

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 28, 1991
Tapes 31 - 33

Hearing Room F 8:00 A.M.

State Capitol

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

MEASURE CONSIDERED: HB 2501 - PUBLIC HEARING

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TAPE 31, SIDE A

003 CHAIR SCHROEDER: Calls the meeting to order at 8:00 A.M.

PUBLIC HEARING ON HOUSE BILL 2501 -- EXHIBITS A to H

Witnesses: Barbara Roberts, Governor, State of Oregon Rep. Vera Katz Sen. Jeannette Hamby Vern Ryles Gail Achterman, Former Special Assistant to the Governor for Natural Resources Jim Brown, State Forester Dave Talbot, Director, Department of State Parks and Recreation Kenneth Burdick, Tillamook County Commissioner Gil Riddell, Council of Forest Trust Land Counties Liz Frenkel, Sierra Club Gary Bruebaker, Director of Cash Management, Oregon State Treasury

010 BETH PATRINO: Describes the bill (EXHIBIT A).

019 BARBARA ROBERTS, Governor, State of Oregon: Testifies on House Bill 250 1.

-The Tillamook Forest is referred to as the Tillamook Burn.

-Forty years ago the 350,000 acre forest was devastated by four forest fires.

-She describes the replanting of the Tillamook Forest.

-25,000 school children aided in the replanting.

-House Bill 2501 honors the memory of NANCY RYLES as well as the thousands of Oregonians who transformed the forest.

-In the years ahead the Tillamook Forest will provide economic stability for local counties.

-It is already drawing people for its recreational opportunities.

-We need to plan for its future recreational and economic opportunities.

-She presents background on NANCY RYLES.

-She can't think of a more fitting tribute to NANCY RYLES.

-She recommends support for House Bill 2501.

CHAIR SCHROEDER: You've given us three points:

-A history lesson.

-An overview of the Tillamook Forest.

-A tribute to NANCY RYLES.

082 REP. VERA KATZ, District 10: The purpose of the legislation is to develop a plan that will interpret the history and create a recreation network in the Tillamook Forest.

-It is a fitting tribute to NANCY RYLES and will memorialize a woman who gave herself freely to Oregon.

-NANCY RYLES wanted a park in Washington County.

-Is sorry we dedicate and memorialize when people pass away.

-She made a commitment to do something this session.

114 SEN. JEANNETTE HAMBY, District 5: Describes the first time she saw the Tillamook Burn.

-This is an idea who's time has come.

-She feels NANCY would support this and she urges support.

129 REP. NORRIS: Do you visualize this as prohibiting future harvest?

REP. KATZ: The language and intent is clear; both recreation and forest use will continue.

-You will hear testimony to that effect.

135 REP. DOMINY: This won't impact any harvest plans?

REP. KATZ: That's not the intent of the bill. You will hear testimony on that issue.

CHAIR SCHROEDER: Are we talking about making this a state park or just having the Department of Parks and Recreation develop a recreation plan consistent with multiple use?

REP. KATZ: Once the plan is developed it would be for multiple use.

144 REP. DWYER: Refers to section 5. A sum is appropriated from the General Fund, yet there is no fiscal impact. Where is the money coming from?

REP. KATZ: There is a fiscal impact.

-It's been estimated the plan will cost about \$175,000 out of the General Fund.

CHAIR SCHROEDER: Does it have a subsequent referral?

PATRINO: It does not. We haven't received the Fiscal Impact Statement.

SEN. HAMBY: You will hear testimony outlining the need for the \$175,000.

PATRINO: The Fiscal Impact Statement (EXHIBIT A) is being passed out.

CHAIR SCHROEDER: Refers to the fiscal statement. This indicates it will have to have a subsequent referral, probably to Ways and Means.

168 REP. JOSI: This bill has a lot of merit and should be passed.

-With some minor alterations it will protect the forest interests.

SEN. HAMBY: Believes every Oregonian who helped replant the forest is committed to keep it forest.

REP. DWYER: Supports the bill without amendments.

CHAIR SCHROEDER: The Department of Forestry is proposing some amendments.

186 VERN RYLES: Presents testimony on the reforestation project.

-He refers to photographs of the nine plots allocated to the Portland public schools for reforestation.

-The sites were devoid of trees; today they are rather substantial in size.

-The site reforested by Jefferson High School would provide a unique opportunity for a public center to show how the forest was reforested.

-It would also provide a location to demonstrate selective cutting.

-NANCY RYLES was dedicated to conservation.

-This bill provides an opportunity to demonstrate the kinds of things that can be done with reforestation and the opportunities to leave a legacy for education.

232 REP. VANLEEUEWEN: Do you envision part of the forest being permanently set-aside?

RYLES: The high school plots would make an ideal recreational and information facility as well as demonstration locations for forest

management we'd like to see in the future. Selective cutting would be desirable for that demonstration.

-There are a variety of ways for forest harvest besides clearcuts.

-This area is scheduled for clearcut. All who planted those trees would be furious if it was clearcut.

-There are opportunities for clearcuts in other locations.

-This location would be ideal for the multi-uses of demonstration and information.

REP. VANLEEUEWEN: Didn't other schools have plots?

RYLES: There are nine plots adjacent to each other; Jefferson's is in the center.

REP. VANLEEUEWEN: How many acres?

RYLES: Doesn't know. It's substantial.

264 REP. DWYER: Are there farms still there?

RYLES: No.

CHAIR SCHROEDER: Is that level ground or steep?

RYLES: It's not steep. The slopes are relatively easy to plant.

REP. NORRIS: Offers a tribute to NANCY.

295 GAIL ACHTERMAN, Former Special Assistant to the Governor for Natural Resources: Presents testimony on HB 2501 (EXHIBIT B).

407 JIM BROWN, State Forester: Presents testimony on HB 2501 (EXHIBIT C).

- "From Tillamook Burn To Tillamook State Forest" is filed as EXHIBIT D.

TAPE 32, SIDE A

037 BROWN: Discusses amendments to HB 2501, pages 2 and 3 of testimony.

REP. DOMINY: Refers to page 2, lines 29 to 31 of HB 2501. Are there any existing contracts or agreements between the Department of Parks and Recreation and the Board of Forestry?

-Will this be more of a park rather than an area for multiple use?

BROWN: Is sensitive to the responsibility of the trust relationship to these lands.

-Page 2, line 16 talks about making sure the recreation plan is consistent with the primary purposes of the land as outlined in ORS Chapter 530--the management of the forests.

-We're trying to develop a recreation plan that doesn't overshadow the primary purpose of the lands.

-The board's and department's policy about recreation on the Tillamook has largely been dispersed recreation as opposed to centralized established facilities.

-The Department of Forestry built a set of campgrounds in the mid 1950's along the Wilson River Highway to keep people out of the forest.

-We are not financed or equipped to manage those facilities and have closed some of them.

-We have talked to DAVE TALBOT at various times about taking them over. They have not had the funding to take them over.

-Section 2 of the bill refers to a joint relationship.

-There are some places in the forest appropriate for a fixed type of recreation opportunity.

-The Department of Parks and Recreation would manage those recreation opportunities which are identified through the planning process.

-We'd continue to provide the broad scale forest management, just as we do now.

-The Chaney Deeds, within the Wilson River Canyon, came to the department with a recreation deed restriction.

107 REP. DWYER: Does recreation include hunting?

BROWN: Yes.

REP. DWYER: What's the Department of Parks's definition of recreation?

BROWN: You have to ask DAVE TALBOT. Our definition is very broad.

REP. DWYER: How many acres are in the combined parcels; what's the percentage of the total?

BROWN: We manage 530,000 acres of forest in the five northwest counties; the Tillamook State Forest is 360,000 acres.

REP. DWYER: How many acres are in this project?

BROWN: The plan would look at the entire 360,000 acres.

REP. DWYER: How many acres are in the Chaney Deeds and the interpretive aspect?

BROWN: There are about 2,000 acres in the Chaney deeds; the interpretive center would be about 10 or 20 acres. The existing developed sites would add 10 or 20 acres.

REP. DWYER: Do the Chaney Deeds include hunting?

BROWN: They weren't specific.

134 REP. VANLEEUEWEN: You must have some definite acreage in mind?

BROWN: There are different opportunities for dispersed and site recreation activities scattered throughout the forest.

141 DAVE TALBOT, Director, Department of State Parks and Recreation:
The purpose of the study is to sort out what is appropriate. We'll
bring back the plan to the Legislature for review.

ACHTERMAN: The entire 360,000 acres would be the planning area.

-There are specific lands owned or managed for recreation purposes.

-There are probably no more than 50 acres of developed campgrounds.

-The Chaney Deeds are approximately 2,600 acres to be used only for
recreation purposes.

-A total of 2,700 acres are now being managed or have restrictions for
recreation purposes.

-The purpose of the planning effort is to look at where the best
recreation opportunities exist compared to where the recreation use is
now.

-The planning effort would address a variety of questions so that the
recreation use would occur in the optimum places from a timber
management as well as recreation management standpoint.

REP. VANLEEUWEN: There's no state park, but there are recreational
facilities that aren't under State Parks. We were given the impression
there was nothing there.

REP. DWYER: When were the Chaney Deeds transferred?

BROWN: The mid 1940's.

REP. DWYER: Who was Chaney?

BROWN: Can't answer.

REP. DWYER: Is there a history available?

BROWN: Yes.

REP. DWYER: Please make it available.

-He believes that in the 1940's hunting was included in the definition
of recreation.

-He is concerned that definition was changed to exclude hunting.

-He wants to know Chaney's background.

-He had a conversation with DAVID TALBOT about hunting. DAVID TALBOT
said that in 20 or 30 years there probably won't be hunting in parks or
recreation areas.

-That won't happen if it's up to him.

211 REP. MEEK: Some concerns have come to light:

-Putting together a memorial.

-Putting together a forestation and recreation plan for the Tillamook Forest.

-The bill speaks to both of these.

-The two are getting confused.

-Is the total planning of the forest the memorialization or are we looking at a little area in Washington County for an interpretive center as the memorial?

-If there were representatives from the county here they'd be getting nervous about this. It's making me nervous.

BROWN: There are several components in this bill:

-1. The memorial.

-2. My belief that we need to develop a comprehensive recreation plan so we can integrate that with our fiduciary responsibilities.

-Recreation will happen.

-We're already getting pressure for set-asides for single use purposes.

-By taking a plan approach we can determine how to meet the fiduciary responsibility and how to provide the recreational opportunities.

-They can and should be compatible.

-In the end we'll have a timber management plan that meets the fiduciary responsibilities and along with that we'll have a recreation plan.

-We'll then center the developed recreation opportunities to the Department of State Parks and Recreation.

262 REP. DOMINY: Will this entail the whole Tillamook area?

BROWN: Yes.

REP. DOMINY: In conjunction with the Department of Forestry, the Parks Department will put together a plan for recreation for the whole area?

BROWN: For recreation.

REP. DOMINY: Can we take this bill and define it so we don't set-aside the whole area for a park?

BROWN: That's already done. There is some very specific language in the bill. He refers to page 1, lines 24 and 25.

-There are two terms used throughout this bill:

-1. Recreation plan.

-2. The primary purpose consistent with Chapter 530. Chapter 530 is the statute under which we manage the state lands under the trust.

REP. DOMINY: Once it falls under ORS 530.050 it doesn't call for hunting within the comprehensive plan?

BROWN: Chapter 530 is very broad; it includes recreation and hunting.

295 ACHTERMAN: Chapter 530 says how we manage state forests to produce revenues for counties.

-This bill says a recreation plan is to be developed consistent with the primary purpose--to manage the land to produce timber and revenue for the counties.

-The recreation plan has to be consistent with the production of timber.

-Recreation has occurred and does occur on all of our state forests.

-The purpose of this bill is to make maximum use of the recreation opportunities consistent with the management of the state forest for state forest purposes.

-The purpose is not to turn the Tillamook State Forest into a park.

-The point of the bill is consistent with the management of the state forest and to plan for recreation use and to decide what kinds of investments should be made for recreation.

-The bill is written in such a way that the primary use is protected.

342 REP. DOMINY: Has this kind of relationship ever existed before?

-Fishing and hunting on state parks is prohibited.

BROWN: There are examples where we've developed facilities and have asked Parks to manage them for us.

ACHTERMAN: State Parks is better suited to running developed campground facilities and interpretive centers than State Forestry.

-The agencies have never done something this extensive.

-It's a unique situation and a unique opportunity.

385 TALBOT: Presents testimony (EXHIBIT E).

407 BROWN: A number of safeguards are in the bill to protect the primary purpose of the land:

-1. The reference to ORS 530.050.

-2. On page 2, lines 24 and 25. The recreation plan is to be submitted to the Forest Trust Land Advisory Committee and the State Land Board.

-He describes the Forest Trust Land Advisory Committee.

-We manage state lands for the State Land Board and they have lands in the Tillamook area.

-He describes the plan's review process.

-3. The plan comes back to the Legislature next session.

450 CHAIR SCHROEDER: We're concerned about what will happen to the

Tillamook State Forest and don't want a tribute to a great lady to rule our emotions.

TAPE 31, SIDE B

015 REP. VANLEEUEWEN: There's definitely a revenue impact and we need a new revenue analysis.

-We've been told some of this land that has timber that could go into county funds will be put into state park status.

PATRINO: Will be happy to talk to Revenue.

REP. VANLEEUEWEN: Doesn't see an option of receiving private donations.

ACHTERMAN: There is a provision in section 4 for the establishment of a trust fund.

REP. VANLEEUEWEN: GAIL, are you working for the state?

ACHTERMAN: No.

037 REP. DWYER: What role does the Department of Fish and Wildlife have?

-We're talking about rules that affect how people operate.

-He has concern about a definition of recreation that may exclude some things.

-Until that definition of recreation is addressed in law he will look hard at these kinds of transfers of authority.

TALBOT: No transfer of authority is involved.

-This is an issue regarding state forest lands and the long-term opportunities and problems associated with the continued recreational use of those lands.

-We will address hunting and a variety of issues and develop a plan that we will bring to the Legislature.

REP. DWYER: If you become the lead agency and adopt rules, the rules affect the use. The rules are not subject to our review.

-Somewhere in this process the people are forgotten.

TALBOT: The Administrative Practices Act is designed--

REP. DWYER: People are involved?

TALBOT: Yes.

REP. DWYER: Wonders how many people are aware of this bill.

TALBOT: We've developed a long list of interested parties. It's our obligation to get in touch with those people. We will include anyone who is interested.

081 CHAIR SCHROEDER: Why do you have a policy on hunting and dogs?

TALBOT: Historically most of the parks are put aside as natural preserves.

-Quite a number are open to hunting, the majority are not.

-As time goes on and there are more people in the parks traditional hunting becomes a safety factor.

CHAIR SCHROEDER: Is that generally in places where there are lots of people?

TALBOT: The average State Park is 400 acres. It's hard to have a multiplicity of recreational activities in such a small area.

-We're not philosophically opposed to hunting.

-There are a lot of reasons it doesn't work in a lot of small places.

REP. DWYER: Suppose Chaney's definition of recreation was hunting; how would your rules address that?

TALBOT: That would be part of the planning process.

-We're not proposing to make it a state park.

-It's the Department of Forestry's property.

-How can we best manage the recreation use and at the same time do the job as outlined in Chapter 530?

BROWN: That's an excellent statement.

CHAIR SCHROEDER: The Chaney property may not even go under state--

BROWN: This sets up a planning framework to sort through this.

CHAIR SCHROEDER: It would just preclude harvesting on the 2,000 acre Chaney property.

123 REP. NORRIS: There is a growing concern on the committee about the declining timber base.

-Could you speculate on the percentage of wilderness, recreation and harvest in the Tillamook or is this what the plan is all about?

TALBOT: That's what the plan is all about.

-He is not fond of using the term wilderness in this context.

-There may be significant small areas which would be flagged and we'd say what do we want to do with those.

REP. NORRIS: Is concerned with the possibility of an indicator species locking the whole thing up.

TALBOT: That could happen under any circumstance.

-We need to find out what's there and develop a plan.

BROWN: In 1973 the department began a land use planning process--how we should manage our land for timber production and be sensitive to the scenic values.

-We developed conservancy lands (two to three percent of all our lands), which we took out of production. An example of land we took out of production was land along the Umpqua Highway.

-We also took lands out of production where the scenic value was high.

-Use category lands (about five or six percent) are lands for watershed use, transmission lines, etc.

-The bulk of the lands (90 percent) are production ground; lands whose primary purpose is to grow timber.

-That relationship won't change through this planning process. It's a matter of looking at the opportunities and how we go about taking all of the assets into account so we not only meet our trust responsibility, but also provide other opportunities.

REP. NORRIS: Refers to page 2, line 5, which addresses disbursement.

-He envisions a series of trails with harvestable areas in view.

-He is concerned that eventually there will be a freeze for timber harvest.

BROWN: We have a high use of motorized trail bikes on the Tillamook and we have worked with sportsman groups to make sure they use the trails. There would be an effort to look at the current recreational activities and fit them in with the long term management.

204 REP. DOMINY: Currently the whole 360,000 acres are subject to the law on how we manage our state forests.

-When the plan comes back we will set aside a portion for a park and take it out of the timber base.

-What percentage of state park lands end up in timber harvest?

TALBOT: None.

-We don't set out to generate revenue from trees.

ACHTERMAN: It was the clear intent that if the highest and best use of the lands was for timber production they would continue to be managed by the State Forester.

-Only the developed recreation facilities would be State Parks' responsibilities. If anything were to be designated as a state park, it would be lands already subject to recreation restrictions under the existing deed restrictions or developed recreation facilities.

-Section 2 makes sure the Department of Forestry retains primary responsibility for management of the state forest.

-State Parks would be responsible for managing developed recreation facilities and not forested lands.

TALBOT: That can be handled in a variety of ways. We would operate as a contractor under their general supervision.

261 REP. JOSI: This is an opportunity for the Legislature to take the lead.

-As GAIL ACHTERMAN said, we won't memorialize land that does not already have deed restrictions, like the Chaney land.

-The plan will address the overall concerns and do constructive things in an orderly fashion to create a Tillamook Forest we can be proud of.

-With a few minor modification he is very supportive.

CHAIR SCHROEDER: We could ask what would happen without a plan?

-If we approve this bill we are committing future legislatures to appropriate money or getting grants.

ACHTERMAN: This will ultimately go to Ways and Means. The Fiscal Impact Statement is a realistic assessment of what it would cost to do this job right.

-It will be up to Ways and Means if we can afford \$175,000. If we can't afford the \$175,000, the Parks Department will be able to make a presentation on different ways and prices to do it.

-We had to draft the bill with some funding provision.

-Section 3 makes it clear that the plan is submitted to the next session of the Legislature.

-When people see the plan, hopefully they'll be excited.

338 REP. NORRIS: We recognize Ways and Means makes the final decisions.

-We're very sensitive to additional loads to the General Fund.

-We need to ask if there are any other fund possibilities.

-If it is from the General Fund is it Parks or Forestry's General Fund?

BROWN: You might have Legislative Council look at section 5 to see if there can be a better tie between it and section 4, the Trust Fund, so that if contributions came in they could be used for the planning process.

REP. NORRIS: Supports the plan, but is concerned with the consequences and perceptions.

CHAIR SCHROEDER: If there is a trail system would a clearcut be allowed to take place over the trail?

BROWN: The best model is the Capital Forest in Washington State. They built a double trail system and close part of the trail and divert people to allow the land manager to continue to manage.

CHAIR SCHROEDER: Recesses at 9:25 A.M.

-He calls the meeting back to order at 9:30 A.M.

417 KENNETH BURDICK, Tillamook County Commissioner: Presents a Resolution in support of HB 2501 (EXHIBIT F).

-We want to make sure the amendments proposed by the Department of Forestry and the Council of Forest Trust Land Counties are considered.

-We anticipate enhancing a future relationship with the Department of Forestry and the Department of State Parks and Recreation to maintain tourism, recreation and a stable timber base.

450 GIL RIDDELL, Council of Forest Trust Land Counties: The Council of Forest Trust Land Counties supports the bill.

-He presents amendments to HB 2501 (EXHIBIT G).

TAPE 32, SIDE B

008 CHAIR SCHROEDER: The three counties are Washington, Tillamook and Clatsop?

RIDDELL: Yes.

REP. JOSI: Refers to page 2, line 4, the reference to scenic waterways.

-Is there any county concern about the potential of the Trask, Kilchis and Wilson rivers being designated as scenic waterways?

020 BURDICK: There was consideration and concern. If voters of Multnomah County choose, they will ram a scenic water designation down our throat.

REP. JOSI: Would you be more comfortable if line 4 on page 2 was deleted?

BURDICK: We discussed that, but it wouldn't make any difference.

REP. JOSI: If we delete that line we aren't asking them to designate scenic waterways. If it remains it appears we're asking them for their consideration and possible designation.

-The only way he will support the bill is if line 4 is deleted.

-He would like to delete line 7 on page 2. It makes him think of logging setbacks.

-He refers to page 2, line 20. He would like to have four representatives from the counties and on line 23, have one citizen at large.

-Would you agree with those changes?

BURDICK: Yes.

CHAIR SCHROEDER: Bring that up when we get into work session.

RIDDELL: Those are excellent ideas.

065 CHAIR SCHROEDER: Summarizes the amendments submitted by the Trust Land Counties.

075 LIZ FRENKEL, Sierra Club: Supports HB 2501.

-The BLM does recreational planning, the Forest Service does recreational planning; it's time the Department of Forestry does recreational planning.

-Without a plan is it difficult to separate recreation from harvest activities.

-There is some existing developed recreation use.

-The public gets upset when harvesting is next to a campground.

-There are a lot of options, but this is where the plan begins.

-She supports showing the public how timber harvesting is done.

-It would be nice, if along with the visitor center you could see the sequence of harvest, reforestation and the regrowth.

-One hundred acres of the second growth should remain uncut.

-Between 40 and 100 acres is needed to prevent the edge effect from destroying the whole area.

-NANCY RYLES was an important role model. This is a fitting tribute.

138 REP. JOSI: You mentioned starting with 100 acres. If we start with 100 acres, what do we end up with?

FRENKEL: The Tillamook Forest began with the replanting. It was not my intent to mislead you and increase the set-aside.

REP. JOSI: Would you be amenable with using a site that has deed restrictions in place or would you be looking at setting aside 100 acres that is designated for harvesting?

FRENKEL: Left it open and joined with the interpretive center. This is part of the forest's history.

-She's suggesting a little piece and it depends where the demonstration area is.

REP. JOSI: If this bill passes, how active will the Sierra Club be in the formation of the plan?

FRENKEL: Assumes we will be interested as we have been interested in other areas.

188 REP. MEEK: 100 acres is a small amount if it's put up against 180,000 acres.

-One hundred acres is significant for a recreational facility.

-Why not 40 acres?

FRENKEL: There are high winds in the Tillamook area and if the area is smaller than 40 acres the trees will fall down, due to the edge effect.

REP. MEEK: They can be replanted.

215 GARY BRUEBAKER, Director of Cash Management, Oregon State Treasury:
Presents an amendment to HB 2501 (EXHIBIT H).

CHAIR SCHROEDER: What's the reason for the amendment?

BRUEBAKER: If a fund is to earn and retain its own interest we would like to have clarifying language that it is not part of the General Fund and retains its own interest.

-It seems that the intent of the bill is that the fund should retain its own interest so we are clarifying that it is not part of the General Fund.

REP. NORRIS: Would like to ask JIM BROWN a question.

-Is there a history of salvage after the burn?

BROWN: It was salvaged.

REP. NORRIS: Since this was salvaged and reforested this is a principal that should be underlined.

-Didn't the Awbrey Hall fire start from an untended campfire?

BROWN: Yes.

REP. NORRIS: Wouldn't the active development of the Tillamook area magnify the possibility of campfires?

BROWN: The potential is there. That's one reason we concentrate people in the Wilson River Campgrounds. Something similar would be imbedded in the plan.

-There is high recreational use today.

CHAIR SCHROEDER: Asks GAIL ACHTERMAN to come up.

-He refers to page 2, lines 4 and 7. Could either of you comment on REP. JOSI's suggestions?

ACHTERMAN: It seemed prudent to include the potential of scenic waterways designation in the bill.

-Citizens around the state who lived along the rivers complained about their rivers being included in the omnibus rivers bill.

-People interested in rivers' protection are talking about rivers in the Tillamook State Forest. If we were going to do a recreation plan to respond to those citizens who were left out of the process it would be better to do it in a comprehensive way and take a look at all the rivers in the forest at the same time rather than take it up river by river.

-Likewise, it's better to address scenic highways as part of the comprehensive process. The subject is out there and will be raised.

358 REP. MEEK: Scenic has come to mean we don't like to see trees cut down.

-That area was reforested for harvest and jobs. He's not about to leave that language in the bill so we can debate someone's perception of scenic.

ACHTERMAN: We either address this as part of the planning effort or it will be addressed later.

-Ignoring the problem and saying it's supposed to be managed for a specific purpose is not going to make the public concern go away.

REP. MEEK: Leaving it out is not ignoring it. It makes it clear that those lands are managed for timber production.

408 ACHTERMAN: You will make the decision to include or not include this.

-No matter what you say in the bill it will come up as an issue before the planning committee.

-The bill was drafted so the planning effort would look at potential sites. It's not a mandate to designate any rivers or highways.

BROWN: These sections are not predisposed to identify scenic rivers or highways.

-He'd rather see it through an organized planning effort rather than an individual initiative process.

TAPE 33, SIDE A

006 REP. JOSI: His constituents would be outraged if he voted for the bill with these sections left in.

-Just because it's determined a river does not meet the criteria for designation, does it preclude an organization from bringing it up again?

-He doesn't think so.

BROWN: The advantage of having gone through process is that you would be in a better position for arguing why a river went through the process and wasn't designated.

022 CHAIR SCHROEDER: An example of what REP. JOSI is talking about is people trying to create a Siskiyou National Park, even though it was rejected as national park quality.

ACHTERMAN: These sections were included in the bill because they are important parts of the comprehensive recreation planning effort.

-Individual members have considerations. That's what the process is about.

CHAIR SCHROEDER: The Forest Practices Act has provisions for roadside scenic areas that allows cutting behind a buffer and eventually allows harvesting of the buffer.

038 REP. DWYER: Nowhere does the bill talk about the consumptive use of wildlife.

-Most of the things in the bill conflict with the kinds of things he

likes to do.

-Hunters and fishermen are not represented in the bill.

ACHTERMAN: You could add the opportunities for hunting and fishing on page 2, lines 1 to 14.

-She didn't add them, because she felt it was encompassed in other statutes.

REP. DWYER: Why should a person give up something they are allowed to do in the Tillamook Forest for something they might be allowed to do?

ACHTERMAN: It was never the intention to ignore hunting or fishing.

-Your point is well taken and can be addressed as part of this plan and could be added to the specific plan elements.

REP. DWYER: He still needs a history of Chaney and a definition of recreation.

CHAIR SCHROEDER: You can draft an amendment to include hunting and fishing.

REP. NORRIS: Is there any definition of recreation on public lands in the statutes?

ACHTERMAN: The beginning of the policy section creating the Department of Parks and Recreation talks about what outdoor recreation means in Oregon and what Oregon's outdoor recreation policy is.

REP. NORRIS: Could we tie that in if it covers hunting?

ACHTERMAN: It covers those things.

095 REP. DWYER: When the Parks Department adopts rules they are not sensitive to hunters and fishermen.

CHAIR SCHROEDER: BETH, please get the preamble the next time we hear this.

REP. NORRIS: Preamble's don't count, they're not law.

ACHTERMAN: It is codified in the first section of the parks statutes.

REP. JOSI: There is a bill that addresses REP. DWYER's concern.

-Before administrative rules are in place they have to be scrutinized by the next Legislature.

-He refers to page 2, line 1 of HB 2501. Would you have a problem with deleting "visitors" and inserting "interpretive"?

BROWN: No.

125 REP. MEEK: Why were the memorial and plan put together?

-Why don't we have a bill that addresses the plan and once that's adopted we deal with the placement or development of a memorial?

ACHTERMAN: There are two pieces to the legislation.

-We couldn't pick one place to memorialize NANCY or the others who made the Tillamook State Forest possible. The way to do it was as part of a broader plan.

-The planning process is the best memorial we could do.

-That's why we tied the two together.

REP. MEEK: The dilemma is passing the legislation to develop a plan so you can have a memorial.

-The plan being the memorial is not well stated.

-He has no problem proceeding with the bill.

-The carrier of the bill has to have a clear perception of the bill.

ACHTERMAN: It can be clarified and expressed; we can propose additional language to clarify that.

REP. DWYER: What's the name of the forest we're in the process of harvesting in REP. SCHROEDER's area?

CHAIR SCHROEDER: The Elliott.

REP. DWYER: What's the Elliott Forest named after?

BROWN: A previous State Forester.

REP. DWYER: Can't we change the name to the Nancy Ryles State Forest?

ACHTERMAN: It would be a betrayal of our history to change the name.

228 REP. VANLEEUEWEN: Does not buy that argument.

REP. JOSI: Does not support changing the name.

CHAIR SCHROEDER: Closes the Public Hearing.

-We will postpone the presentation by the Council of Forest Trust Land Counties.

-He adjourns at 10:24 A.M.

Submitted by: Reviewed by:

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

EXHIBIT LOG:

A - SMS/Fiscal/Revenue impacts for HB 2501 - Staff - 3 pages
B - Testimony on HB 2501 - Gail Achterman - 2 pages
C - Testimony on HB 2501 - Jim Brown - 3 pages D-"From Tillamook

Burn To Tillamook State Forest" - Jim Brown - 16 pages E-Testimony on HB
2501 - Dave Talbot - 4 pages F-Tillamook County Resolution - Kenneth
Burdick - 1 page G-Hand Engrossed amendments to HB 2501 - Gil Riddell -
3 pages H-Testimony on HB 2501 - Gary Bruebaker - 1 page