

SENATE COMMITTEE ON-AGRICULTURE AND NATURAL RESOURCES

DATE: February 19, 1993 TAPES: 40 - 43 PLACE: Hearing Room C TIME:
8:00 AM

MEMBERS PRESENT: Senator Ron Cease, Chair Senator Jim Bunn,
Vice-Chair 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 HEARD: SB 86 PUB SB 187 PUB SB 192 PUB SB 452 PUB

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 40 SIDE A 005 CHAIR CEASE CALLS MEETING TO ORDER 8:00 AM PUBLIC
HEARING ON SB 192

WITNESSES: Gary Gustafson Gail McEwen Ann Hanus Larry Hill Steve
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031 GARY GUSTAFSON, Division of State Lands, offers testimony on SB
192, and presents overview of EXHIBIT B.

- DSL generally supports SB 192 - gravel removal in small amounts
detrimental to fish spawning habitats and is not covered in statute -
difficult to define problems - tracking illegal gravel removal is
difficult - follow ups on citizen complaints often find removal was
legal (or not subject to DSL jurisdiction)

090 SEN KINTIGH: Where is gravel removal most common?

092 GUSTAFSON: - gravel removal occurs everywhere in Oregon

- who is subject to DSL authority - ODOFW/DSL work well together
protecting fisheries and spawning grounds - Section 4.2 provisions may
have conflict problems

139 CHAIR CEASE: What are the funding needs for these studies?

152 GUSTAFSON: ODOFW has information, estimates on funding and
information on gravel removal from streams as part of an ongoing ODOFW
study.

- provisions for fisheries in SB 192

179 GAIL McEWEN, Oregon Department of Fish and Wildlife, offers
testimony and proposed amendments to SB 192, and presents overview of
EXHIBIT C, and overview of proposed monitoring program.

290 GUSTAFSON: Private property issues addressed

- generally, property owners feel they own gravel on their property -
DSL has no jurisdiction over non-navigable waterways at present

314 ANN HANUS, Assistant State Forester, ODOF, offers testimony on SB
291 and overview of study on Geomorphology.

- detail of study mandated by SB 1125 (1991) - study to be completed by 1995 for report to the Legislature - preliminary report to be issued in Summer 1993

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362 LARRY HILL, Oregon Guides and Packers Assn., gives testimony on SB 192 and SB 452 and introduces Steve Beylerlin.

366 STEVE BEYERLIN, Curry Guide Association and Local Fisherman, offers testimony on SB 192 and SB 452, and presents overview of EXHIBITS D & E.

TAPE 41 SIDE A

005 BEYERLIN: - continues testimony on SB 192 and SB 452 and overview of EXHIBITS D & E. - problems cannot be solved without legislative help - many have responded to the endangered species petition (Illinois River) 051 HILL: - gravel impacting streams and riparian zones - Oregon is not up to the task of solving the effect gravel removal has on the states streams 080 BEYERLIN: It is difficult to monitor activities on small streams and rivers. - potential investigators are threatened - deadline for listing the Illinois Steelhead Salmon is eminent - if enacted, endangered status would stop all fishing in the Rogue River below the mouth of the Illinois River (30 miles upriver from the Pacific Ocean) and possibly ocean harvesting - all road building and timber harvest would stop in the Illinois drainage - Rogue River tour boat industry would stop - tourism dependent Southern Oregon would be devastated by Salmon listing

PUBLIC HEARING ON SB 452

WITNESSES: Richard Angstrom Senator Joyce Cohen

212 RICHARD ANGSTROM, Managing Director Oregon Concrete and Aggregate

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Producers Association, Inc, offers testimony on SB 192 and SB 452, and presents overview of EXHIBIT F.

- OCAPA will oppose SB 452 - overview of proposed amendments to SB 192 - Oregon has few concentrations of high quality aggregate r4 318 SEN BUNN: To what extent are aggregate producers using the Illinois and Nehalem rivers?

330 ANGSTROM: I am not familiar with all those who do. There is one I know of on the Nehalem River. On the Illinois there is one commercial operation. We get some gravel in upland resources at the mouth of the Illinois River.

340 SEN BUNN: What would happen if SB 452 was applied to portions of

the Illinois and Nehalem rivers?

357 ANGSTROM: I am more concerned with other rivers being put into statute

- 2 types of aggregate removal activities and companies - regulations mandated for aggregate industry - aggregate industry's conflicts with ODOFW are minimal

402 SEN JOYCE COHEN, Senate District 13, offers testimony on SB 192 and SB 452, and presents overview of EXHIBIT A (proposed amendments to SB 192)

TAPE 40 SIDE B

005 SEN COHEN: - continues testimony on SB 452 and overview of EXHIBITS A F and G

- SB 452 is not intended for those in compliance with legitimate permits - appropriate oversight needed - permit requirements need clarification - how much enforcement will ODOFW monitor - much time spent by the committee on riparian zone management - gravel removal and subsequent downstream spawning bed silting continues - class 1 and 2 streams should not be allowed gravel permits

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091 SEN BUNN: Are you saying that no aggregate should be taken without a permit?

102 SEN COHEN: A farmer who wants gravel from his stream could go to DSL or Fish and Wildlife for approval first.

108 CHAIR CEASE: It would be my intent to have Sen Cohen work with interested parties to see what they can come up with to make this bill acceptable.

151 SEN BUNN: - comment on the possibility of a Sunset program

PUBLIC HEARING ON SB 187

WITNESSES: Mike Grainey

200 MIKE GRAINEY, Assistant Director, ODOE (Oregon Department of Energy), offers testimony in support of SB 187, and presents overview of EXHIBIT H.

- Oregon gas guzzler fee to supplement the Federal Act would give stronger signals to buy more efficient cars - possible interrelationship with Federal laws and Federal preemption - Federal Act preempts states from passing laws relating to energy efficiency "standards" - National Highway Traffic Safety Administration argues that any bill relating to energy efficiency, is creating energy efficiency standards - Maryland's

energy efficiency bill is broader in scope than SB 187 - light trucks should be added and farm vehicles exempted

303 GRAINEY: - offers overview of suggested amendments

PUBLIC HEARING ON SB 186

WITNESSES: Fred Hansen Doug Morrison Jim Whitty

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360 FRED HANSEN, DEQ, offers testimony on SB 86, and presents overview of EXHIBIT J

380 SEN BUNN: Are you saying we won't stop increases by voting against this bill, because either the Oregon DEQ or the Federal government will do it?

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005 HANSEN: In this legislation, that is exactly the case.

- if EPA went to fee higher than DEQ, voting for this will keep the fee lower

010 SEN SMITH: I have heard for years "if we don't do it, then the 'Feds' will. So we have examples in other states where that is the case. DEQ is the only contact for EQC policies and is creating impediments to citizen relations to government. Maybe EQC should be given a chance.

021 HANSEN: We at DEQ have also thought internally, it might be better to give this back to the EPA.

- DEQ feels it is better to solve problems person to person through science and technology (rather than following rules and regulations). - EPA's enforcement approach has lesser level of presence - EPA's attitude toward enforcement is harsh - DEQ staff as effective regulator explaining regulations to citizens - DEQ provides greater levels of timely, technical assistance - small particulate pollution needs to be addressed - southern Oregon has one of the worst small particulate problems in the US - Title 1 and 5 amendments - Title 3 provides list of polluting substances

228 HANSEN: - consequences of reliance on existing legislation

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005 HANSEN: - continues overview of EXHIBIT J

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030 DOUG MORRISON, North West Pulp and Paper, offers testimony on SB 86.

108 HANSEN: - continues overview of EXHIBIT J - sources with a potential to emit (minor sources) - legally enforceable permit needed - current ORS non-compliance advance notice is against Federal law 150
HANSEN: - questions from Sen Cohen - continues overview of EXHIBIT J - Title 5 agreements - Title 5 EPA implementation - permit filing and funding - current Oregon fee reductions and late fees - SB 86 summary statement

248 SEN SMITH: I hope that there is some latitude on criminal aspects of this bill. 'Mom and Pop' should not go to jail over these issues. If this is too draconian, I will vote against this just as a public statement.

269 HANSEN: This law is meant for blatant and/or repeat offenders

292 JIM WHITTY, Associated Oregon Industries, offers testimony on SB 86, and presents overview of EXHIBIT K.

- many legal/technical issues have been resolved - elimination of 5 day notice - legal analysis questioned by AOI staff - problems arise over level of governance - Ways and Means process sought for SB 86 TAPE 43 SIDE A 005 WHITTY: - continues testimony on SB 86 010 HANSEN: - Ways and Means Committee discussion scheduled for April 1993 - we expect agency and industry to remain firm with no argument changes

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141 CHAIR CEASE: We will ask for a separate bill to solve these problems.

162 SEN COHEN: You need to consult with some of the criminal lawyers to see how these laws would be implemented in Oregon. We don't want a lot of stand alone sentencing. Do not get too specific with sentencing guidelines.

184 WHITTY: We are in fact doing just that now.

231 CHAIR CEASE ADJOURNS MEETING AT 10:50 AM

EXHIBIT LOG:

A - Informational Packet - Committee Staff - 9 pages B - Testimony on SB 192 - Gustafson - 2 pages C - Testimony on SB 192 - McEwen - 2 pages D - Testimony on SB 192 - Beyerlin - 17 pages E - Testimony on SB 192 - Beyerlin - 2 pages F - Testimony on SB 192/452 - Power - 2 pages G - Testimony on SB 192/452 - Grainey - 1 page H - Testimony on SB 452 - Sen Cohen - 5 pages I - Testimony on SB 66 (1991) - Sen Cohen - 1

pages J - Testimony on SB 86 - Hansen - 23 pages K - Testimony on SB 86
- Whitty - 4 pages L - Testimony on SB 187 - Wanda Wahus - 1 page

Submitted by: Reviewed by: Kus Soumie Peter
Green Assistant Administrator - These minutes contain
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