

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: March 5, 1993 TAPES: 62 - 65 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 191 PPW SB 544 PPW SB 400 PUB LC
INTRODUCTION: LC 3324

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 62 SIDE A 405 CHAIR CEASE CALLS MEETING TO ORDER 8:00 AM PUBLIC
HEARING ON SB 400

WITNESSES: Parker Johnstone, Oregon Assoc. of Conservation Districts
Bob Johns, Oregon Wheat Growers League Larry Tuttle, Wilderness Society
Jack Rarey, Oregon Hunters Association Hugh Garret, BLM Jill Zarnowitz,
ODFW Louis Bilheimer, Pacific Rivers Council Polly Owen, Oregon
Cattlemen's Association Jeff and Runinda Mc Cormack, Oregon Cattlemen's
Association Lynn Lindquist, Oregon Cattlemen's Association Louie Pitt
Jr., Warm Springs Federated Tribes Senate Agriculture and Natural
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Chief Nelson, Wasco Tribes Gary Gustafson, Division of State Lands
Olivia Clark, DEQ Andy Schaedel, DEQ Dave Franzen, Soil Conservation
Service Liz Frenkel, Sierra Club of Oregon Beverly Hayes, Water Resource
Department Nassim Rocca, Partnership Earth

405 PETER GREEN, Committee administrator, offers testimony on SB 400,
and presents overview of EXHIBIT A.

TAPE 63 SIDE A

005 GREEN: - continues testimony on SB 400, and overview of EXHIBIT A.
- overview and makeup of the 11 member Grazing Policy Sub-Committee

040 PARKER JOHNSTONE, Oregon Cattle Rancher, Vice President, Oregon
Association of Conservation Districts, offers testimony on SB 400, and
presents overview of EXHIBIT B. - gives information on the possible role
of the Soil and Conservation Districts may play on passage of SB 400.

083 SEN SHOEMAKER: Would you have the SWCDs do the entire task
contemplated by SB 400, and do you see other players? Could you describe
your vision of how this would work. Do you approve of the bill as it is?

087 JOHNSTONE: We do work with the people on the land, and see
ourselves as prime players. We are a prime player on the local council.
Since we have a district in every county in the state, we are on the
land and we do work with the people on the land, we would know best how
to ferret out the necessary information for the SWMG (strategic water
management group) policy. I would like to see the bill changed to have
the soil and water conservation district become more important in the
planning and implementation and monitoring of this process at the local
levels. - In Deschutes county we were able to save 603 acre feet of
water through better conservation methods at a value of \$2 million -
overview of list of projects done this past year (1992) at the local

level

111 SEN SMITH: As a cattle rancher are you in favor of this bill and do you think there is merit in this bill and it should be implemented on a basis you are

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suggesting? Do you feel the approach you are taking reduces the bureaucracy that could be created?

117 JOHNSTONE: Yes, we all need to be responsible for our actions. If we are not responsible for our actions on the ground we will put ourselves out of business. The land must be used without raping it, and we'll not be able to graze that land. - there are bad actors in Oregon making this legislation important strong educational clause makes SB 400 very important - this approach does cut down on bureaucracy and cost

133 SEN KINTIGH: Would giving the districts more funds be an alternative to SB 400?

142 JOHNSTONE: Yes it would. It is difficult to implement necessary programs at our current budget. We do apply for additional funding through grants. - would like to see the planning process more streamlined - monies should go to the producer where it belongs

159 SEN SHOEMAKER: Do you know in your district who the bad apples are and what you are going to do about it, and is this true throughout the state?

164 JOHNSTONE: Yes, we know personally who the bad actors are. We just state the problems to those we know are causing them.

199 BOB JOHNS, President Oregon Wheat Growers League, offers testimony in opposition to SB 400.

259 LARRY TUTTLE, The Wilderness Society, offers testimony in opposition to SB 400, and presents overview of EXHIBIT C. - outline of proposed objectives for SB 400 - 95 percent of riparian zones in the west in fair to poor condition - SB 400 is an overly elaborate solution to a straight forward problem - amendments requested to condense the process developed in current draft - selection of priority watersheds necessary - enforceable measurement of damage needed - performance should be based on water quality standards - disincentives and incentives could be used to insure water quality standards substitution of a real selection process for priority watersheds and use a water quality standard as the underwriting of the change in the grazing practices in public and private ownerships in Oregon.

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- the selection process could be through multiple public agency which

would do away with direct financial interest in the watersheds to be evaluated - SB 400 does not address what happens after the priority watersheds are selected - the main objective should be the quality and quantity of the water

TAPE 62 SIDE B

005 TUTTLE: - continues testimony on SB 400, and overview of EXHIBIT C.
014 JACK RAREY, Oregon Hunters Association, offers testimony in favor of SB 400, and presents overview of EXHIBIT D. - exhibit contains observations and conversations with BLM and Forest Service personnel, and members of the eastern Oregon communities over 11 years
039 CHAIR CEASE: Is it your judgement that there is a real problem out there. the committee is trying to get an assessment of the nature of the problem in order to decide what to do about it.
047 RAREY: The only answer is better rotation or removal of livestock. The wind blows the soil and soil compaction damage is severe. The ranchers can not take care of these problem themselves.
080 JILL ZARNOWITZ, ODFW (Oregon Department of Fish and Wildlife), offers testimony on SB 400, and presents overview of EXHIBIT E. - direct impacts of overgrazing to fish habitat - fish species impacted by overgrazing - cumulative impacts of overgrazing both natural and human

145 CHAIR CEASE: What might be some of the pieces or approaches to a recovery plan?

153 ZARNOWITZ:- Federal agencies have not yet formulated their approaches. - holistic plan is being formulated by the Federated Tribes of Grande Ronde
203 HUGH BARRET, Riparian Coordinator, BLM (Bureau of Land Management) Oregon State Office, Portland, offers testimony on SB 400, and presents overview of EXHIBIT F, BLM lands and condition of those lands. - answers series of questions to illustrate background on public lands grazing issues - agreement with BLM and owners who graze cattle on BLM land

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- BLM's intent with regard to passage of the bill - overview of BLM's grazing regulations and anticipated changes in the subleasing and the probable increase in grazing fees - possible drastic changes resulting from the Endangered Species Act

270 LOUIS BILHEIMER, Administrative Director and State Conservation Coordinator, Pacific Rivers Council, offers testimony in support of SB 400, and presents overview of EXHIBIT G. - supports creation of Grazing Sub-committee - recommendation for Sub-committee make up asking for recreational interests - support change in existing preference clause (giving preference to threatened and endangered species) - questions with section 9 on watershed councils - all issues are interrelated and councils should reflect that

344 POLLY OWEN, Oregon Cattleman's Association, testimony on SB 400, and presents overview of EXHIBIT H.

TAPE 63 SIDE B

005 OWEN: - continues testimony on SB 400, and overview of EXHIBIT H.

032 JEFF McCORMACK, Oregon Cattleman's Association, offers testimony on SB 400 , and describes their operations on their cattle ranch.

065 RUNINDA McCORMACK, Oregon Cattleman's Association, offers testimony on SB 400. - we realize there are some producers will realize the advantages to good stewardship of the land

075 SEN SMITH: Have you taken these steps because you see that there is a problem? Are you at a competitive disadvantage because you are following good stewardship rules. How will you reach the bad apples who are not using good stewardship?

085 J McCORMACK: We feel competent to go to the source and tell the producers what is happening and get them involved.

095 SEN SHOEMAKER: After looking at ORS I tend to think maybe we are reinventing the wheel with this legislation.

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1 19 SEN KINTIGH: Would yo say that by showing your place to others you could demonstrate the long term profitability to other ranchers?

125 J McCORMACK: Yes.

SB 27 VOTED BACK INTO SEN AG AND NATURAL RESOURCES COMMITTEE

MOTION: Chair Cease ask for unanimous consent for the return of SB 27 to the committee (problem with relating clause)

VOTE: Hearing no objection MOTION PASSES ACTION: SB 27 comes back to Senate Agriculture and Natural Resources Committee for further work.

PUBLIC HEARING ON SB 400

150 LYNN LINDQUIST, OCA (Oregon Cattleman's Association), offers testimony on SB 400, and presents overview of the association's position on proposed legislation. - I don't believe SB 400 will leave the committee in its present form - Cattlemen's Association believe there is a solution outside of the political process - request that this bill not pass out of committee education program will be enhanced internally

225 SEN SPRINGER: What is a viable herd as opposed to a non-commercial operation? - how many producers are there in Oregon who have a herd of that size or larger? - how are you going to reach the small operators under your plan or peer group incentives?

256 LINDQUIST: A viable herd is anywhere from 200 up. - I don't know how many operators of that size are in Oregon and will get that information to you. - we are finding that the smaller operators want to be identified and are easy to bring into the association

270 SEN SPRINGER: I have met with Soil and Water Conservation district personnel in Multnomah County, who deal with stream and habitat protection on Sauvie . 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 March 6, 1993 Page 7

Island. These programs are totally underfunded. It is my understanding that the same problem exists statewide.

292 LINDQUIST: We think that the Cattleman's Association is more efficient.

305 SEN SPRINGER: - 25 years ago the forest industry told us that they would take care of their problems and they didn't - could the cattle industry learn to live with some regulatory legislation?

330 LINDQUIST: The Cattle industry is a different cat than the forest and Agricultural industry.

249 SEN SHOEMAKER: If there are some members of the industry who will resist education for some reason or another, there must be some enforcement mechanism. Would your organization agree to some enforcement and sanctioning power to the SWCDs (Soil and Water Conservation District)?

371 LINDQUIST: We are talking about industry regulations, at some point this might become necessary to regulate the bad apples. - the fastest way is to go with those who are willing to work - problem is how to attract bad apples into this process

TAPE 64 SIDE A

006 LOUIE PITT JR., Director of Planning and Government Affairs, Warm Springs Confederated Tribes, offers testimony on SB 400. - refers to treaty of Off Reservation Treaty Rights reserved by a treaty with the tribes of Middle Oregon dated June 25th, 1855 and the rights therein - based on this treaty, Middle Oregon Tribes have a legally protected interest in Salmon and Steelhead runs of the Columbia River and especially the runs originating in the Deschutes, John Day, Sandy and Willamette rivers - the tribes are generally supportive of all legislation favorable to land and specifically riparian zones on Tribal Lands - request that comments remain open in order to submit further suggestions to the committee

077 SEN SPRINGER: What is happening on the Warm Springs Reservation relating ~ to habitat?

085 PITT: We have had for 12 years, our own management for protection of riparian zones.

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- watershed approaches (CIA method) integrated resource plan -
biologically balanced approach to land and riparian zone management -

working with groups in Washington DC - grass roots level work is essential for what the tribes do - fisheries work is just beginning and we are willing to work with any and all to solve our mutual interest problems.

157 CHIEF NELSON, Wasco Tribes, offers testimony on SB 400, and overview of tribal culture related to grazing and riparian zones. - many cultural foods and herbs/medicines need to be preserved - religiously our foremost concern is for habitat of the fisheries - we have had a difficult time with the need for a common definition of 'Habitat' - to native Americans fish habitat is not just water

182 GARY GUSTAFSON, Director, DSL (Division of State Lands), offers testimony on SB 400, and presents overview of EXHIBIT I. - DSL manages 620,000 acres of state grazing land - overview of how the bill would affect DSL - Section 23 & 24 dealing with provisions for policies that DSL "ought to adopt"

224 CHAIR CEASE: Where did the state get the land managed by the BLM?

227 GUSTAFSON: The state was awarded the land from the Federal as an incident of Statehood.

234 SEN SPRINGER: Have the producers who participated in the process arriving at SB 400 have signed off on this process?

241 GUSTAFSON: Not all are satisfied, however we are looking forward to working with the adoption of policy as rules.

248 SEN SPRINGER: During the dry season on public lands proposed to be closed for 12 months, would there be any complimentary activity for these lands when not used for grazing?

257 GUSTAFSON: Yes, all BLM lands are available for public use. - overview of policy towards lessees and public users of the land

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275 OLIVIA CLARK, DEQ (Department of Environmental Quality), offers testimony on SB 400.

324 ANDY SCHAEDEL, DEQ, offers testimony on SB 400. - non-point sources of water quality contamination and bacteria standards violations - development of standards for pollutants allowed in non-point sources - new directions from the Federal Government (Enforceable Management measures) - Coastal Zone management developments

TAPE 65 SIDE A

005 SCHAEDEL: - continues testimony on SB 400.

SEN SHOEMAKER: Have you identified each stream in Oregon that has a problem attributable to grazing?

014 SCHAEDEL: No, this is just a place to start. What is shown on the maps is and inventory of what the various resource agencies would have based on either their data or professional judgement. This does not cover every area of the state. - the 319 program is there to address these problems

037 DAVE FRANZEN, State Range Conservationist, Soil Conservation Service, offers testimony on SB 400, and presents overview of EXHIBIT I. - gives overview of the role the Service would play if SB 400 were implemented as now written - background information on the formation and operation of the Soil Conservation Service

070 SEN SPRINGER: How many farmers or ranchers now participate in the Food Security Act?

092 FRANZEN: Thousands. Every farmer or rancher having land identified as highly erodible is participating to receive USDA benefits, consisting of FHA loan to Commodity Credit loans (all USDA programs). - continues testimony on SB 400, and overview of EXHIBIT L. - need to recognize that the Districts operated on a mainly Volunteer basis and do a great job. - money and subsidies are at the federal level , 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 Nniurul Re,~urces March 6. 1993 Page 10

175 SEN SPRINGER: I want to think a little longer before we turn over our forests and land to the Federal Government. I don't want to see Washington DC tell Oregon how to manage our riparian zones.

PUBLIC HEARING ON SB 544 AND 191

WITNESSES: Denise McPhail, PGE Roger Hamilton, Oregon PUC

202 DENISE MCPHAIL, Portland General Electric, offers testimony on SB 544 /191, and presents overview of EXHIBIT M. 250 ROGER HAMILTON, OPUC (Oregon Public Utilities Commission), offers testimony on SB 191/544, and presents overview of EXHIBIT N. - questions from committee members to McPhail and Hamilton

PUBLIC HEARING ON SB 400

385 LIZ FRENKEL, Sierra Club of Oregon, offers testimony on SB 400, and presents overview of the Sierra Club's work on the grazing policy. - support for section 6 in the bill - concern with accountability since the DSL has no rules, only policy - leasing of state and federal lands and accountability - concern that this issues may settle into 'beleaguered Cattlemen' against all others

TAPE 64 SIDE B

005 FRENKEL: - continues testimony on SB 400, and overview of the Sierra Club position on the bill including suggested amendments. - Frenkel speaks as a private citizen and tools for progress with this issue - policy arrived at by Sierra Club overviewed - main concern is with accountability .

077 BEVERLY HAYES, Water Resources Department, offers testimony on SB 400, and overview of progress on this issue within the department. - comments and updates on negotiations on HB 2215 - SB 400 contains

