

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.

HOUSE COMMITTEE ON AGRICULTURE, FORESTRY & NATURAL RESOURCES

February 7, 1991                      Hearing Room F 8:15 A.M.                      State Capitol  
Tapes 15 - 16

MEMBERS PRESENT: REP. WALT SCHROEDER, Chair REP. LIZ VANLEEUEWEN,  
Vice-Chair REP. SAM DOMINY REP. BILL DWYER REP. TIM JOSI REP. JOHN MEEK  
REP. CHUCK NORRIS

STAFF PRESENT:                      BETH PATRINO, Administrator EDWARD C. KLEIN,  
Assistant

MEASURES CONSIDERED: PUBLIC HEARING - HB 2235 PUBLIC HEARING - HB 2236

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TAPE 15, SIDE A

003 CHAIR SCHROEDER: Calls the meeting to order at 8:15 A.M.

PRESENTATION BY THE DEPARTMENT OF PARKS AND RECREATION

Witness: David Talbot, Director, Department of State Parks and Recreation

009 DAVID TALBOT, Director, Department of State Parks and Recreation:  
Summarizes HB 2235 and HB 223 6.

-He describes the Department of Parks and Recreation.

051 REP. JOSI: Tell me about the Nature Conservancy and the Trust for  
Public Land.

TALBOT: They are in the business of doing business with the Federal  
Government.

-He describes the Nature Conservancy.

REP. JOSI: How did the Nature Conservancy and the Trust for Public  
Lands get started?

-The Nature Conservancy is a private organization that has the ability  
to raise money?

TALBOT: They are national organization with big money.

REP. JOSI: Where did they get the money?

TALBOT: There are many people interested in protecting resources.

-We have people routinely offering us money and property.

083REP. NORRIS: When the Nature Conservancy purchases a piece of property doesn't it go off of the tax rolls?

TALBOT: That's true; if they continue to manage it.

REP. NORRIS: We should always keep in mind that when they purchase property the tax base shrinks.

REP. JOSI: Where did they get that privilege?

090 REP. MEEK: They are a 501-C corporation.

TALBOT: They are a non-profit corporation under Federal law.

-He continues with the overview of the department.

-He discusses supply; campgrounds, picnic grounds, beaches, trail program

-He describes the players; the Federal Government, counties, private campgrounds.

-He describes the State Park System.

-If we add parks in the future they will be relatively large with a multiplicity of recreational opportunities.

-He describes the campground system.

-He describes the organization.

-In recent years the season of use has grown.

-He describes the Scenic Waterway Program.

164 REP. JOSI: Tell me the history of the Scenic Waterway Program.

TALBOT: Describes it.

-The Oregon Law works effectively.

-He describes the Willamette River Greenway.

190 REP. DWYER: That greenway is controversial. How much of the 250 miles is owned by the state?

TALBOT: It's 4,000 acres; very little.

-We would like to buy more.

REP. DWYER: You can control what can be done along that segment of river. People regard it as infringement. It's good, but you tell people they can't use their property in certain ways and they are not

compensated for it.

207 TALBOT: Appreciates the property rights issue that REP. DWYER alluded to. -We do our best to explain the program's purpose.

-It comes closer to the citizens doing what they want than not doing anything.

-It's modest, but he understands that constituents feel put upon.

-It's managed in a moderate common sense way.

-He describes Recreation Trails.

-He describes Ocean Shores.

-We have had aggressive programs to assist communities with Federal and state money. We'd like to do more, but those things have been cut.

240 REP. DOMINY: Are you responsible for activities on the beach; allowing motor vehicles?

TALBOT: Yes.

-He describes Historic Preservation.

264 CHAIR SCHROEDER: Aren't you involved in the Reed Opera House?

TALBOT: Yes. He describes the process for getting on the National Register.

REP. DWYER: Are those properties tax exempt?

TALBOT: Under Oregon law they can have their assessed valuation frozen for 15 years. That law sunsets in 1993.

-That law will probably be before the Legislature this session. The law has detractors.

-He describes funding.

-He describes parks attendance/staffing. Attendance is up, staffing down.

-We're not investing in the future, we're wearing out what we have.

325 CHAIR SCHROEDER: Do you have a chart showing the volunteer involvement? You've done a tremendous job getting volunteers.

TALBOT: Does not have such a chart.

-He describes the Camp Host Program.

-He describes the "Friends of" programs.

356 REP. VANLEEUEWEN: Don't some of the "Friends" monitor parks?

TALBOT: Yes; we're emulating California's successful program

REP. DOMINY: What has vandalism cost? Are volunteers helping?

382 TALBOT: Vandalism is not a problem. It consistently costs \$15,000 to \$25,000 over time. It happens, but we have a handle on it.

408 REP. DWYER: What parks do you have under construction?

-Bristo has been under construction since he was a youth.

TALBOT: Bristo is a perfect example of how to do parks.

-We do a master plan for each park to make sure we don't destroy anything important or fragile.

-We move into it slowly and learn from our users.

-We'd like to do more, but money isn't available.

TAPE 16, SIDE A

020 TALBOT: Continues with funding.

-The primary source of funding is from Recreation Vehicle (RV) registration fees; \$7.5 million a year.

-He discusses camping/day use fees.

-We've been having public hearings on increasing the fees and have had very little adverse reaction.

-The General Fund is 18 percent; which pays for the people who take care of the parks.

050 REP. VANLEEUEWEN: The complaints I hear are that the out-of-state people are in the parks instead of the Oregonians.

TALBOT: We hear that too. Only 17 percent of the campers are Californians.

-Annually it's 45 percent from out of state.

-He discusses the reservation system implemented for Oregonians.

-Campgrounds are being crowded.

-There are two questions; should we expand the reservation system or reimplement a non-resident surcharge? The tourism industry was successful in having the surcharge repealed.

084 REP. MEEK: Are there programs or plans for expansion of existing parks or future acquisition?

-Let's look down the road; there's a growing population and growing tourism.

103 TALBOT: In 1980 when we were taken out of the Highway Fund, we undertook a cost responsibility study to try and determine who benefitted for state parks and who ought to pay.

The answer; General Fund 50 percent and users 50 percent; which hasn't happened of course.

-We put the 2010 plan together to describe what we wanted to achieve as an organization.

-If you funded \$10 million a year, it would be the first six year increment of that long-range plan.

-We have a plan and know what we want to do.

119 REP. MEEK: Would like to know where the increases would come from.

CHAIR SCHROEDER: We'll have to discuss that another time.

129 REP. VANLEEuwEN: You are asking for bonding authority.

-What's the repayment plan for the bonds?

TALBOT: The traditional way would be the General Fund would pick up half and user fees half. We probably would increase user fees.

-We have revenue options before the Governor. These will play out in the Revenue Committee.

-He discusses the impact of State Parks on tourism.

-He discusses the 2010 Plan.

168 REP. VANLEEuwEN: Refers to a product that can be used to construct picnic tables to combat vandalism.

TALBOT: We will use any product that is safe, efficient, looks good and wears well.

REP. VANLEEuwEN: This product isn't manufactured in Oregon.

196 REP. DWYER: Are there any plans to commercialize the parks.

TALBOT: There is a \$1 million gross business in concessions.

-Other states have major resorts in their parks, but Oregonians don't want that in their parks.

REP. DWYER: Are visitor information and rest areas on interstates administered by your department?

TALBOT: On the interstates they're administered by the Highway Department. In some cases we take care of them, because we can do it less expensively than they can. Elsewhere they are ours.

222 REP. MEEK: 80 percent of the parks are tied into the highway system. How many parks have direct access to major roads or freeways?

TALBOT: The vast majority. We negotiate with the Highway Engineer for up to \$1 million a year to help pay for parks.

-There are those who would like to return funding for the parks from the gas tax.

248 REP. DOMINY: How much of the highway fund is going into the rest area in Oak Ridge?

TALBOT: Believes it's 100 percent highway.

-A component of the Alsea Bay Bridge in Waldport is a visitor center on one end. The Highway Department is negotiating with us to operate that.

261 CHAIR SCHROEDER: Thanks DAVE and his staff.

PUBLIC HEARING ON HOUSE BILL 2235 -- EXHIBITS A & B

Witness:Pete Bond, Recreation Trails and Ocean Shores Manager,  
Department of State Parks and Recreation

CHAIR SCHROEDER: Opens the Public Hearing on HB 2235.

273 PETER BOND, Recreation Trails and Ocean Shores Manager, Department of State Parks and Recreation: Presents testimony on HB 2235 (EXHIBIT A).

317 REP. JOSI: My main concern with the bill is that it takes the appeal back to your body. If your organization denies the permit, it looks like the appeal will also deny the permit.

BOND: The normal contested case procedure requires we hire a non-biased hearings officer. The appeal is not directly before State Parks.

339 REP. JOSI: The final decision is with the Director of State Parks?

BOND: That's my understanding.

342 REP. DWYER: How many appeals do you have in the course of a year or biennium?

BOND: The one I spoke of is the only one.

REP. DWYER: How many appeals of all kinds have you had?

BOND: Only one regarding beach improvements.

355 REP. DWYER: Do you think this is modernizing the process?

BOND: Most other agencies use this procedure. It is a lot simpler on our agency and on the Court of Appeals.

REP. DWYER: We go to the Circuit Court because time is of the essence. Contested case hearings can drag on and also result in litigation.

-There is no compelling need, because you have had one case.

-Did you win or lose the case?

BOND: We won, but it's being appealed.

385 REP. DWYER: If you had had this process you'd still be in the appeal process.

BOND: That could be the case.

394 REP. VANLEEUEWEN: If a person goes through the appeals process and the director decides against them, is there opportunity for further

appeal?

BOND: Yes; the appeal above the contested case would be the Land Use Board of Appeals.

409 CHAIR SCHROEDER: Current law does allow a dissatisfied person to go to the Court of Appeals.

REP. DOMINY: What kinds of cases do you expect to see? Vehicle use, building on the beach?

427 BOND: We're specifically talking about ocean shore building permits.

CHAIR SCHROEDER: Wasn't there a contested case having to do with the Nehalem Trail?

BOND: Believes he's talking about a Yachats case having to do with a county road right-of-way and not a beach issue.

CHAIR SCHROEDER: This does not deal with that?

BOND: It only deals with beach improvements.

447 REP. VANLEEUEWEN: ORS 390.658 seems to apply to a wide gamut of things.

BOND: Our interpretation is that this would affect ocean shore improvement permits only.

REP. VANLEEUEWEN: What is ORS 390.650?

459 PATRINO: Ocean shore improvement permit procedures.

TAPE 15, SIDE B

020 REP. NORRIS: Is this going to be a growing problem trying to protect those upland properties?

BOND: Yes.

REP. NORRIS: You think business will pick up?

BOND: Yes.

CHAIR SCHROEDER: What's your relationship with the land use authorities?

BOND: That is a difficult process. In many cases there is extreme pressure to build on the coast.

-The county planning departments are doing their best in trying to restrict growth in areas there shouldn't be any growth.

-In many cases a geologist or engineers report says property is buildable. There are certain other technical things they can do so the counties become convinced they can build.

-People are willing to spend a lot of money to build homes.

047 REP. DOMINY: Page 2 of the testimony talks about cost. Why is there no fiscal analysis?

057 CHAIR SCHROEDER: Refers to the Fiscal Impact Statement (EXHIBIT B).

REP. DOMINY: If it's indeterminate the testimony is misleading. We don't know if it's a savings. They should be able to back it up.

CHAIR SCHROEDER: The Fiscal Impact states, "It is also likely that a potential slight reduction ...." It's conjecture what will happen.

074 PATRINO: For the committee's information; a person who works with JUDGE JOSEPH suggests an amendment. On lines 9 and 10 delete "Appeals from" and insert "Review of". On line 10 delete "taken to" and insert "had in".

083 CHAIR SCHROEDER: BETH can get those amendments to you.

-We'll get back to this.

-He closes the Public Hearing.

PUBLIC HEARING ON HOUSE BILL 2236 -- EXHIBITS C & D

Witnesses: Peter Bond, Recreation Trails and Ocean Shores Manager, Department of State Parks and Recreation:

092 CHAIR SCHROEDER: Opens the Public Hearing

PATRINO: Describes HB 2236 (EXHIBIT C).

106 PETER BOND: Presents testimony on HB 2236 (EXHIBIT D).

124 REP. VANLEEUEWEN: There are three changes; one less member on the advisory council, terms from three years to four years and the appointing authority?

BOND: Correct. It was not our idea to reduce the number on the council; this was Legislative Counsel's suggestion to have an odd number.

-The change of terms was also Legislative Counsel's idea.

-The most significant change is making the appointments from the Parks Commission rather than the Governor.

142 CHAIR SCHROEDER: It sometimes takes the Governor awhile to make appointments. How long was the advisory committee without a quorum?

BOND: About eleven months.

CHAIR SCHROEDER: The main reason for the change is because it's no longer responsible to the Department of Transportation.

153 REP. DOMINY: Has there been any response from the Governor's Office or has anyone contacted the Governor's Office?

BOND: Is not sure.

REP. VANLEEUEWEN: The Governor appoints the Oregon Parks and Recreation



Commission.

BOND: Correct.

REP. DOMINY: Would like to hold action until the Governor's Office is consulted.

163 REP. MEEK: Expresses concern about changing the term from three to four years. He personally likes two year terms, because people can be removed if they're not doing a good job.

-Did you discuss it; why change it?

BOND: We never had specific discussions. It makes sense to increase it, because it takes time to educate members about trail projects. If members have some longevity it is a real benefit.

REP. MEEK: Does it matter if it's two years as opposed to four years; they can be renewed?

BOND: We don't want to burden the Governor or commission with renewals every two years.

CHAIR SCHROEDER: Describe your meetings and where you meet.

BOND: The council meets quarterly throughout state, with one meeting in Salem when the Legislature's in session.

-He describes the meetings.

220 CHAIR SCHROEDER: Longevity does aid the council, because they spend time looking at the trails. Over four years they can learn the concerns of the entire state.

REP. NORRIS: Do they do any good?

BOND: A lot of good. A lot of what we do is bring credibility to trail projects.

-He describes a specific project.

CHAIR SCHROEDER: Is there removal for cause?

BOND: Believes there is.

CHAIR SCHROEDER: We'd like to look at the bylaws for the Work Session.

259 REP. VANLEEUEWEN: LEE CORBIN, of the U.S. Forest Service had a lot to do with establishing the Pacific Crest Trail.

BOND: He's one of the preeminent trail builders.

271 CHAIR SCHROEDER: Who's on the Advisory Council?

BOND: Explains.

297 REP. NORRIS: Is the individual from Klamath Falls considered to be the representative from Eastern Oregon?

BOND: Correct; we have difficulty picking members from the eastside.

CHAIR SCHROEDER: Are there any provisions for having representatives of equestrian, bicycle activities or the U.S. Forest Service on the council?

BOND: No; we don't look for specific members.

324 REP. VANLEEUEWEN: The U.S. Forest Service and Bureau of Land Management are supposed to be working in partnerships with local governments. Maybe the time is right to get their surplus of employees working to get trails and other recreational things built.

BOND: The time is right. The U.S. Forest Service and BLM are anxious to work with us.

REP. VANLEEUEWEN: They are saying that, but she hasn't seen any action.

BOND: They are contacting us with partnership projects.

REP. VANLEEUEWEN: Report back on any successful projects you've worked on with them.

355 CHAIR SCHROEDER: For the Work Session bring the bylaws and any successful projects.

-He closes the Public Hearing.

-He adjourns at 9:35 A.M.

Submitted by:      Reviewed by:

Edward C. Klein, Beth Patrino, Committee Assistant                      Committee  
Administrator

EXHIBIT LOG:

A            -            Testimony on HB 2235 - Peter Bond - 2 pages  
B            -            SMS/Fiscal/Revenue impacts for HB 2235 - Staff - 3 pages  
C            -            SMS/Fiscal/Revenue impacts for HB 2236 - Staff - 3 pages  
D-Testimony on HB 2236 - Peter Bond - 2 pages