

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: February 26, 1993 TAPES: 51 - 54 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 GUEST MEMBERS: Senator
Bill Dwyer Representative Chuck Norris STAFF PRESENT: Peter Green,
Administrator Chris Warner, Research Associate Kus Soumie, Committee
Assistant MEASURES HEARD: SB 400 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 51 SIDE A 005 CHAIR CEASE CALLS MEETING TO ORDER 8:10 AM PUBLIC
HEARING ON SB 400

WITNESSES: Sen Dick Springer Sen Bill Dwyer Rep Chuck Norris Jim
Myron Phil Ward Heidi Anderson Gene Silovsky Dave Nelson John Lillicrop
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Lynn Lundquist Dan Shively Kathi Myron Thomas Bedell Larry Trosi Doug
Breese

018 SEN DICK SPRINGER, Senate District 6, offers testimony
on SB 400, and presents overview of purpose and intent of the bill
and its bearing on the Federal Government's Land Use policy.

- if acted on at the state level, Federal Court can be avoided - Federal
Courts threaten to mandate state's policies - HB 2215 and SB 400 work
groups need to coordinate - SB 400 is a moderate effort at solving this
ongoing problem - '92 interim committee field trip to Eastern Oregon -
cattlemen doing the right thing should not be at a competitive
disadvantage

110 SEN BUNN: You say this is a moderate approach, do you feel that
section 22 dealing with water rights is moderate? In section 11, what
would some of the mentioned disincentives be?

117 SEN SPRINGER: Yes. Compared to some who will be giving testimony
today. Regarding section 11, willfully interfering with a fish screen
or diversion device, would cause the party to be subject to revocation
of water rights.

141 SEN BILL DWYER, Senate District 21, offers testimony on SB 400,
and presents overview of his experience with issues dealing with Land
use. - grazing practices differ from agency to agency - good ol' boy
network attached to the leasing of grazing land - SB 400 is an extension
of Oregon's public land practices relating to the private sector -
semantics used in SB 400 cause fear - distrust stifles restructuring of
Land Use policies in Oregon - private citizens and those not represented
by lobby groups needed in the process also - water has real impact on
future investments in Oregon - minimizing friction between Oregon and
the Federal Government important

260 REP DWYER: I would suggest you express those concerns in work
group. Senate Agriculture and Natural Resources February 26, 1993 Page 3

297 REP CHUCK NORRIS, Rep District 57, offers testimony on SB
400, and overviews his position on the bill. - efforts directed
toward water issues need coordination - commonality exists between SB
400 and HB 2215 381 SEN COHEN: Do you think we should stick with the
Governor's Watershed Enhancement Board? 390 REP NORRIS: The Water Shed
Enhancement Board has a state level mission, with no real supervisory
activities. The local watershed council mentioned in this testimony is
the heart of HB 2215 and SB 400. This is where the focus needs to be.

TAPE 52 SIDE A

006 JIM MYRON, Oregon Trout, Water Watch of Oregon, offers testimony on
SB 400 , and presents overview of EXHIBIT B.

- overview of native fish stock reductions - Section by section overview
of SB 400 fish as well as other endangered species more important than
cattle - correction needed in CAFO (confined animal feeding operation)
statutes - all states east of the Cascades exempted from CAFO regulation

093 SEN KINTIGH: How does the off channel watering in Section 18, fit
into the priority of cattle versus endangered species? Would the user be
guaranteed immunity from the preference clause if they had the off
stream storage?

095 MYRON: The preference clause comes into play during drought, when
water supplies are limited. The preference clause would take precedent
over the existing allocation process. Section 18 would provide water
right for that purpose with a priority date being that of the date of
application.

If the person had a water right, it is my understanding, that preference
clause does not effect existing water rights.

108 MYRON: - continues testimony on SB 400, and overview of EXHIBIT B.

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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. _ Senate Agriculture and Natural
Resources February '6, 1993 Page 4

121 CHAIR CEASE: For the recdrd, as we proceed in this area, it would
be my intent to get a good sense of the role Federal Agencies play and
their relationship with those of the state. I would hope to gain from
that an understanding of the relationship of this bill and the bill on
the house side.

135 PHIL WARD, ODOA (Oregon Department of Agriculture), offers
testimony at the request of the committee on Rangeland Health Issues,
and presents overview of EXHIBIT C.

- original document was at the request of Sen Springer during the 1992
interim - this document (EXHIBIT C) is a compilation from Federal
Natural Resource Agency statistics on rangeland condition in Oregon -
this is not an independent ODOA document - this is ODOA's attempt to
draw together Federal Agency statistics and DSL

194 PETER GREEN, Committee Administrator, offers testimony on SB 400,
and presents overview of the history of the bill.

- answers questions from committee members

221 WARD: - continues testimony on SB 400, and overview of EXHIBIT C.

- overview of range condition classification for siting purposes
classification may be somewhat unfair to private citizens

324 WARD: - continues testimony on SB 400, and overview of EXHIBIT C.

TAPE 51 SIDE B

005 WARD: - continues testimony on SB 400

018 HEIDI ANDERSON, The Wildlife Society, offers testimony on SB 400,
and presents overview of EXHIBIT D.

036 GENE SILOVSKY, The Wildlife Society, offers testimony on SB 400,
and presents overview of EXHIBIT D.

- overview of main concepts - success stories recognized

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- models are available for cooperative efforts

096 SEN SMITH: I am trying to understand how large this problem is, and
what part of the problem grazing is. I would like to hear some success
stories. These problems have evolved over a long period of time.

109 SILOVSKY: Riparian areas evolved along with ancient herbivores.
Cattle sheep and others in concentrated numbers are new and the systems
in eastern Oregon did not have thundering herds of Buffalo that evolved
in the plains system. Reduction of cattle or big game alone will not
solve this problem in wetland and riparian areas. We could cut them in
half and still have serious problems.

- management styles and systems need to change

134 SEN COHEN: Could you name 3 things in management style needing
change?

1 39 SILOVSKY: - stringing barbed wire - creating fish pastures along
riparian zones to stabilize river and stream banks - large scale
pastures should be divided logically to allow movement of animals -
large wildfires provide base for pasturing

173 SEN SHOEMAKER: Will we have witnesses to the severity of the
problem, and demonstrate the need to instigate a regulatory system.

183 CHAIR CEASE: Yes. Local response is at the center of all
opposition.

- understanding of real options is important

199 SEN SMITH: I would like to have a sense of what the Federal

Government will be doing on this issue.

219 DAVE NELSON, Oregon Cattleman's Association, offers testimony in opposition to SB 400, and presents overview of problems the association perceives in the bill.

- how do we best focus on management practices - suggests participatory program - Oregon Dairy Association program overview

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265 DON MOISAN, Oregon Dairy Farmers Association, offers testimony on SB 400 .

284 SEN SPRINGER: I feel that you are in area in error and you did have a chance to participate in this process.

301 MOISAN: - itemizes areas of concern within the bill) - page 9 section 20 paragraph 4, regarding confined animal feeding operation, I do not think CAFO (confined animal feeding operation) implications should not be included in the bill - section 21 paragraph B, defines threshold densities for exclusion of cattle from riparian areas - cattle industry would like to see all operators be good stewards of land - we will not protect those who not complying with rules - we ask that SB 400 tabled or not passed

358 NELSON: - continues testimony on SB 400, and overview of concerns with the bill as it relates to the cattle industry.

- "wet meadow" needs definition - page 9 section 20 amendment concerns revisited - "riparian area" needs a clearer definition - we would like to work with staff on our technical concerns

TAPE 52 SIDE B

006 JOHN LILLICROP, Chair Legislative Committee, Oregon Cattleman's Association, District Vice President, Executive Committee, Cattleman's Association, offers testimony on SB 400, and presents overview of EXHIBIT E.

116 SEN COHEN: Let's just focus on water sheds for the moment. Aggregate concerns, forestry, and others have been asked to work on improving the water situation Oregon finds itself in. We all have a interest in riparian zones, and all industries interested in water issues need to divide responsibility.

153 LYNN LUNDQUIST, Oregon Cattlemen's Association, offers testimony on SB 400 , and presents overview of EXHIBIT F.

- Cattlemen's Association admits to problems due to grazing on public lands - 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. Senate Agriculture and Natural Resources February 26, 1993 Page 7

- there are some common goals on this issue - environmental and resource communities need to work together - process for change within the cattle industry must be voluntary - OCA does not represent all cattle operators in Oregon

240 CHAIR CEASE: What is the difference in those who are and are not represented by you?

247 LINDQUIST: Much serious abuse is done by small cattle operations.

- OCA is willing to take responsibility for the industry in Oregon - we will hold seminars throughout Oregon - all interest groups will be involved including the DEQ - funding is a real issue

316 CHAIR CEASE: You indicated there is alot of maneuverability in reference to interim committee. Do you need continued state pressure for this program to be successful?

335 LINDQUIST: I say no. We got the message. There is a change in attitude in the ranching community. Pressure is a catalyst for change, and there is a new generation of younger ranchers who may be more open to new ideas than older more established ranchers. .

347 SEN SMITH: I heard you say there is a willingness on the part of the cattlemen to be part a of the solution. In terms of an overall watershed plan you would be willing to participate. I understand why this bill is offensive to you in that it singles your organization out and punches you in the nose.

365 LINDQUIST: I hope that the cattleman would be one of the catalysts for that process to function, because we are a step ahead already.

- Federal Government may not come down so hard if we take care of our resources

390 SEN SMITH: You are worried about Oregon Cattleman being at a competitive disadvantage if this were enacted only on a statewide basis?

393 LUNDQUIST: There can be a positive economic effect. The mind set and the economics need to be right.

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005 LUNDQUIST: - continues testimony on SB 400, and overview of EXHIBIT F.

- OCA asks to take leadership role in this Land Use issue - Having all players in the group is best way to control the bad apples

018 SEN SPRINGER: Reads quotes from Jack Southworth, Grant County Cattle Rancher, and President, E.R. Jackman Foundation Board (oversees fund raising for Oregon State University), from Statesman Journal.

- How many in your organization agree with Mr. Southworth's views?

038 LUNDQUIST: I would say that 50 percent of them sincerely believe that way. There is a fringe that will likely head in that direction, and there are some that don't. You will be surprised how much the industry is changing.

040 DAN SHIVELY, Oregon Chapter of the American Fisheries Society, offers testimony on SB 400, and presents overview of EXHIBIT G.

- American Fisheries Society is not an environmental group - overview of the society's goals and objectives - 214 fish stocks at risk or endangered (not including hatchery stocks) - 112 endangered species occur in Oregon (more than half of those at risk) - categories of endangerment overviewed - 29 percent of Oregon's stocks are thought to be extinct at this time

168 SEN BUNN: Is most of your concern with species in western Oregon.

173 SHIVELY: No, that is not the case at all.

- continues testimony on SB 400, and overview of EXHIBIT F.

- lists sources of information for this testimony - gives examples of needs for healthy stream habitat - delay is not an option at this point - many species will be listed in the next few years - many species in Eastern Oregon will be listed as endangered

270 SEN BUNN: Is it not true that most of the problems are with the coastal areas

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rather than eastern Oregon?

281 SHIVELY: We need to think of all fish as important, including non-commercial species, not only Salmon and Steelhead stock. Many stocks are from the John Day and Umatilla river drainage areas.

295 SEN BUNN: Many things cause this problem, not only the cattle industry.

305 SHIVELY: We do advocate a more holistic approach to this problem.

330 CHAIR CEASE: I think there is a danger in saying that the problem is so multidimensional that we can't do anything about it.

346 SHIVELY: We highly commend Sen Springer for his efforts in formation of the work group and legislation a bill for an act on this problem.

- overview of SB 400 and sections needing amendment

TAPE 54 SIDE A

005 SHIVELY: - continues testimony on SB 400, and overview of EXHIBIT F.

- OCA says they will be working on this however there have been ample opportunities not used

063 KATHI MYRON, Rest the West and Oregon Wildlife Federation, offers testimony on SB 400, and presents overview of EXHIBIT H.

109 SEN SMITH: I think portions of your testimony is a horrible overstatement. I would like to see some documentation.

124 MYRON: I would be happy to give you documentation.

128 SEN KINTIGH: Are you saying that we are following those same types of destructive agricultural practices followed in Africa, South America and India?

130 MYRON: It would appear that we are following in the footsteps of previous civilizations.

. 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. Senate Agriculture and Natural Resources February 26, 1993 Page 10 - continues testimony on SB 400, and overview of EXHIBIT H. - poor livestock management practices cited - lists species of fish endangered due to habitat degradation associated species

230 MYRON: - continues testimony on SB 400, and overview of EXHIBIT H.

- summarizes remainder of written testimony for committee

- SB 400 is seen as a beginning - mandates needed as voluntary response are not adequate and not forthcoming

300 THOMAS E. BEDELL, Representing Self, offers testimony on SB 400, and presents overview of EXHIBIT 1.

- lists positive aspects of the bill - there is not good information on rangeland conditions Oregon - section by section review of problems with SB 400 TAPE 53 SIDE B .

005 BEDELL: - continues testimony on SB 400, and overview of EXHIBIT 1.

- lack of funding addressed - continues testimony on SB 400, and overview of EXHIBIT I - diversion of small amounts of water could be a partial solution incentives are needed to generate positive models - overview of Section 22 of SB 400

086 LARRY TROSI, Oregon Farm Bureau, offers testimony on SB 400, and presents overview of EXHIBIT J.

DOUG BREESE, Oregon Farm Bureau, offers testimony on SB 400, and presents overview of EXHIBIT K.

CHAIR CEASE ADJOURNS MEETING AT 11:00 AM

EXHIBIT LOG:

These minutes contain materialr. which paraphrase and/or summarize statemonts made during this session. Only text enclosed in quotation marks report a speaker's exacl words. For conaplete contents of the proceedings, please refer to the tapes. Senate Agriculture and Natural Resources February ~6, 1993 Page 11 A - Committee Information Packet - Staff - 15 pages B - Testimony on SB 400 - Myron - 4 pages C - Testimony on SB 400 - Ward - 3 pages D - Testimony on SB 400 - Anderson/Saloski - 1 pages E - Testimony on SB 400 - Lillicrop - 1 pages F - Testimony on SB 400 - Lundquist - 8 pages G - Testimony on SB 400 - Shively - 8 pages G(al Testimony on SB 400 - Shively - 8 pages H - Testimony on SB 400 - Myron - 4 pages I - Testimony on SB 400 - Dow - 2 pages J - Testimony on SB 400 - Breese - 2 pages K - Testimony on SB 400 - Schulz - 1 pages

Submitted by: Reviewed by: Kus Soumie
Assistant Administrator

Peter Green

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