

HOUSE COMMITTEE ON NATURAL RESOURCES

January 19, 1993 Hearing Room D 1:00 p.m. Tapes 9 -11

MEMBERS PRESENT: Rep. Ray Baum, Chair Rep. Carl Hosticka, Vice-Chair
Rep. Marilyn Dell Rep. Sam Dominy Rep. Bill Fisher Rep. Tim Josi Rep.
Dennis Luke Rep. Bill Markham Rep. Chuck Norris Rep. Nancy Peterson Rep.
Bob Repine Rep. Liz VanLeeuwen

STAFF PRESENT: Kathryn Van Natta, Committee Administrator
Catherine Fitch, Committee Administrator Karen Edwards, Committee
Assistant

ITEMS CONSIDERED: Agency Overviews: Water Resources Department
Office of the State Fire Marshal Division of State Lands

WITNESSES: Martha Pagel, Water Resources Department Reed
Marbut, Water Resources Department Everett Hall, Office of the State
Fire Marshal Ralph Rodia, Office of the State Fire Marshal Gary
Gustafson, Division of State Lands

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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 9, SIDE A

005 CHAIR NORRIS: Calls meeting to order at 1:05 P.M.

AGENCY OVERVIEWS

WATER RESOURCES DEPARTMENT OVERVIEW

013 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Summarizes
information on organization, operation, and proposed legislation of the
department from (EXHIBIT A). 142 PAGEL: Discusses program and
management priorities.

283 PAGEL: Discusses budget.

324 PAGEL: Discusses proposed legislation.

393 PAGEL: Refers to brochures that can be made available to the
committee members in regards to water policy.

TAPE 10, SIDE A

001 PAGEL: Testimony continues.

038 PAGEL: Distributes and discusses the Biennial Water Management
Program for Oregon from (EXHIBIT B).

070 REP. MARILYN DELL: Is there any effort, at this time, to make the transfer of water rights a little simpler?

079 PAGEL: The ability to take an existing water right and voluntarily transferring that right has become a good management tool and will

become very useful in the future

087 REED MARBUT, WATER RESOURCES DEPARTMENT: The water transfer process is a specific process under the law which requires a separate application

different from applying for an original water right, eliminating the water availability issue.

168 REP. TIM JOSI: What types of water rights applications do you have?

172 MARBUT: The applications are broken down into two broad categories, in-stream and out-of-stream.

247 REP. LIZ VANLEEUEWEN: If an application was submitted for private water stream consumption about two years ago and a government agency also

applied for an in-stream water right on the same stream, would the current rules determine who would receive that right?

255 PAGEL: When an application is received, it is assigned a priority date. By law, we have to look at existing water uses, other pending

applications and future needs. We are required to apply those laws at the time we are making decisions.

296 REP. CARL HOSTICKA: Is there still a plan, through the Governors office, to reorganize natural resource agencies?

301 PAGEL: The Governor made the decision not to proceed with the proposed reorganization.

309 REP. SAM DOMINY: Are you going to do anything about the notification and hearing processes for individuals who have in-stream water permits

in the form of legislation?

349 PAGEL: We do not have any bills that mandate a correction but realize that the legal notice process is a problem and we are open to correcting the process.

TAPE 9, SIDE B

011 REP. BILL MARKHAM: How many applications are backlogged?

012 PAGEL: About 3000.

014 MARBUT: The applications are coming in at a relatively steady rate. The goal is to have every application processed before session adjourns.

025 REP. MARKHAM: Does everyone have to apply for water rights if they are in an unincorporated area?

028 MARBUT: The current law states that you must have a right to use the water unless it is on the list of exempt uses for ground water. To use

water in the state of Oregon, you must have a right by going through the application process and the issuance of a permit.

050 CHAIR NORRIS: Have the Benchmarks been adopted as part of your program?

053 PAGEL: Refers to (EXHIBIT B). Our budget and work plans reflect these Benchmarks.

Concludes her testimony.

OFFICE OF STATE FIRE MARSHAL OVERVIEW

069 EVERETT HALL, OFFICE OF THE STATE FIRE MARSHAL: Summarizes mission, background, agency programs, legislation and funding from (EXHIBIT C).

180 HALL: Testimony continues.

303 CHAIR NORRIS: There is a fee that individuals in the community can pay to obtain information about hazardous materials which are being used by businesses, ranging from \$25 to \$2000 dollars. Are these fees being

used for possible remedies for hazardous materials?

300 RALPH RODIA, OFFICE OF THE STATE FIRE MARSHAL: The fee is based upon two criteria. One is the hazard of the particular material and the

other is the quantity of that material.

344 REP. DENNIS LUKE: Refers to HB 2241 from (EXHIBIT C). Was it your intent to request that shake roofs be replaced by the homeowners or on

an as-needed basis?

352 RODIA: This is not our bill but believes it will be on an as-needed basis.

389 REP. TIM JOSI: Refers to HB 2128 from (EXHIBIT C). What type of enforcement mechanism do you have now?

398 RODIA: The 1991 Legislature authorized and required the State

Fire Marshal to inspect every cardlock facility in the state once a year

along with about five percent of the customer records and agreements.

TAPE 10, SIDE B

010 REP. JOSI: Understands that if individuals own a business and the vehicle is not registered in the name of the business, it cannot be used in a cardlock facility?

015 RODIA: The statute states that the vehicle must be owned and used by the business.

032 REP. BILL FISHER: Refers to HB 2241 (EXHIBIT C), what does a clearing of combustible materials in electrical power line right-of-ways require?

036 RODIA: Believes that the bill is primarily referring to trees that grow underneath power lines. This is a State Forestry bill.

056 REP. DELL: Does your office set the days for field burning?

059 RODIA: No. The Department of Agriculture sets the times when burning is allowed.

Concludes his testimony.

DIVISION OF STATE LANDS OVERVIEW

151 GARY GUSTAFSON, DIVISION OF STATE LANDS: Summarizes agency overview, budget and legislative proposals from (EXHIBIT D)

300 GUSTAFSON: Testimony continues.

390 GUSTAFSON: Summarizes legislative proposals.

TAPE 11, SIDE A

050 REP. MARKHAM: What does local determination of wetlands mean?

052 GUSTAFSON: During the last legislative session a provision was passed for wetland conservation plans to be developed by local government. If

local government were to develop a framework as to how wetlands were to be treated, the state and federal agencies should agree with that and

issue the permits.

071 REP. MARKHAM How much general fund money do you get?

072 GUSTAFSON: We receive less than \$400,00 dollars.

086 REP. MARKHAM: Do you intend to get into forestry management?

090 GUSTAFSON: No.

099 REP. VANLEEUEWEN: You mentioned lottery dollars, what do you expect to get from lottery dollars?

103 GUSTAFSON: The Governor's budget includes funds for a watershed health initiative as well as an industrial lands component which will be funded by lottery dollars.

121 REP. BAUM: What kind of rules are being considered for grazing?

128 GUSTAFSON: Is in the process of establishing rules. One of the main issues to be addressed is that of grazing fees.

161 REP. MARKHAM: Do we charge more than the federal government on grazing fees?

162 GUSTAFSON: The rate is comparable to the federal rates.

180 REP. FISHER: What are your projections for timber sales on state forest lands for the 1993-95 biennium?

184 GUSTAFSON: The target is about 30 million board feet. Revenue depends on market conditions. We expect it to be close to the \$20 million we

mentioned earlier.

195 REP. FISHER: What was it in 1989-1991 and 1987-1989?

197 GUSTAFSON: During the 1989-1991 biennium we received \$30.1 million from timber sales on common school land. Will provide 1987-1989 information.

215 REP. LUKE: Are any counties besides Deschutes County which are using stock ponds in wetlands?

218 GUSTAFSON: Does not know.

225 VAN NATTA: Will follow up on information requests from committee members and route the material to members' offices when received.

Reviews Environment & Energy Subcommittee agenda for January 20 and invites all members to attend.

Reviews Agriculture & Forestry Subcommittee agenda for January 20.

249 CHAIR NORRIS: Adjourns meeting at 3:13 P.M.

Submitted by: Reviewed by:

Karen Edwards
Administrator

Kathryn Van Natta Assistant

EXHIBIT LOG:

A - Agency Overview - Water Resources Department - Martha Pagel - 13 pages
B - Agency Overview - Biennial Water Program for Oregon - Martha Pagel - 89 pages
C - Agency Overview - Office of the State Fire Marshal

- Everett Hall - 18 pages D - Agency Overview - Division of State Lands
- Gary Gustafson - 97 pages