

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

DATE: June 21, 1993 TAPES: 192 - 193 PLACE: Hearing Room C
TIME: 8:00 A.M.

MEMBERS PRESENT: Senator Ron Cease, Chair Senator Joyce Cohen Senator
Bob Kintigh Senator Bob Shoemaker Senator Gordon Smith Senator Shirley
Gold

MEMBERS EXCUSED: Senator Jim Bunn, Vice-Chair

STAFF PRESENT: Peter Green, Administrator Chris Warner, Research
Associate Kus Soumie, Clerk

MEASURES HEARD: HB 2927 B PUB HB 2538 A PUB HB 2179 A
PPW

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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. [--- Unable To Translate Graphic
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TAPE 192 SIDE A

005 CHAIR CEASE: Calls the meeting to order. (8:00 A.M.)

PUBLIC HEARING ON HB 2927

WITNESSES: Phillip Johnson, Oregon Shores Conservation Coalition
Mike Miller, Association of Loggers Greg Miller, Director, State Timber
Purchaser's Division, Oregon Forest Industries Council Clair Puchy,
Chief of Non-Game Wildlife Program, Oregon Department of Fish & Wildlife
Jim Myron, Oregon Trout Brad Witt, Secretary Treasurer, Oregon, AFL-CIO
Kristen Funk-Tracey, Legislative Assistant to Rep. Lisa Naito Liz
Frenkel, Oregon Chapter, Sierra Club Frank Biehl, Association of Western
Pulp & Paper Workers Marlin Arni, United Paper Workers' International
Union Paul Sullivan, Association of Western Pulp & Paper Workers

Darryl Middleton, Western Council of Industrial Workers, Local 2949 Ted
Rabern, Western Council of Industrial Workers Sally Cross, Oregon
Natural Resources Council

CHAIR CEASE: There is a copy of the Federal Endangered Species Act,
(EXHIBIT A).

PETER GREEN, Committee Administrator: Describes Act, (see Exhibit A).

029 PHILLIP JOHNSON, Oregon Shores Conservation Coalition:
Testifies in opposition to HB 2927; presents written testimony,
(EXHIBIT B).

079 MIKE MILLER, Association of Loggers: Testifies in support
of HB 2927; presents written testimony, (EXHIBIT C). _ Gives section by
section overview of proposed legislation. _ Discusses Federal Recovery
plan.

206 CHAIR CEASE: We need to move as fast as we can; I would ask everybody not to repeat what has already been said.

214 GREG MILLER, Director, State Timber Purchaser's Division, Oregon Forest Industries Council: Testifies in support of HB 2927; submits section by section overview of HB 2927, (EXHIBIT C). _ Discusses the burden of recovery plans.

288 CLAIR PUCHY, Chief of Non-Game Wildlife Program, Oregon Department of Fish & Wildlife: Testifies in opposition to HB 2927; presents written testimony, (EXHIBIT D). _ Suggests cooperative efforts for protection of endangered species. _ Shares concern with deletion of "recovery" language. _ Suggests the State Act and the Federal Act could be inconsistent.

TAPE 193 SIDE A

PUCHY: Continues with testimony on HB 2927, see Exhibit D. _ Discusses problems with funding levels, small staff and lack of funding for federal recovery planning.

014 JIM MYRON, Oregon Trout: Testifies in opposition to HB 2927; presents written testimony, (EXHIBIT E & F).

039 SEN KINTIGH: Since this has been passed, you have developed no recovery plan?

PUCHY: That is correct.

SEN. KINTIGH: You have thirty-three listed?

PUCHY: That is right, but we don't have jurisdiction over some of those; there are several plans in the works

050 CHAIR CEASE: Do you take sole responsibility for this program?

PUCHY: There are two of us in the Portland Office working on this; we also have responsibility for about 750 other species not listed that we want to prevent from being listed.

_ (In response to Sen. Kintigh) We will have several for consideration before the end of the year.

SEN. KINTIGH: What are you fearing on the hearings process?

PUCHY: It isn't fear; we feel the current process established is adequate and works well; describes hearings process.

083 BRAD WITT, Secretary Treasurer, Oregon AFL-CIO: Testifies in support of HB 2927; presents written testimony, (EXHIBIT G). _ Discusses exclusion of hybrid species from listings.

120 KRISTEN FUNK-TRACEY, Legislative Assistant to Rep. Lisa Naito: Testifies in opposition to HB 2927. _ Explains that the bill is technically flawed. _ Suggests the bill undermines the protection of endangered species.

150 LIZ FRENKEL, Oregon Chapter, Sierra Club: Testifies on HB 2927; presents written testimony, (EXHIBIT H).

173 CHAIR CEASE: Your testimony says "just as a note of warning, bring the committee up to date on this issue if you would as HB 2527 is on it's way from the House...".

FRENKEL: Reads written testimony to explain.

CHAIR CEASE: Would it be your opinion that the passage of the two bills would "gut" the program?

FRENKEL: It is my belief that it would.

201 FRANK BIEHL, Association of Western Pulp & Paper Workers: Testifies in support of HB 2927. _ This bill is a small part of the answer, we realize that, but it is a symbol to the people of this state that they are important too.

224 MARLIN ARNI, United Paper Workers' International Union: Testifies in support of HB 2927. _ Discusses the difficulty of raising a family and buying a home on low salaries.

300 PAUL SULLIVAN, Association of Western Pulp & Paper Workers, Local 60: Testifies in support of HB 2927. _ Explains that this bill is a start and that he hopes jobs will be provided by passing this bill.

351 DARRYL MIDDLETON, Western Council of Industrial Workers, Local 2949: Testifies in support of HB 2927. _ Old growth dependent birds are tying up and conflicting with statutes that are supposed to finance our counties and schools; this is devastating our communities.

420 MIDDLETON: The Elliot Forest has a sustainable level of 50 million board feet per year and only 15 million are being harvested per year at this time.

435 TED RABERN, Western Council of Industrial Workers: Testifies in support of HB 2927. _ We are talking about the future of most of the people in the State of Oregon.

475 RABERN: I understand concern for the environment, but I want you to understand that our only hope here today is that you, members of this committee, are people who care about people.

TAPE 192, SIDE B

045 RABERN: I respectfully ask you today to please remember all of us in this state when you consider this process

054 SALLY CROSS, Oregon Natural Resources Council: Testifies in opposition to HB 2927; presents written testimony, (EXHIBIT I).

082 SEN. SMITH: We are hearing that this violates the federal law and also that the federal law doesn't work very well, but that this changes Oregon's approach; why is that a bad idea?

CROSS: The changes in this bill aren't ones that would show any leadership to the Federal Government; I think this bill hands state authority over to the current federal process, which has tended to wait until a species is at a crisis level before acting.

098 CHAIR CEASE: It seems that much of the concern is with the federal legislation.

105 SEN. KINTIGH: Do you have any concern at all for the people?

CROSS: I certainly do.

CHAIR CEASE: We have a letter from the Pacific Coast Federation of Fishermans' Association indicating opposition to HB 2927.

PUBLIC HEARING ON HB 2538 Witnesses: Pete Barnhisel, Oregon Fish & Wildlife Commission Randy Fisher, Director, Oregon Fish & Wildlife Department

139 PETE BARNHISEL, Fish & Wildlife Commission: I am concerned about the bill hampering our ability to be advocates for wildlife; the commission understands the concerns of land owners and managers, but the State of Oregon needs an advocate for wildlife as well. _ States specific concerns with the bill.

165 CHAIR CEASE: Section 11 of the bill says that the commission will ensure that advice is accountable with ORS 496.012, the goals; I would like to know the impact of that.

BARNHISEL: The impact depends on the goals; our advice and policy making does take into consideration the primary land uses; the existing law of the State of Oregon requires us to do so. _ The definition of "primary use" is my greatest concern.

198 CHAIR CEASE: Is there suggestion that if there is conflict with the primary use, you wouldn't be able to even give advise?

BARNHISEL: I believe so; section 11 comes back to ORS 496.012.

CHAIR CEASE: In the situation of conflict of use of a stream, for example, would this law preclude you from advising anyone else of what might be done?

BARNHISEL: Our advocacy role, under section 11, has to be consistent with the goals.

239 CHAIR CEASE: I'm trying to get a sense to what this bill would do.

BARNHISEL: I believe it lends an argument that we can't advocate a position that is inconsistent with the primary use of the land or the zoning of a particular parcel.

250 SEN. SMITH: In your department mission, is there anything with respect to primary uses?

BARNHISEL: Yes, it is one of the goals in existing law. _ It is a legitimate consideration in our game management; the concern is that it not be subordinated to other factors.

SEN. SMITH: What does primary use mean?

BARNHISEL: It means, in part, current uses.

282 CHAIR CEASE: If you look at the conflicts, they are all over the place; we need a way to get at some of the conflict resolution. _ The bill suggests that when there is a conflict, the primary uses

defined, would be the dominant one and would prevent the Department from giving advice to anyone else on the wildlife or fish issue.

306 SEN COHEN: I'm not sure I read it that way, but we do need to get into this bill in more detail.

SEN SMITH: I think the Department of Fish and Wildlife's approach so far, at least in my area, suggests that primary uses means no uses unless it relates to fish and wildlife and I think that is some of what is creating the problem.

335 RANDY FISHER, Director, Oregon Department of Fish & Wildlife: The other parts of the bill address the accountability of the Director to the Commission and the accountability of the Commission and we don't see any major problems with the changes except under section 4, where the commission is limited in their ability to provide rule making. _ The remainder of the bill, we don't see the changes as creating great problems for us.

PUBLIC HEARING ON HB 2179 Witnesses: Mike Graine, Oregon Department of Energy Bob Hall, Portland General Electric, (PGE) Gary Wright, Local 290 Plumbers and Pipefitters Sandy Flicker, Consumer Owned Utilities Tom O'Connor, Consumer Owned Utilities Diane Cowan, Oregon Public Utility District Association Susan Schneider, City of Portland Jane Cummins, League of Oregon Cities

401 MIKE GRAINEY, OREGON DEPARTMENT OF ENERGY: Testifies in support of HB 2179; presents written testimony, (EXHIBIT K).

TAPE 193, SIDE B

GRAINEY: Continues testimony on HB 2179, (see Exhibit K).

028 BOB HALL, PORTLAND GENERAL ELECTRIC, (PGE): Testifies in support of HB 2179; submits written testimony, (EXHIBIT L).

048 GARY WRIGHT, LOCAL 290 PLUMBERS AND PIPEFITTERS: Testifies in opposition to HB 2179. _ One problem is lead in the water systems; describes problems caused by lead. _ One way to remove lead is to let the water run for a couple of minutes; these aerators and restricters will hold that water in that plumbing system for a while, so they need to be flushed.

078 WRIGHT: To do a water conservation effort, the plumbing industry, through the trade organizations, could work with utilities to put together a program to fix faucets that drip and shower valves that leak, making people aware of the problems.

088 SANDY FLICKER, OREGON RURAL ELECTRIC COOPERATIVE ASSOCIATION: Testifies in support of HB 2179.

099 CHAIR CEASE: Is the lead in the water an issue in this bill?

TOM O'CONNOR, CONSUMER OWNED UTILITIES: Most of my folks are water providers too, but I don't think it is an issue here; this bill deals with the efficiency of plumbing fixtures and is independent of the measures a homeowner or utility could take.

_ My comment would be that it is better to let water run with a more efficient system than with a water wasting system.

118 DIANE COWAN, OREGON PUBLIC UTILITY DISTRICT ASSOCIATION: Testifies in support of HB 2179.

_ We did a conservation analysis for all the municipal electric utilities in Oregon and what we hope to get out of the shower head program is about four megawatts over the next ten years; it is a small amount, but an important piece of our conservation program.

131 SUSAN SCHNEIDER, CITY OF PORTLAND'S GOVERNMENT RELATIONS: Testifies in support of HB 2179; we would also reiterate that the lead issue and this bill are separate issues.

149 JANE CUMMINS, LEAGUE OF OREGON CITIES: Testifies in support of HB 2179; under this bill water savers such as low flow shower heads and aerators, along with good tips for consumers, will be distributed through joint programs in Portland and other communities.

167 CHAIR CEASE: We are adjourned. (9:50 A.M.)

EXHIBIT LOG:

A - HB 2927: Informative material submitted by staff, pp 1 B - HB 2927: Written testimony in opposition submitted by JOHNSON, pp 2 C - HB 2927: Section by section analysis submitted by MILLER, pp 3 D - HB 2927: Written testimony in opposition submitted by PUCHY, pp 3 E - HB 2927: Written testimony in opposition submitted by MYRON, pp 2 F - HB 2927: Written testimony in opposition and informative materials submitted by MYRON, pp 5 G - HB 2927: Written testimony in support and informative materials submitted by WITT, pp 4 H - HB 2927: Written testimony in opposition submitted by FRENKEL, pp 4 I - HB 2927: Written testimony in opposition submitted by CROSS, pp 1 J - HB 2927: Written testimony in opposition submitted by SPAIN, pp 2 K - HB 2179: Written testimony in support submitted by GRAINEY, pp 3 L - HB 2179: Written testimony in support submitted by HALL, pp 1

Submitted by: Reviewed by:

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