd list them in this order: mill modernization, log exports, federal agency mismanagement.

218 REP. LUKE: Species have been lost because they don't adapt.

Secondary manufacturing can not remanufacture something you don't manufacture to

start with.

240 KERR: If the raw material was directed toward secondary manufacturing, there would be more jobs. We have an obligation to preserve species.

260 There may be owls in new growth, but that doesn't mean they are successfully reproducing in a safe habitat.

278 DAVID MARSHALL, The Wildlife Society of Oregon: Came to give a scientist's perspective on the bills. Summarizes testimony contained in Exhibit F.

315 The focus should be on prevention so species do not have to be listed.

340 Any action to take the owl off the federal list would be biologically inaccurate.

TAPE 42, SIDE B

021 The state act is superseded by the federal act. We would like maximum state control over threatened and endangered species.

031 CHAIR VanLEEuwEN: Are you affiliated with the Oregon Natural Resources Council?

032 MARSHALL: No, we are not a conservation organization. We are a professional organization comprised of professional wildlife biologists and managers.

034 REP. DOMINY: You stated you were taking a neutral position. Did you really say you were opposed to the bills?

050 MARSHALL: I'm concerned about the ecosystems.

062 REP. NORRIS: Are you focusing on the Douglas fir, and not the spotted owl?

068 MARSHALL: The act states the purpose is to preserve ecosystems and the species within them.

078 REP. NORRIS: Can we stop the process of species becoming extinct?

084 MARSHALL: We're not gaining species as fast as we're losing them.

091 GLEN H. SPAIN, Pacific Coast Federation of Fishermen's Associations, Inc.: Testifies against the bills. Summarizes testimony in Exhibit G.

171 Resources need to be sustainable over time.

174 REP. LUKE: Who are your members?

180 SPAIN: We represent fishermen from California to Alaska. 187
REP. LUKE: Are your members willing to stop fishing for a year so more
of the fish could make it upriver?

193 SPAIN: There has already been a lot of cutbacks. We are working
with agencies to cut back. The problem is that a lot of problems are
on

land.

212 If we don't have a strong state act, then we will have
federal preemption.

221 REP. FISHER: Why aren't salmon that have gotten down to the
ocean, getting back up the river?

229 SPAIN: The issue is not marine mammals. They take only about 1 -
2% of the total fish available.

246 REP. FISHER: The entire ecosystem must be dealt with as a unit.

250 SPAIN: Our situation is similar to the timber industry. The
forest ecosystem is where the problem originates.

280 REP. MARKHAM: Is the Federal Endangered Species Act the start of
this whole movement?

286 MARSHALL: Endangered species were an issue when the Fish &
Wildlife Service established refuges for the buffalo and trumpeter swans
at the

turn of the century.

294 REP. MARKHAM: Are you satisfied with the federal act?

298 MARSHALL: There can be improvements in the state and federal
acts.

300 REP. MARKHAM: Why do the states need to be involved?

307 SPAIN: We need a strong state act because the states are
more responsive to economic impacts.

309 REP. MARKHAM: What if the state goes beyond the federal
requirements?

319 SPAIN: The way to avoid a listing is to not have a species that
is in trouble.

334 REP. MARKHAM: Why do we need duplication?

337 SPAIN: We need a strong state statute.

347 REP. DOMINY: Is your membership prepared to pay 100 to 200%
more for everything they use related to the timber industry?

365 SPAIN: The price must be paid.

377 DAVE SCHMIDT, Council of Forest Trust Land: States support for HB s 2927, 2930, 3274, 2985, 2924 and HJMs 9 and 10. Reads testimony in

Exhibit H. TAPE 43, SIDE A

032 LARRY GEORGE, Oregonians in Action: Supports the principles of the bills, but does not believe the bills go far enough to implement these

principles. (Exhibit I)

076 JEFF CURTIS, Water Watch: Opposes all bills (Exhibit J)

143 REP. LUKE: Can you explain the membership of your group?

145 CURTIS: We are a group that focuses mostly on water allocation issues. We have supporters who contribute to the organization.

158 REP. LUKE: Where does the money come from that runs your organization?

158 CURTIS: The money comes from contributions and foundations.

180 I think we would be better off having our state agencies developing these plans.

193 REP. MARKHAM: The federal regulations were there already.

197 CURTIS: The federal regulations were there when we failed to act.

206 REP. LUKE: The state acted first on the spotted owl.

207 CURTIS: Because of the magnitude of land needed, the federal government had to be involved in the spotted owl listing.

226 DANIEL STOTTER, Oregon Chapter of the Sierra Club: We have 11,000 members in the State of Oregon. We oppose these bills (Exhibit K).

327 REP. LUKE: Do you have a legislative committee that meets?

333 STOTTER: All legislative positions must be made by an elected executive committee.

339 REP. LUKE: How many people are on the committee?

344 STOTTER: Sixteen members.

347 REP. LUKE: So 16 people make decisions for 11,000?

352 STOTTER: Yes, representation is more effective than a direction vote on every issue.

354 REP. LUKE: Is the council elected?

357 STOTTER: Yes.

360 REP. MARKHAM: Do you consider the human element in these

decisions? 365 STOTTER: Yes, humans are the real losers if we have extinction of species.

376 REP. DELL: What changes could be made so these conflicts wouldn't arise?

400 STOTTER: Have a greater interface between the standards that the state and federal government have, so conflicts don't arise. There needs to

be greater inter-agency cooperation.

414 REP. DELL: Is there any attempt to develop legislation to deal with these problems?

TAPE 44, SIDE A

013 STOTTER: We feel our best posture is to hang on to what we have.

021 REP. LUKE: You are not the entire environmental conscience of the state.

036 STOTTER: I agree, I only represent Sierra Club and its 11,000 members.

045 PAUL KETCHUM, Portland Audubon Society: Testifies against the bills as they would weaken the State Endangered Species Act.

109 There is no biological evidence for delisting the Northern Spotted Owl.

144 Submits Oregon Administrative Rules 629.56.200 for the record (Exhibit L).

156 BILL GEE, Eastern Oregon Mine Association: We support these bills.

172 Meeting is adjourned at 3:37.

Submitted by:

Reviewed by:

Sue Nichol
Administrator

Catherine Fitch Clerk

EXHIBIT LOG:

A - Information on all bills - Catherine Fitch - 3 pages B -
HB 2927 - Testimony - Mike Miller - 6 pages C - HB 2927 -
Testimony - Gregory Miller - 6 pages D - HB 2927, 2930, 2985,
3274, HJM9 - Testimony - 9 pages E - Testimony on all bills -
Andy Kerr - 1 page F - HB s 2927, 2930, 2985, 3274, 2924 and
2980 - Testimony - David Marshall - 3 pages G - Testimony on
all bills - Glen Spain - 6 pages H - Testimony on all bills -
Dave Schmidt - 1 page I - Testimony on all bills - Larry George

- 6 pages J - HB 2927 - Jeff Curtis - 2 pages K -
Testimony on all bills - Daniel Stotter - 3 pages L -
Information - Paul Ketchum - 5 pages