

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

April 4, 1991 Hearing Room F 8:15 A.M. State Capitol Tapes
58 - 59

MEMBERS PRESENT: REP. WALT SCHROEDER, Chair REP. LIZ VANLEEUWEN,
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: HB 2236 - WORK SESSION SB 234 A - PUBLIC HEARING HB
2549 - PUBLIC HEARING

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TAPE 58, SIDE A

003 CHAIR SCHROEDER: Calls the meeting to order at 8:17 A.M.

PUBLIC HEARING ON HOUSE BILL 2549 -- EXHIBIT A

Witnesses: Rep. John Schoon, District 34 James Hamrick, Preservation
Officer, Department of Parks and Recreation

CHAIR SCHROEDER: Opens the Public Hearing.

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

011 REP. JOHN SCHOON, District 34: Reads a letter which led him to
introduce the bill.

-An individual thinks he knows there are valuable artifacts in a state
park and wants to search for them.

-The response from the Department of Transportation was vague and
doesn't indicate they can stop an individual from searching for
artifacts.

-He reads a letter from the Department of Transportation.

-They didn't know what their actual rights were.

-He asked for legislation to be drafted to classify all artifacts and other historically significant items found on state park lands as archaeological treasures and to give the State Parks Department title to such artifacts.

-He's not sure the bill will actually accomplish what he intended.

-The purpose of the bill is to protect artifacts on state parks land.

-The people of the state have a greater right to these objects than an individual.

-Hopefully, the language makes it clear that artifacts on public lands belong to the state.

-There may be testimony that some of this is not desirable.

-Amateur archaeologists discover a lot of artifacts. He doesn't want to discourage that. They have always had to receive a permit.

-He hopes the law is strengthened so there is no longer any doubt.

082 REP. DOMINY: Is there a penalty?

REP. SCHOON: Is not sure.

085 REP. DWYER: Does not see the bill doing anything.

REP. SCHOON: Got the same impression after he read it.

-He isn't sure it strengthens the language enough.

-He hasn't brought amendments because of opposition.

REP. DWYER: The only change is "Knowingly, intentionally or systematically...."

REP. SCHOON: "Knowingly" and "intentionally" are the key words. Hopefully, they'll be adequate to do what's intended.

106 CHAIR SCHROEDER: Several of us received letters from an individual who thought they discovered the wreck of a Spanish galleon.

-The statutes were unclear about treasure troves and archaeological objects.

REP. DWYER: People have been looking for that galleon for 40 years.

CHAIR SCHROEDER: The point is, the statutes are unclear about treasure troves and archaeological objects.

118 REP. NORRIS: The key is the prohibition of the removal of the object.

REP. SCHOON: The words "or objects" has been added, which may address REP. SCHROEDER's point.

REP. NORRIS: When did you receive the letter from the Department of Transportation?

REP. SCHOON: July 20, 1989.

134 REP. JOSI: Is still unclear on what the problem is that your trying to address?

REP. SCHOON: The question about whether something is an archaeological object or treasure trove.

-There seemed to be uncertainty about what the Department of Transportation could and could not do. They weren't sure what their authority was.

REP. JOSI: Doesn't see the words "treasure trove".

REP. SCHOON: The words "or objects" on line 11 should cover that.

153 REP. DWYER: Isn't there a section of the law that deals with treasure troves?

REP. SCHOON: Doesn't know.

CHAIR SCHROEDER: The statutes talk about treasure troves in one place and archaeological in another place. There is some confusion of the definitions.

-Maybe we could look at this bill as a vehicle to clarify those definitions?

REP. SCHOON: Relied on Legislative Counsel to draft what was needed.

REP. JOSI: Agrees that we should tighten this up.

-The phrase "or objects" is vague and could mean anything.

-This isn't any stronger than the current law.

170 REP. VANLEEUEWEN: The word "knowingly" makes the law stronger.

-How are people to know they're not supposed to pick up arrowheads?

REP. DWYER: Arrowheads aren't covered.

REP. DOMINY: Line 27 refers to Indian objects in a different section of the law.

REP. VANLEEUEWEN: That talks about graves.

REP. DWYER: Are the permits for archaeological digs unavailable to the general public?

REP. SCHOON: Has not inquired about that.

REP. DWYER: It would not be in the state's interest to discourage the public looking for treasure troves.

-Those things won't be found if there's no incentive for the public.

-He doubts the wisdom that the state owns everything that has not been discovered.

CHAIR SCHROEDER: If this issue should be pursued, perhaps it could take care of the confusion about archaeological objects and treasure troves?

REP. NORRIS: Has a question for the Parks Department.

214 JAMES HAMRICK, Preservation Officer, Department of Parks and Recreation: May or may not be able to answer questions on the bill.

REP. NORRIS: ORS 390.235 talks about public lands.

-Is the Parks Department responsible for permits on any and all publicly owned land?

HAMRICK: That's correct.

-The Parks Department with the Division of State Lands introduced SB 225, to conform the treasure trove statutes and the archaeological statutes.

-The bill has been withdrawn, because the tribal organizations objected.

-We will look at this issue during the interim.

-The State Land Board has agreed to extend the moratorium on granting treasure trove permits for another year or more.

CHAIR SCHROEDER: We should not act on this, because there will be a better bill coming next session?

HAMRICK: Will need to discuss this with REP. SCHOON, but that's correct.

263 REP. DOMINY: Because the capitol building is public land, if someone found an old historic paper they couldn't remove it from the building?

HAMRICK: The Secretary of State's Office may think they would own it.

REP. DWYER: Does not think the bill does anything.

CHAIR SCHROEDER: Closes the Public Hearing.

PUBLIC HEARING ON SENATE BILL 234 A-ENGROSSED -- EXHIBITS B & C

Witness: Jeff Kroft, Division of State Lands

CHAIR SCHROEDER: Opens the Public Hearing.

297 BETH PATRINO: Describes the bill (EXHIBIT B)

303 JEFF KROFT, Division of State Lands: Presents testimony in support of SB 234 A (EXHIBIT C).

341 REP. MEEK: Could we get information on how the Senate handled these bills; how they passed out of committee and how they voted on the Floor?

PATRINO: Yes.

REP. DWYER: Doesn't see how anyone could object to this.

REP. MEEK: Agrees, but it would be good to know how they voted.

CHAIR SCHROEDER: We're just complying with today's realities?

KROFT: Yes.

CHAIR SCHROEDER: Closes the Public Hearing.

WORK SESSION ON SENATE BILL 234-A ENGROSSED

CHAIR SCHROEDER: Opens the Work Session.

362 MOTION: REP. DWYER: Moves SB 234 A-Engrossed to the Floor of the House with a do pass recommendation.

VOTE: The motion carries unanimously.

CARRIER: REP. VANLEEUEWEN.

WORK SESSION ON HOUSE BILL 2236 -- EXHIBIT D

Witness:Pete Bond, Recreation Trails Council, Department of State Parks and Recreation

CHAIR SCHROEDER: Opens the Work Session.

BETH PATRINO: Updates the bill and describes the amendments (EXHIBIT D).

409 REP. DOMINY: Has anyone contacted the Governor's Office on this?

415 PETE BOND, Recreation Trails Council, Department of State Parks and Recreation: This bill had the approval of the previous governor's administration and has the approval of the current administration.

-The amendments are satisfactory.

CHAIR SCHROEDER: Since Parks and Recreation is now a separate department they feel they should be appointing this advisory committee.

REP. VANLEEUEWEN: Asked for information on how they coordinated with the Forest Service and BLM.

BOND: Will get you that information.

458 MOTION: REP. JOSI: Moves to adopt HB 2236-1, Proposed Amendments to House Bill 223 6, dated 4/3/91.

REP. NORRIS: Refers to Hand-Engrossed HB 2236 (EXHIBIT D).

-Do they serve at the pleasure of the commission or for terms of four years?

BETH PATRINO: It's supposed to be both.

CHAIR SCHROEDER: The period is confusing.

TAPE 59, SIDE A

026 BETH PATRINO: There is no punctuation. You're only adding the

language within the quotation marks.

029 REP. NORRIS: Serving at the pleasure for a term certain is an inconsistency.

REP. DWYER: This is a consistency throughout government.

CHAIR SCHROEDER: Hearing no objection the motion passes.

042 MOTION: REP. JOSI: Moves House Bill 2236 as amended to the Floor of the House with a do pass recommendation.

VOTE: The motion carries unanimously.

CARRIER: REP. SCHROEDER.

REP. DWYER is excused.

057 CHAIR SCHROEDER: Recesses at 8:50 A.M.

-He reconvenes at 9:05 A.M.

OREGON BENCHMARKS -- EXHIBIT E

Witnesses:Duncan Wyse, Director, Oregon Progress Board James Zehren, Oregon Progress Board

068 DUNCAN WYSE, Director, Oregon Progress Board: Describes the Oregon Progress Board and the Oregon Benchmarks.

132 JAMES ZEHREN, Oregon Progress Board: Refers to "Benchmarks for an Outstanding Quality of Life" (EXHIBIT E).

-He refers to items 6 through 12.

-These relate to natural resources and are measures of things Oregonians generally value and care about.

-We would like to monitor these over the long-term to see how well we're doing as a state and as a people.

-These items have to do with howwell we are being effective stewards of our natural resource base.

-He refers to items 13 through 17.

-The first three items refer to the land base. We worked with Parks and Recreation to come up with this classification.

-He refers to #16.

-We want to continue working with Parks and Recreation to come up with a way to know how well we are doing in maintaining our recreation facility investments.

-We are working with the Department of Transportation on # 17, which is an attempt to look at highway corridors.

-He refers to items 36 and 37.

-These are another look at Parks and Recreation facilities with a focus on the communities.

-If we don't do a good job so that people have locally available facilities, it puts more pressure on the facilities outside the communities.

225 CHAIR SCHROEDER: Are there any questions about #6?

WYSE: The board decided to include categories they wanted to measure to help set a research agenda. It doesn't mean we will be able to measure all of these in the next biennium.

-We're trying to characterize issues that may be of importance.

237 REP. DOMINY: Are you considering what may happen to secondary lands?

-What we do with secondary lands will make a big difference about urban growth and about what is and is not timber and farmland.

ZEHREN: We spent a lot of time on this. Number 6 is blank because the data doesn't exist.

-Personally, it is useful to know the extent of annual development occurring within and without an urban growth boundary.

-This item is an attempt to record the building permits or dollar value of building permits to see how much development is outside the urban growth boundary.

-The secondary lands issue might have to do with whether or not the development is a good or bad thing.

-We would want to measure how much development is occurring.

272 REP. DOMINY: My question was more related to #7 and #8.

-Those numbers on the chart could be very different depending on how we define the timber and/or farmland.

ZEHREN: That's correct.

-We used the U.S. Department of Agriculture's definition of agricultural land.

-He reads the definition.

-Your point is well taken. If you change the definitions you change the numbers dramatically.

CHAIR SCHROEDER: You may want to break it down to prime agricultural and forestlands and secondary agricultural and forestlands.

ZEHREN: That's helpful.

302 REP. VANLEEUEWEN: Is what we do today going to have any impact?

WYSE: We will summarize your comments and forward them to the Trade and

Economic Development Committee and the Progress Board.

-The comments will be incorporated.

-We want the next edition of the report to reflect your comments.

CHAIR SCHROEDER: Your second draft reflected the concerns expressed by the meetings held in the communities.

REP. VANLEEUVEN: Has comments to make.

330 REP. MEEK: How much time do we want to devote to this?

-Should we do it in writing?

CHAIR SCHROEDER: We have 20 minutes.

-If you have something in writing you can present it to them.

REP. MEEK: Why don't you have the data for #6?

-The Board of Commissioners of Washington County have that data.

-He refers to #7.

-He has a tough time accepting we will decrease our agricultural base 6 percent.

-That's contrary to the direction we want to go.

-We should make sure the agricultural land out there is in production.

-If we allow someone to build on agricultural land they should put the land into production.

-That number should be increasing.

409 REP. VANLEEUVEN: The definition they're using includes a lot of the secondary land.

REP. MEEK: We shouldn't use definitions that may be out of date.

CHAIR SCHROEDER: If we break this down to primary and secondary agricultural/forestlands we can have 100 percent of the primary lands preserved in 2010.

-Development is taking place on primary land in Washington County.

REP. MEEK: That's why we need to increase the productivity.

-In some cases secondary lands can be as productive or more productive for some aspects of agricultural use.

433 WYSE: We're hearing two things:

-1. Make the distinction between primary and secondary lands.

-2. You're interested in the amount of designated agricultural land that is actually in production.

CHAIR SCHROEDER: That will be difficult.

WYSE: It will, but we'll look into it.

REP. VANLEEUVEN: What REP. MEEK is saying is that if it's listed as agricultural land it should be put into production.

REP. MEEK: Get away from looking at how the land is classified and look at how the land is used.

REP. DOMINY: You're saying we should look at what we have available and use it all?

REP. MEEK: You're exactly right.

-The way he reads this is: We have 100 percent EFU lands, 75 percent is in production and we're willing to sacrifice another six percent of EFU lands which may be at 60 percent production.

TAPE 58, SIDE B

026 ZEHREN: With the definition the USDA uses, the number stayed the same from 1970 to 1980 and then dropped by four percent to 1990.

-Our target number for 2010 is a drop of two percent in farmland.

REP. MEEK: Let's gain back the six percent.

CHAIR SCHROEDER: If we look back to 1950, the 1970 figure would probably be 80 percent of the 1950 amount.

045 REP. VANLEEUVEN: Would like you to change "preserved" to "conserved" in #8.

-"Preserved" means setting lands aside, while "conserved" means keeping a continual supply.

ZEHREN: That's a point well taken.

-This is not an attempt to look at the timber issue, but to look at how much land is forestland.

-There is another measure.

REP. MEEK: Came to the same conclusion as REP. VANLEEUVEN.

-He doesn't know the Progress Board's definition of forest use. It needs to be clarified.

074 REP. NORRIS: It seems this report is a fait accompli and seems founded on some generalities and lacks specificity.

-HB 2813 puts the blessing in it. It's the starting point.

090 WYSE: We are taking these comments very seriously.

-This is an evolutionary document and we know it needs improvement.

REP. NORRIS: Was not criticizing, but was trying to put things in context.

REP. MEEK: Refers to #8.

-You show no increase in forestland over the next 20 years.

ZEHREN: This is the quality of life section as opposed to the economy section.

-This is an attempt to measure how much of Oregon is green.

-This is probably a state we'd like to maintain.

REP. MEEK: You didn't answer my question.

-You want to have that same percentage in the year 2010?

ZEHREN: We're saying that 90 percent of what was forested in 1970 will be forested.

WYSE: We're saying we want to hold even from now on.

ZEHREN: That's forestland regardless of its use.

-We have another measure of how much is in production.

REP. MEEK: Refers to #13.

-You want to set another million acres aside for future generations.

-How is that percentage going to be maintained if you set aside another million acres?

ZEHREN: He reads the definition they are using for forestland.

-We have another benchmark in the economy section that addresses timber production.

-We can discuss how much should be green 20 or 50 years from now.

163 CHAIR SCHROEDER: We'll discuss timber harvest when we get to page 34.

REP. VANLEEUEWEN: What's the definition of wetlands?

ZEHREN: We use the Division of State Lands' definition.

CHAIR SCHROEDER: It's a different definition than we've heard earlier.

REP. VANLEEUEWEN: Wants them to be careful.

WYSE: That's an important message.

REP. VANLEEUEWEN: How stringent the classification of wetlands is has a tremendous impact on what happens to these other lands.

-A lot of towns are built on what are classified as wetlands.

WYSE: That puts pressure on agricultural lands.

197 ZEHREN: That relates to how much land is set aside for development

that are wetlands.

-We tried to measure that in the economy section.

-One of the values of this process is that it helps people see the relationships.

REP. VANLEEUEWEN: What's the X in #10?

CHAIR SCHROEDER: X is the current level. 1995 is 1.05 of X.

ZEHREN: That's correct.

-We did not have a good handle on in-stream flow meeting the needs of people who want water in their streams and rivers.

-There are policy projections we can recover, like setting aside water and using it in low periods.

-This is an attempt to reflect the policy without knowing the numbers.

CHAIR SCHROEDER: Does this refer to REP. NORRIS' bill on water impoundment?

ZEHREN: That's one of the mechanisms Water Resources explained to us to try to achieve these targets.

CHAIR SCHROEDER: Is glad they're thinking that way.

232 REP. VANLEEUEWEN: Hopes you're supporting storage of rain and snow runoff?

WYSE: We've spent quite a bit of time with the Water Resources Department and the board feels it's an important issue.

ZEHREN: The water issue keeps coming up.

-It takes data collection to measure how well we're doing.

-The state needs to decide how much data we need and how much we need to spend.

REP. VANLEEUEWEN: Consider how much the landowner is required to spend on water testing.

282 CHAIR SCHROEDER: In #12, is the difference between 38 and 23 the number that has become extinct?

ZEHREN: These are hard to put into a few words.

-The number drops because threatened or endangered species are no longer on the list or an extinct species is reintroduced into the state.

-The intent is to look at the number that are threatened or endangered and continue to be extinct.

313 REP. DOMINY: What was taken off the list between 1970 and now?

ZEHREN: Does not know.

CHAIR SCHROEDER: Extinction is a natural progression. Humans can speed the process.

REP. VANLEEUEWEN: Is this partly saying we will have preserved the spotted owl to such an extent that it can be removed from the list?

WYSE: The spotted owl is one of the items. It suggests by the year 2000 some are off the list.

REP. VANLEEUEWEN: Please keep me informed on any movement on this list.

WYSE: It suggests some numbers are off the list.

ZEHREN: These numbers are from the Department of Fish and Wildlife.

WYSE: We'll report back on this issue.

357 REP. DOMINY: Refers to #13.

-There are a number of Oregonians who want a large number of timber set-asides.

-Where did this number come from?

ZEHREN: This was the best guess by the Department of Parks and Recreation that the Federal Government would set aside another 1 million acres.

REP. DOMINY: These numbers came from other agencies and aren't necessarily the opinion of the Progress Board. If we want to change the numbers we have to change what the agencies expect to happen and also change public opinion.

381 WYSE: These aren't forecasts, they are goals. If you don't agree, we should hear that.

REP. MEEK: You're going in the wrong direction on #13.

WYSE: That's something the board needs to hear.

-There are two issues:

-Do you want to measure this? This makes sense.

-Do you agree?

REP. VANLEEUEWEN: We have more than two acres per man, woman and child in the state set aside.

ZEHREN: The 1990 total comes out to the figures you came up with.

REP. VANLEEUEWEN: Thinks there are 7 million acres set aside.

-In my county most of our parks are county parks and we get a small share of state money into the county.

-How much are we going to set aside?

445 ZEHREN: That's the kind of question we want to stimulate.

-Should the acres set aside in 1990 stay that way, be less or be more in the future?

REP. VANLEEUEWEN: Was including developed parks.

WYSE: Number 15 addresses parks and recreation.

-That per capita acreage has been declining.

-This is saying we should build parks to keep up with the growth in population.

-Developed parks are a much smaller acreage than wilderness.

TAPE 59, SIDE B

019 REP. NORRIS: If 7 million acres are set aside by 1995, that is a pretty substantial area.

-These numbers aren't encouraging.

CHAIR SCHROEDER: It seems more and more acres are being set aside for fewer and fewer people.

-He would like to see the acreage in #14 increased and the acreage in #13 decreased.

043 ZEHREN: Oregon is roughly 96,000 square miles.

-Number 14 contains a lot of land in eastern Oregon.

-You sometimes have to keep the perspective of where the land is and how large the state is.

CHAIR SCHROEDER: Curry County is two-thirds public ownership.

REP. DOMINY: If it's a benchmark recommendation to set aside more wilderness, what would it take to change that benchmark?

-Do we enact legislation, or can this committee or another committee say we want to change direction?

072 WYSE: The point is to engage in discussion.

-We'll report that this committee thinks the direction ought to be different.

-The benchmarks don't constitute law. They are directions and are fundamentally a measurement system.

-If we have disagreement on goals we ought to highlight them and debate them.

REP. DOMINY: This committee has concerns that this is not the direction to go.

-The bureaucrats will look at this and make the rules.

-He would hope to see this become a neutral position.

WYSE: We'll take these comments back to the Committee on Trade and Economic Development and say that you didn't agree with the goal of #13 and hopefully the bill will be modified.

102 REP. MEEK: Refers to page 3, lines 12 to 15 of HB 2813.

-Line 15 talks about increasing highways that are visually attractive.

-There is no benchmark that addresses that, why is it in there?

ZEHREN: Number 17 is the highway corridor benchmark. We don't have those numbers.

-There is a proposed process we could talk about.

REP. MEEK: You're saying let's do something to correct a problem. He is not sure we have a problem.

ZEHREN: People who worked on this document felt there can be a problem.

132 REP. JOSI: Where did the people live who worked on this document? Are they urban or rural Oregonians.

WYSE: The Progress Board has state-wide representation and has conducted 11 workshops around the state.

REP. JOSI: Every costal highway is scenic and he wants to see no further restrictions on logging.

WYSE: He is hearing concern on that measure.

REP. VANLEEUEWEN: Why do we try to create a pretty picture?

WYSE: This was debated by the board.

REP. VANLEEUEWEN: Wishes people would let us live our lives.

REP. DOMINY: Beauty is in the eye of the beholder. How do we define beauty?

176 WYSE: Discusses numbers 36 and 37.

-He discusses numbers 22, and 23.

CHAIR SCHROEDER: Where does field burning fit in #23?

WYSE: Does not believe we're out of compliance on federal standards.

-There is a particulate problem.

REP. JOSI: What about slash fires?

WYSE: Does not know.

-The pollution problems are with wood stoves and auto emissions.

ZEHREN: That's correct.

-There's an ozone problem in Portland and other air quality problems in Klamath Falls.

CHAIR SCHROEDER: Is concerned that there will be a state-wide law prohibiting the use of wood stoves.

209 REP. VANLEEuwEN: There is a bill where the DEQ wants to charge \$3 for every cord of wood burned.

WYSE: Discusses numbers 24 and 25.

ZEHREN: These numbers are from the Department of Forestry.

-This is an attempt to measure how much forested land is available for producing timber.

REP. VANLEEuwEN: You are talking about harvesting?

ZEHREN: Yes. What's available for harvesting.

-We hope to hold this constant through 2010.

-This concern was added after the public review process.

REP. VANLEEuwEN: The figure is probably much lower today.

-We need to make the Progress Board aware of what's happening in real life.

267 WYSE: Number 25 address that directly. We'll have a way of tracking this.

-We don't have goals here, because we didn't have the calculations.

ZEHREN: We've received information from the Department of Forestry on the actual amounts of timber harvested in Oregon per year.

-Because of the fluctuations, we decided to use a five year rolling average.

-The Department of Forestry is now concerned about using the five year rolling average. We may need to track this on a yearly basis.

296 REP. VANLEEuwEN: Has a concern with # 35, wildfire loss. Why are you increasing that figure?

ZEHREN: We got these numbers from the Department of Forestry.

-The numbers weren't readily available.

-We need to do more work on this.

-We asked the department for their best projections of using an aggressive approach on reducing forest fire damage.

-The department is very concerned with this issue.

-It's the department's best estimate that we'll continue to have these losses. If the numbers don't look good, maybe more attention needs to be paid on what can be done to keep the numbers down?

REP. VANLEEuwEN: This refers to bills we've had in this committee.

-She doesn't know what the answer is.

WYSE: This issue came up in the public comments.

-We will summarize your comments and mail them back to you. If you have additional concerns let us know and we will forward them to the Trade and Economic Development Committee.

CHAIR SCHROEDER: Adjourns at 10:20 A.M.

Submitted by: Reviewed by:

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

EXHIBIT LOG:

A - SMS/Fiscal/Revenue impacts for HB 2549 - Staff - 2 pages.
B - SMS/Fiscal/Revenue impacts for HB 234 A - Staff - 2 pages
C - Testimony on SB 234 A - Jeff Kroft - 2 pages D-Amendments to
HB 2236 - Staff - 1 page E-Benchmarks - Duncan Wyse/James Zehren - 4
pages