

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: April 7, 1993 TAPES: 109 -112 PLACE: Hearing Room CTIME: 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 Shirley Gold

STAFF PRESENT: Peter Green, Administrator Chris Warner, Research Associate Kus Soumie, Clerk MEASURES HEARD: SB 87 WRK SB 195 PUB SB 632 PUB SB 781 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 109 SIDE A 005 CHAIR CEASE CALLS MEETING TO ORDER 8:00 AM WORK SESSION ON SB 87 WITNESSES: Richard Ryder' DEQ Larry Hill. Oregon Gasoline Dealers

012 RICH RYDER, DEQ, Underground Storage Tank Compliance Program, offers testimony on SB 87, and overview of Federal compliance program operation (EXHIBIT A).

156 LARRY HILL, Oregon Gasoline Dealers, offers testimony in opposition to SB 87, and presents overview of EXHIBIT A. - what is the value of technical assistance offered by EPA

185 SEN KINTIGH: What percentage of the 12,000 tanks in Oregon that are Service Stations? Senate Agriculture and Natural Resources April 7, 1993 Page ~

190 HILL: 1,500 dealers, including cardlocks, co-ops and corporate and independent dealers on the waiting list for financial assistance. - some stations have 2 and some up to 6 or more gasoline storage tanks

200 RYDER: We estimate 2,000 gasoline retail locations in Oregon averaging 3 tanks per location.

PUBLIC HEARING ON SB 632

WITNESSES: Sen Joan Dukes, Senate District 1 Sen Bill Bradbury, Senate District 24 Shawn Brennen, Aid to Sen Dukes Ron Phillips, Oregon Shellfish Commission Paul Hanneman, Oregon Shellfish Commission Dr Michael Skeels. Oregon Health Division Debra Cannon, Oregon Health Division Lurna Youngs, Oregon Dept. of Fish and Wildlife Rod Ingram. Oregon Dept. of Fish and Wildlife

296 SEN JOAN DUKES, Senate District 1, offers testimony on SB 632, and overviews EXHIBIT B. proposed amendments (combination tee

TAPE 110 SIDE A

005 SEN DUKES: - continues testimony on SB 632, and overview of EXHIBIT B. - shellfish inspection program should be with ODOA - revenue situation requires transference to the Department of Agriculture - commercial fishing should be under one agency; quality of the program should not change - expenses associated in transference to DOA are in fee structure 027 SEN BILL BRADBURY,

Senate District 24, offers testimony on SB 632, and presents overview of EXHIBIT B.

088 SHAWN BRENNEN, Aid to Sen Dukes, offers testimony on SB 632, and presents overview of EXHIBIT B. - answers questions t'rom committee members on technical aspect of the bill - OSU marine extension agent helped us hreakdown the tee structure into 2 separate tiers - overview of annual tees t'or shellt'ish shucker\packer\harvester\distributor licenses SEN BUNN: l am concerned that 90 percent of the burden ot' cost is on non-commercial. - my concern is that commercial harvesters are being subsidized by the non-commercial n-commercial - to deal with possible shortfalls in revenue, would you object to a sunset of the bill on the - to deal with possible shortfalls in revenue, would you object to a sunset of the bill on the non-commercial aspects in 6 years?

163 SEN DUKES: In your request for sunset. I sense the hope that this will go back to general Senate Agriculture and Natural Resources April 7, 1993 Page 3

funding. We have no reason to hope that will happen. - intent was not to balance this on the back of commercial or recreational harvesters

190 CHAIR CEASE: There is HB 2331, which is somewhat dit'ferent than SB 632, which deals with both the fee issue and the question of which state agency should have the responsibility. I have a letter from Eric Pippert (EXHIBIT C) who objects to the hill on the basis of agency transfer and not on the t'ee. 201 SEN BUNN: The state collects about \$8,000 per year tor leases on oyster beds. Is there really a viable business or is the state continually subsidizing. We are giving the beds and saying there is no sport oyster collection at all. is the state doing too much for industry? 216SEN DUKES: It is a viahle industry in Oregon, which cannot at this time carry the weight of fees on industry. I can't speak to the dollar amounts, hut much of my district is paying low fees on DSL property. 234 RON PHILLIPS, Oregon

Shellfish Commission, otters testimony on SB 632, and presents overview of the industry's position on the bill. - overview ot shellfish industry tears - complications within industry and state regulation - overview of Section 4 (industry fees) history of fee structure 293 SEN BUNN: 1) Do you know how many pounds of commercially harvested shellfish and sport harvest there are per year in Oregon? 2) Commercial shellfish industry in Oregon is oysters. Is the sanitation program aimed at dealing with the oyster industry? 3) Is there continual monitoring, and does it matter what day of the week they are monitored? 298 PHILLIPS: 1) About 30.000 gallons or bushels ot' oysters commercially. I don't know what the commercial harvest is, but I would guess under 10,000. 2) That and the recreation industry, yes. 3) Deh Cannon ot' the Health Division will clescribe this program to you. The program follows the National Interstate Shellfish Sanitation Conference procedures (consisting of 2 manuals), there is a very caret'ully set out national procedure t'or these types of inspections. Oregon follows that. If Oregon does not follow, Oregon products are decrcrtified, and are not allowed to sell through interstate commerce. - commercial business can not exist without an inspection program - public health program is t'or the good of the public to ensure good and safe products - assessment of commercial/recreational shellfish industry - tourist business brings huge revenue benefits for Oregon - 2 1/2 percent of gross is too large a contribution for consumer protection program

005 PHILLIPS: - concludes testimony on SB 632.

This contains items which have been discussed and/or submitted by the staff during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete details see the transcript, please refer to ILLIOP (t)CC4iligS, please refer to ILLIOP I., line 1.1. Senate Agriculture and Natural Resources April 7, 1993 Page 4

010 PAUL HANNEMAN, Oregon Shellfish Commission, offers testimony on SB 632, and presents overview of taxes on the Oyster industry. 065 - discussion with Senators Bunn, Cohen and Hanneman/Phillips 079 CHAIR CEASE: Oregon must comply with Federal Standards so this interfaces with Federal programs. 118 SEN SMITH: There is a real advantage to having FDA approval and it is fair that industry bears their fair share of the cost of the health inspection program. 138 DR. MICHAEL SKEELS, Oregon Health Division, offers testimony on SB 632, and presents overview of EXHIBIT D. - overview of intent and language of proposed legislation - Human Health risk assessment is consistent with national trend - funding source needs to be found and implemented - the only thing broken about this program is the funding - protection of the program is not up to agency heads but up to the Legislature

254 DEBRA CANNON, Oregon Health Division, Shellfish Program Division, offers testimony on SB 632, and presents overview of EXHIBIT D, including overview of Health Department inspection process and coordination with DEQ Water Quality Division. - DEQ shares laboratories with Health Department - shipping of Washington oysters as an interstate product - razor clams have done \$22,000.00 per year 387 LAURNA YOUNGS, ODFW, offers testimony on SB 632, and answers questions on definition and implementation of the proposed legislation. - answers questions from Sen Bunn and Sen Cohen (I want some real numbers)

TAPE 110 SIDE B

005 YOUNGS: - continues testimony on SB 632. - SB 632 would transfer authority, personnel and equipment associated with the shellfish program to ODFW - primary problem to overcome would be paralytic shellfish poison testing 075 ROD INGRAM, ODFW, offers testimony on SB 632, and presents overview of EXHIBIT E.

- ODFW supports concept of SB 632 - testing program is critical in terms of Federal authority to ship shellfish interstate - without this program there could be closures in recreational shellfish harvesting also - difficult to monitor recreational harvesters since there has been no licensing in the past - we project 95,000 resident shellfish harvesters and 5,000 non-residents Senate Agriculture and Natural Resources April 7, 1993 Page 5

PUBLIC HEARING ON SB 781

WITNESSES: Rep Dave McTeague, House District 25 Duke Sheppard, LA to Rep McTeague Lynn Mattei, Oregon Natural Resource Council James Hamrick - State Historical Preservation Society Louie Pitt Jr.. Confederated Tribes of Warm Springs Scott Sthemke, Tribal Archeologist Michael Nixon Calvin Hecocata, Shaman

140 REP DAVE MCTEAGUE, House District 25, offers testimony on SB 781, and presents overview of the complexities of this bill. - working with sovereign Indian Nations is essential - State

government's awareness on Indian affairs need to be raised - state agencies are the main focus of this bill

215 DUKE SHEPPARD, Cultural Resource Intern for Rep McTeague, offers testimony on SB 781, and overview of lawsuits that may ensue with implementation of SB 781 237 SEN SHOEMAKER: Could this fit into the Heritage Program of the Nature Conservancy? 251 REP McTEAGUE: That program is dealing with ecosystems rather than archeological digs. 280 LYNN MATTEI, Oregon Natural Resource Council, offers testimony in favor of SB 761 , and overview of EXHIBIT F.

TAPE 111 SIDE A

005 MATTEI: - continues testimony on SB 781. and overview of EXHIBIT F. - there is no coordination or responsibility in dealing with these issues between city/county or state government or agencies - this bill helps to clarify "fuzzy" issues 020 JAMES HAMRICK, State Historic Preservation Office, Parks and Recreation Department, offers testimony in support of SB 781, and presents overview of EXHIBIT G. - currently there is no definition of the word "significant" in statute 052 SEN COHEN: Is that an appropriate definition? We would get in trouble with 2 definitions. Could we just refer to that piece of legislation? Do you agree with that definition? 060 HAMRICK: The definition in SB 61 is a good one. Section 3 should be amended to make sure it is clear information that is exempt from public disclosure relating to archeological resources in ORS 192.501 sub 12. is not made available for the public. It is illegal. Many cultural Scilatic A=li.ultuic and Natural Resources April 7, 1993 Page 6

resources are lost through illegal access of that information.

076 LOUIE PITT JR., Director of Governmental Affairs, Confederated Tribes of Warm Springs, offers testimony on SB 781, and presents overview of proposed amendments arrived at with the State Archeological Department. - clarification requested on these issues - there is much to be learned about Indian Country - traditional laws apply even with Federal/State laws on these issues - sovereignty of the Tribes is very important 127 CHAIR CEASE: If sites are on the reservation is that sufficient to protect sites on Indian land? 130 PITT: Yes~ on the reservation. Off the reservation we must ask the state to address their shortcomings in this area. - we need formal ways to honor traditional laws - new ways of dealing with the state and federal agencies are being devised - we are here to create liaisons with the State agencies -Goal 5 has a long way to go, as there are more questions than answers -concern with funding and funding processes - how large is the buffer of protection? -Portland area has much in the way of cultural resources that are not being

protected

223 SCOTT STHEMKE, Tribal Archeologist, Confederated Tribes of Warm Springs, offers testimony on SB 781. - proactive approach is needed hence forward - important that inventory process be part of LCDC and Goal 5 planning 274 MICHAEL NIXON, Counsel for Native Americans, representing self, offers testimony on SB 781, and presents overview of EXHIBIT H and his work around Indian affairs. - Enola Hill history overviewed - TCP (traditional Cultural Property) Tawyash (word for particular type of sacred place) - faults the US Forest Service for allowing the logging of Enola Hill 393 CALVIN HECOCTA, Shaman, offers testimony in favor of SB 781. - line 12 needs clarification - if this

were enacted (with amendments) there would not be claims of ignorance
- hunting and fishing are important to native people for now and future
generations - rituals must be preserved for future generations

TAPE 112 SIDE A

005 HECOCTA: - continues testimony on SB 781. - concern with lines 7,8
9, dealing with written rules and guidelines - I like the idea of
clarification of cultural resources and also archeological sites

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.

April 7, 1993 Page 7 -who will be involved in managing those
activities - for Native Americans cultural resources means the water
and the land and the air. Cultural resources applies to hunting and
fishing of my people - these resources are important for ceremonial
purposes, sustenance living - religious beliefs of each tribe or clan
need to be protected and are tied inexorably to the land air and water
- state agencies need to understand each aspect of culture, tradition
and ceremony

073 MICHAEL JONES, Cascade Geographic Society, offers testimony in
favor of SB 781, and overview of systematic desecration of Native
historical/cultural sites along Bear Creek and other sites (EXHIBIT I)
- goal 5 is no insurance for preservation of cultural and
archeological sites - "vision quest" sites of Hackett Creek
- destruction of sacred sites - this bill will cause agencies and
people to sit up and listen - definitions are needed as well as
funding. - 70 percent of all cultural sites in Oregon are vandalized.

161 SEN SHOEMAKER: Do you have concerns with private as well as
public lands?

167 JONES: Property owners should get tax rebate for preserving
cultural and religious sites. - there is no protection for this type of
land in Oregon - this bill protects the resources of today for tomorrow
PUBLIC HEARING ON SB 195 225 MARILYN SHUSTER, Oregon OSHA, offers
testimony on SB 195, and overview of EXHIBIT J (in 2 parts). - questions
from committee members PUBLIC HEARING ON SB 781

312 MURRY HARRIS, WUSSPC, offers testimony on SB 781.

347 CHAIR CEASE ADJOURNS MEETING AT 11:00 AM

EXHIBIT LOG:

A - Testimony on SB 87 - Rich Ryder - 22 pages B - Testimony on SB 632 -
Sen Dukes - 1 page C - Testimony on SB 632 - Sen Cease for Erie Pippert
- 2 pages D - Testimony on SB 632 - Michael Skeels - 3 pages E -
Testimony on SB 632 - Rod Ingram - 2 pages F - Testimony on SB 781 -
Mattei - 2 pages Senate Agriculture and Natural Resources April 7, 1993
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G - Testimony on SB 781 - Hamrick - 1 page H - Testimony on SB 781 -
Nixon - 17 pages I - Testimony on SB 781 - Jones - 8 pages J - Testimony
on SB 195 - Schuster - 27 pages Submitted by: Reviewed by:
Kus Soumie Peter Green Assistant

Administrator

These minutes contain information which is confidential and/or otherwise privileged and the disclosure of such information could be harmful to the national defense. Only text enclosed in quotation marks report a speaker's comments. For complete details of the proceedings please refer to the tapes.