

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON WATER

May 20, 1993 Hearing Room D 1:00 p.m. Tapes 95 - 98

MEMBERS PRESENT: Rep. Chuck Norris, Chair Rep. Ray Baum Rep.
Carl Hosticka Rep. Tim Josi Rep. Bill Markham Rep. Nancy Peterson Rep.
Bob Repine Rep. Liz VanLeeuwen

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

MEASURES CONSIDERED: HB 3456 - Public Hearing HB 3620 -
Public Hearing SB 1010 - Public Hearing HB 3622 - Public Hearing SJM4 -
Public Hearing and Work Session

WITNESSES: Dave Nelson, Oregon Seed Council, Oregon
Dairy Farmer's Association Phil Ward, Department of Agriculture Kip
Lombard, Oregon Water Resources Congress Clinton Reeder, Oregon Wheat
Growers League John McCully, Oregon Cattlemen's Association Steve
Schneider, Oregon Groundwater Association Jerry Schmidt, Oregon
Association of Realtors Martha Pagel, Department of Water Resources
Barry Norris, Department of Water Resources John Borden, Department of
Water Resources Dan Lubbers Stan Schones, Commercial Fisherman Paul
Hanneman, Oregon Trawl Commission, Fisherman's Marketing Association
Larry Schock, Oregon Trawl Commission, Fishermen's Marketing Association
Paul Heikkala Kay Brown, Oregon Department of Fish and Wildlife Sen Bill
Dwyer, District 21

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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 95, SIDE A

005 CHAIR NORRIS: Calls the meeting to order at 1:12.

PUBLIC HEARING ON HB 3620 AND SB 1010

018 CATHERINE FITCH: HB 3620 would permit the directors of a soil and
water conservation district to develop and adopt water quality
management

plans within their designated district boundaries where the state
environmental Quality Commission has established a total maximum daily
load for a body of water; a declaration of a groundwater management area
has been made under the 1989 state Groundwater Protection law; or an
agricultural water quality management plan is otherwise specifically
required by state or federal law (Exhibit A).

031 SB 1010 would permit the State Department of Agriculture to develop and adopt these water quality management plans and to require landowners to take actions necessary to carry out the plan (Exhibit B).

043 REP. JOSI: Aren't the Soil and Conservation Services accountable to the Department of Agriculture?

050 CHAIR NORRIS: They are coordinated by the Division of Natural Resources in the Department of Agriculture.

055 FITCH: Mr. Ward consulted with Rep. Meek on HB 3620 and Mr. Ward's name was inadvertently placed on it. It was actually submitted at the

request of Rep. Meek.

062 DAVE NELSON, Oregon Seed Council, Oregon Dairy Farmer's Association: Testifies in favor of HB 3620 and SB 1010.

104 SB 1010 tries to designate the Department of Agriculture as the formal agency in coordinating water quality plans.

116 CHAIR NORRIS: Did you receive consensus from the agricultural community?

118 NELSON: I believe we have.

150 PHIL WARD, Department of Agriculture: With the establishment of certain basins as water quality limited, we have been working with the Soil and Conservation District to develop management plans. DEQ was concerned

that these plans were voluntary. They wanted us, through legislative mandate, to have the ability to implement mandatory plans, if necessary. Summarizes testimony on SB 1010 (Exhibit C). Submits hand engrossed amendments of SB 1010 (Exhibit D).

200 REP. JOSI: What are the concerns of DEQ other than the lack of enforcement?

204 WARD: That's the major concern. What future concerns may be would be difficult to tell.

213 REP. JOSI: The petition process is part of this bill?

216 WARD: Yes, it is a part of SB 1010.

220 REP. VanLEEUEWEN: On page 2 of SB 1010, does this mean you could require a landowner to install drip irrigation, no matter what it costs?

233 WARD: We would attempt to implement a plan that addressed the needs of non-point source pollution control. Some elements of that plan could

have the effect of requiring certain things of landowners.

248 NELSON: That authority exists now with DEQ.

260 REP. MARKHAM: Could we look at the rules you propose before you implement them next session?

268 WARD: We view this undertaking in no light manner. In some of these water quality limited basins, we may be out of time.

282 REP. MARKHAM: How many critical areas are you talking about?

284 NELSON: There are about 11. There are two under court order: the Tualatin in Washington County and Bear Creek in Medford.

298 REP. PETERSON: Is there anything in the law now allowing you to work with Soil and Water Conservation Districts?

307 WARD: This makes it clear that we have the authority to implement our proposals.

311 REP. PETERSON: Has there been some question whether you could do this?

314 WARD: No.

315 CHAIR NORRIS: I think this will formalize something that has been in effect through tradition, won't it?

316 WARD: Correct.

357 REP. MARKHAM: Are DEQ's standards exceeding EPA standards?

365 WARD: I don't know if the EPA has specific standards such as have been set in the Tualatin. I believe they require the setting of those

standards in water quality limited basins.

381 NELSON: Further explains the setting of these standards.

401 REP. VanLEEUEWEN: Does DEQ have the authority to tell us what crops to grow?

TAPE 96, SIDE A

008 NELSON: They do.

013 CHAIR NORRIS: Gives example of the implementation of this authority.

015 NELSON: That's our view of how this bill would be implemented.

034 WARD: ORS 468B.020 states that the Department (DEQ) shall take such action as necessary for the prevention of new pollution and the

abatement of existing pollution.

047 This bill determines who the agricultural community works with in working out pollution problems.

060 CHAIR NORRIS: Aren't we coming close to what we were dealing with

in HB 2149 which would establish wellhead protection areas?

072 NELSON: The simple answer is yes.

085 WARD: One of the provisions is that the Governor put in \$400,000 of General Fund money to implement this program.

097 REP. REPINE: Is that the budget that is passing this assembly?

100 WARD: It's in the budget passed by the House Floor.

104 REP. REPINE: Who do you declare to be in the voting area?

110 WARD: Those affected would be all of those within the jurisdiction of the bill. We see a \$200 cap on the fee for each landowner.

131 REP. REPINE: Could we move the bill without any mention of a fee?

136 NELSON: Fee authority could be established, but the fee could be made so it would not be implemented until the Emergency Board approved it

with the appropriate limitations on the budget.

145 REP. REPINE: I'd rather have the full assembly decide that than the E-Board.

147 REP. HOSTICKA: How will this mission affect the relationship that you have with constituent groups?

156 NELSON: We think more progress will be made with an educational program.

171 WARD: The Department has been a regulatory institution since its inception.

181 REP. MARKHAM: What is the water quality management plan? 185 WARD: That is defined on line 14, page 1.

200 KIP LOMBARD, Oregon Water Resources Congress: We are supportive of the efforts to integrate these bills.

219 CLINTON REEDER, Oregon Wheat Growers League: We support the bill, as amended. Few farmers want another plan. We support the appeal process

which is not available under the current program.

284 CHAIR NORRIS: Are you in agreement with the more clearly defined role of the Soil and Water Conservation Districts as is delineated in the

house bill?

290 REEDER: I'm not thoroughly familiar with the house bill.

304 Growers are scared to death concerning agricultural practices.

359 JOHN McCULLY, Oregon Cattlemen's Association: We reluctantly accept the bill with the amendments.

380 CHAIR NORRIS: Closes public hearing on HB 3620 and SB 1010.

TAPE 95, SIDE B

PUBLIC HEARING ON HB 3456

008 CATHERINE FITCH: HB 3456 expands the duties of the ground water advisory committee and provides for Water Resources Department

computerization of well logs and records. Reads information (Exhibit E).

050 STEVE SCHNEIDER, Oregon Groundwater Association: Testifies in favor of HB 3456 as it will make major inroads in support of proper groundwater

management. Submits amendments recommended by the Oregon Groundwater Association (Exhibit F). Most of the changes address actual concerns, or are administrative changes.

093 CHAIR NORRIS: Should we be so specific about what the computer system should contain?

098 SCHNEIDER: We identified the minimum requirements of the system.

135 REP. PETERSON: What was the purpose of the date changes?

137 SCHNEIDER: This was to make them correspond to a final completion of the entire project by January 1, 1996.

164 CHAIR NORRIS: What do we mean by deed records?

166 SCHNEIDER: Deed records will disclose if there's any easements on the property. This would make it similar to an easement situation, as I

understand it. 178 CHAIR NORRIS: I'm not sure deed records is a good way to put this.

184 SCHNEIDER: It would be similar to codes, covenants and restrictions.

192 CHAIR NORRIS: A well is not really an encumbrance.

195 SCHNEIDER: Continues to explain sections 9 and 10.

235 "If applicable" should be inserted in line 6, page 5 between "right" and "is".

245 CHAIR NORRIS: We need to use a word other than "realtor". "Licensed real estate practitioner" would be more appropriate.

265 What should we use, "licensed real estate practitioner?"

267 JERRY SCHMIDT, Oregon Association of Realtors: Yes.

283 REP. REPINE: Do you think this will cost the landowner some fees eventually?

314 SCHNEIDER: That's a concern of ours. We need to develop a means to keep the computer system current.

349 MARTHA PAGEL, Department of Water Resources: Summarizes testimony in support of HB 3456. Has concerns about the role of the groundwater

advisory committee in approving expenditures.

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029 REP. VanLEEuwEN: Do you feel with everything has been taken care of except your concern on page 1, line 11?

034 PAGEL: Yes.

043 REP. HOSTICKA: Do you see this as being hooked up to the GIS system?

048 BARRY NORRIS, Department of Water Resources: No, not at this time.

060 REP. REPINE: What type of procedure will people need to go through to obtain identification numbers?

074 JOHN BORDEN, Department of Water Resources: Once the system is up, the field offices could give out that number.

089 REP. REPINE: What type of location description must be made?

097 BORDEN: That shouldn't be a problem because we already have subdivisions of the public land survey system on our well logs. 118

CHAIR NORRIS: Is the Department comfortable with the description of the computer system?

125 PAGEL: We're agreeable to this level of specificity.

137 REP. VanLEEuwEN: Would like to include the word "known" when they're talking about registering the wells when they are sold.

168 REP. REPINE: Do you include only drilled wells in this bill?

174 SCHNEIDER: Our intent was all wells that currently have specific rules, those being water supply wells and monitoring wells.

190 REP. REPINE: Would it include abandoned wells that were not abandoned properly, even though it wasn't an active well?

194 SCHNEIDER: Yes. We envision that no well ever ceases to exist.

199 DAN LUBBERS: Stresses the need for HB 3456. A big concern is the shortfalls in the well log management.

318 JERRY SCHMIDT, Oregon Association of Realtors: We support HB 3456.

360 The unofficial word I received is that "deed records" is okay.

379 CHAIR NORRIS: Closes public hearing on HB 3456.

TAPE 97, SIDE A

PUBLIC HEARING ON HB 3622

005 CATHERINE FITCH: HB 3622 creates a nine member Developmental Fisheries Board to assist ODFW in providing for long term management of fish not

currently taken for commercial purposes (Exhibit H).

025 STAN SCHONES, Commercial Fisherman: Makes suggestions for amendments to HB 3622. Suggests the addition in Section 3 which would tell the

Department to issue experimental permits.

070 CHAIR NORRIS: You're in general agreement with these developmental fisheries?

071 SCHONES: Yes.

078 REP. HOSTICKA: Do you have to have a permit to catch anything?

081 SCHONES: You must have an experimental gear permit for anything that's not a traditional fishery. At the present time, the Department isn't

issuing any.

090 REP. HOSTICKA: What things are developmental? 091 SCHONES: Basically, everything that doesn't come under the Pacific Management Council.

092 REP. MARKHAM: Do you see this as a necessary law for Oregon?

094 SCHONES: I haven't determined that yet.

104 PAUL HANNEMAN, Oregon Trawl Commission, Fisherman's Marketing Association: Distributes testimony from Ralph Brown, Fishermen's

Marketing Association (Exhibit I). Gives suggestions for amendments.

178 LARRY SCHOCK, Oregon Trawl Commission, Fishermen's Marketing Association: Testifies in favor of HB 3622 so fisheries can be

thoroughly tested before it is allowed to go full blown.

207 PAUL HEIKKALA: Testifies in favor of HB 3622 in order that developmental fisheries can be developed.

239 REP. PETERSON: Why can't you fish for scallops?

245 HEIKKALA: There isn't a concentration of scallops available now.

265 This bill may address the problem of overharvesting of experimental resources.

273 SCHOCK: We're trying to avoid long term damage to the resource.

286 REP. MARKHAM: If a critter is developed, who sets the season?

293 HANNEMAN: The Department, in consultation with the board, will issue a few permits and will determine whether more permits can be issued.

310 KAY BROWN, Oregon Department of Fish and Wildlife: Urges that action be postponed until they can make changes. Supports the concept of HB 362 2. Reads testimony (Exhibit J).

374 REP. HOSTICKA: What's a small boat?

378 BROWN: The sponsor says under 60 feet.

380 REP. HOSTICKA: How far off shore do you regulate?

382 BROWN: Oregon authority goes out to three miles. Any fish products landed in Oregon are under Oregon's control.

395 CHAIR NORRIS: Closes public hearing on HB 3622.

TAPE 98, SIDE A

PUBLIC HEARING ON SJM4 SJM4 urges Congress to extend for an additional ten years the Conservation Reserve Program of the U.S. Department of Agriculture.

033 SEN. BILL DWYER, District 21: Testifies in favor of SJM 4 to get Congress aware of the importance of the program.

062 REP. JOSI: Asks how the program works.

069 SEN. DWYER: They get up to \$50 per day to plant the land, but not to harvest. They plant legumes, different types of grain to provide ground cover and food for wildlife.

097 REP. MARKHAM: There's a limit on the number of acres?

100 SEN. DWYER: Yes. The program is working. It benefits the environment and wildlife. It benefits the counties on marginal land.

121 PHIL WARD, Department of Agriculture: There are currently 530,000 acres in Oregon. About \$24 million in payments have been made and about 24

counties in the state participate. We are supportive of the bill.

137 REP. MARKHAM: How many farmers are involved?

140 WARD: I believe about 600 individuals are involved.

153 CHAIR NORRIS: Closes public hearing on SJM4.

WORK SESSION ON SJM4

163 MOTION: REP. JOSI: Moves SJM4 to the full committee with a DO PASS recommendation.

166 CHAIR NORRIS: Repeats the motion.

167 VOTE: On a roll call vote, all members present vote AYE. REP. BAUM is EXCUSED.

171 CHAIR NORRIS: The motion CARRIES.

172 Closes work session on SJM4.

Meeting adjourned at 3:41.

Submitted by:

Reviewed by:

Sue Nichol
Administrator

Catherine Fitch Clerk

EXHIBIT LOG:

A - HB 3620 - Preliminary Staff Measure Summary - Staff - 1
page B - SB 1010A - Preliminary Staff Measure Summary - Staff
- 3 pages C - SB 1010 - Testimony - Phil Ward - 1 page D -
SB 1010A - Hand engrossed amendments - Phil Ward - 4 pages E -
HB 3456 - Preliminary Staff Measure Summary - Staff - 2 pages F
- HB 3456 - Hand engrossed amendments - Steve Schneider - 5 pages
G - HB 3456 - Testimony - Martha Pagel - 8 pages H -
HB 3622 - Preliminary Staff Measure Summary - Staff - 4 page I -
HB 3622 - Testimony - Ralph Brown - 4 pages J - HB 3622 -
Testimony - Kay Brown - 2 pages