

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: January 29, 1993 TAPES: 14 - 17 PLACE: Hearing Room  
C TIME: 8:00 AM MEMBERS PRESENT: Senator Ron Cease, Chair  
Senator Jim Bunn Senator Joyce Cohen Senator Bob Kintigh Senator Bob  
Shoemaker Senator Gordon Smith Senator Dick Springer STAFF  
PRESENT: Peter Green, Administrator Chris Warner, Research Associate  
Kus Soumie, Clerk

MEASURES CONSIDERED: SB 5 Public Hearing and Work Session SB 6 Public  
Hearing SB 117 Work Session

AGENCY OVERVIEW: Division of State Lands Department of Parks &  
Recreation State Fire Marshal's Office

- THESE MINUTES CONTAIN MATERIALS WHICH PARAPHRASE AND/OR SUMMARIZE  
STATEMENTS MADE DURING THIS SESSION. ONLY TEXT ENCLOSED IN QUOTATION  
MARKS REPORTS A SPEAKER'S EXACT WORDS. FOR COMPLETE CONTENTS OF THE  
PROCEEDINGS, PLEASE REFER TO THE TAPES.

TAPE 14 SIDE A 007 CHAIR CEASE CALLS MEETING TO ORDER 8:00 AM PUBLIC  
HEARING ON SB 5 WITNESSES: Gary Gustafson Senate Agriculture & Natural  
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019 GARY GUSTAFSON, Director Division of State Lands, gives testimony  
on SB 5 and presents overview of EXHIBIT A.

- history of mining leases and permits in Oregon - 1872 Federal Mining  
Law provisions for mining claims - necessity of codification of Federal  
and State law pre-historical Oregon - this law has not been used and  
Oregon does not have rules to implement this law - DSL feels it is best  
to repeal this law to prevent conflicts with ORS 273.780

WORK SESSION ON SB 117 (relating to beekeeping regulation)

061 CHRIS WARNER, Committee Research Associate, presents overview and  
explanation of proposed amendments to SB 117, -1 (proposed by Sen Bunn),  
-2 (suggested by the Bee Keepers Association) EXHIBIT B (in 4 parts)

096 SEN BUNN: - not reasonable to require 1,000 beekeepers (mostly  
hobbyists) to have mandatory registration which allow commercial keepers  
access to commodity loan programs. Voluntary program is reasonable.

MOTION: Sen Bunn Moves - 1 amendments to SB 117 VOTE: Hearing no  
objection MOTION ADOPTED MOTION: Sen Bunn Moves SB 117 AS AMENDED TO THE  
FLOOR DO PASS VOTE: Roll Call MOTION CARRIES with all members present  
and voting aye PUBLIC HEARING ON SB 5 WITNESSES: Gary GUSTAFSON

122 GUSTAFSON: This bill is asking repeal of separate state law that  
has never been used. Existing state law is in place, used by mineral  
claimants active on state land, remains intact. This bill will not  
affect active mineral claimants, and they will continue to have the same  
opportunities as those in the past.

- overview of present mining permitting and leasing processes for mining  
on Oregon state lands - overview of fee structure and revenue  
distribution for DSL example of conflict between rival statutes , ~  
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200 SEN BUNN: You stated this law has never been used, has there been an attempt to use it?

214 GUSTAFSON: As far as we know, there have been several inquiries, but it has never been used.

220 CHAIR BUNN: Is this just an attempt to clean up the books? This has no connection to any abuses that have taken place within the Federal Mining Law?

226 GUSTAFSON: Precisely, none whatsoever. We are not here to speculate.

222 SEN COHEN: Why are you so concerned with cleaning up the statutes?

231 GUSTAFSON: There are statutes with rules in place. There is no need to model after a Federal Law already in place. The mineral community has been using and is comfortable with these rules.

256 CHAIR CEASE: Due to committee concerns, the issue will be held over. 273 SEN SMITH AND SEN SHOEMAKER: Continue discussion and clarification of SB 5 and discussion of DSL authority with GUSTAFSON.

326 GUSTAFSON: - reads ORS 273.780 to clarify members' concerns about SB 5

331 CHAIR CEASE: Do you think this gives you exclusive authority in that regard?

333 GUSTAFSON: Yes I do.

WORK SESSION ON SB 5 MOTION: Sen Bunn moves SB 5 to the floor DO PASS VOTE: 6 AYE 1 NAY (Sen Shoemaker voting nay) Sen Springer excused ACTION: SB 5 to the Floor with DO PASS recommendation PUBLIC HEARING ON SB 6 WITNESSES: Gary GUSTAFSON Phil Ward Paul Hanneman Lee Hansen Doug Creasy Senate Agriculture ~ Natural Resource. January 29, 1993 Palp 4 \, .

355 GARY GUSTAFSON, Director Division of State Lands, gives testimony on SB 6 and presents overview of EXHIBIT C.

- SB 6 deals with proposed transfer of jurisdiction of commercial 'oyster plat' cultivation from DOA to DSL - SB 6 results from Governor's Fall (1992) program review - DSL has authority on state owned tide lands which are responsibility of Land Board DSL is administrative arm of Land Board - SB 6 provides that all state owned tide lands' activities are governed by one agency, to lessen confusion to agencies and the public. - one agency will be responsible for all state tide land activities and authorization - Attorney General opinion solidified DSL's position with respect to common school funds - tide lands are Statutory Lands by definition not Common School Lands - DSL is not bound by 'maximization of revenue' mandate, since DSL is on uplands under Common School Lands - State Constitution is the overriding concept for management of tide lands

TAPE 1 5 SIDE A

005 GUSTAFSON: - continues testimony on SB 6

050 PHIL WARD, Department of Agriculture, gives testimony in favor of SB 6 and reaffirms DSL's intent with SB 6's proposed legislation.

- answers more questions from committee members 078 SEN KINTIGH: Does your agency provide technical assistance or lab services to the oyster growers when needed?

080 WARD: We provide assistance in a very limited way.

- questions and answers regarding primary source and overall condition and growth of Oregon's oyster industry

096 SEN BUNN: Is this bill providing benefit to the few and denying the public right to harvest oysters? I am questioning the whole operation and the lack of public involvement and benefit.

114 WARD: The \$8,000 collected in fees is certainly not a money maker for the State Department of Agriculture...the benefit to the State is similar to the use of the state's waters for irrigation of agricultural commodities. There is multiplier effect when there is industry in place providing economic benefit to the state. As a state we have chosen to encourage the oyster industry over the years, through the use of our natural Senate Agrmulture & Natural Resources January 29, 1993 Page 5

resources .

131 PAUL HANNEMAN, Oregon Shellfish Producers, offers testimony in opposition to SB 6 and presents overview of EXHIBIT F.

- submits reasons the 20 member steering committee for Oregon Shellfish Producers oppose SB 6

- presents opposition statement to SB 6

185 LEE HANSON, Whisky Creek Oysters, presents testimony in opposition to SB 6 and in favor of ongoing relationship with DOA.

205 DOUG GREASY, Vice-Chair, Oregon Shellfish Producers and Bay Ocean Oyster Company, presents overview of opposition to SB 6.

- speaks to previous questions of Sen Bunn on highest use of land - native oysters severely harvested in 1 900's, shipped to San Francisco and population never recovered - ODFW never replanted native species - Oyster industry is the only US fishing industry to have surplus product

250 GREASY: - answers questions from members regarding oyster harvesting and native oysters

- provides information on lease acquisition for harvesting and planting oyster beds

382 HANNEMAN: Gives overview of past law structure, regulations for oyster growers

- decline of log rafting, house boats, and other waterway issues as reason concerns for oystering industry has not caused waves

TAPE 14 SIDE B

005 HANNEMAN: continues testimony on SB 6.

- assistance from DOA modest - Washington state helps Oregon oyster

producers - Oregon oyster industry no longer dependent on Japan - oyster tissue sample monitoring important for monitoring water quality

DIVISION OF STATE LANDS AGENCY OVERVIEW Senate Agriculturc ~ Natural Resources January 29, 1993 Page 6

073 GARY GUSTAFSON, Director Division of State Lands, presents Agency overview and gives overview of EXHIBIT G

- State scenic waterways and permitting system - persons dying without wills prompt DSL to search out heirs - DSL trying to divest itself of unrelated responsibilities - estuary research areas - public will be able to access more DSL data - DSL increasing contact in the field - increased public accountability including written records and decision findings - Legislative proposal package - repeal of law prohibiting land plot size

267 SEN COHEN: Voices concern that, like other states, Oregon will sell off its public lands.

274 MEETING RECESSES

MEETING RECONVENES AT 9:40

STATE FIRE MARSHAL AGENCY OVERVIEW

335 MIKE RODIA, State Fire Marshal, gives agency overview and presents EXHIBIT H.

TAPE 15 SIDE B

005 RODIA: - continues overview of EXHIBIT H

- overview of the Card lock Fuel Dispenser program (non-retail only) revenue overestimated with card lock system (60,000 down to 40,000) fees down due to removal of 20,000 non-commercial customers 105 NANCY CAMPBELL, Special Projects Coordinator, State Fire Marshall, presents overview of EXHIBIT I.

- conflagration response overview

180 SEN KINTIGH HAS A BIRTHDAY TODAY!!!!!!!

CHAIR CEASE ADJOURNS MEETING AT 10:00AM \ . Senate Agriculture & Natural Resources January 29, 1993 Page 7

EXHIBIT LOG: A - Testimony on SB 5 - Gary GUSTAFSON - 2 pages B - Amendments to SB 1 17 - Chris Warner - 10 pages C - Testimony on SB 6 - Gary GUSTAFSON - 3 pages D - Testimony on SB 6 - ODA - 5 pages E - Testimony on SB 6 - Gary GUSTAFSON - 2 pages F - Testimony on SB 6 - Ron Phillips -1 pages G - DSL Agency Overview - Gary GUSTAFSON - 56 pages H - OSFM Agency Overview - OSFM Nancy Campbell - 42 pages I - OSFM Agency Overview- Nancy Campbell - 6 pages

Submitted by: Reviewed by,:

Kus Soumie Peter Green AssistantAdministrator