

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

June 4, 1991 Hearing Room F 8:15 A.M. State Capitol Tapes
123 - 125

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: SB 900 A - WORK SESSION SB 1125 A - PUBLIC
HEARING

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TAPE 123, SIDE A

003 CHAIR SCHROEDER: Calls the meeting to order at 8:16 A.M.

WORK SESSION -- SENATE BILL 900 A-ENGROSSED

CHAIR SCHROEDER: Opens the Work Session.

011 BETH PATRINO: Briefs the committee on the bill.

015 MOTION: REP. DWYER: Moves Senate Bill 900 A-Engrossed to the Floor of the House with a do pass recommendation.

VOTE: The motion carries 6 to 0.

EXCUSED: REP. DOMINY.

CARRIER: REP. NORRIS.

PUBLIC HEARING -- SENATE BILL 1125 A -- EXHIBITS A to

Witnesses: John Davis, Chairman, Select Committee on Forest Practices, Oregon Forest Industries Council Sen. Joyce Cohen, District 13 Sen. Bob Kintigh, District 14 Sen. Dick Springer, District 6 Ray Wilkeson, Oregon Forest Industries Council Fred Robinson, Assistant State Forester, Department of Forestry Charlie Stone, Forest Practices Director, Department of Forestry Rep. Dave McTeague, District 25 David

Moskowitz, Association of Northwest Steelheaders Jim Litherland,
Jamestown Resources, Ltd. John Thomas, Timberland Owner and Timber
Manager, Ostrom Lumber

CHAIR SCHROEDER: Opens the Public Hearing.

041 JOHN DAVIS, Chairman, Select Committee on Forest Practices, Oregon
Forest Industries Council: Presents testimony in support of SB 1125 A
(EXHIBIT A).

267 SEN. JOYCE COHEN, District 13: We hotly debated whether the Board
of Forestry should develop the rules or whether the rules should be put
into the statute.

-The compromise included the opportunity for the specifics on clearcuts
and the number of downed trees to be left for wildlife to be affirmed or
further developed by the Board of Forestry.

-Written plans for clearcutting immature timber are necessary.

312 REP. JOSI: Where is that?

319 CHAIR SCHROEDER: Page 7, line 36.

SEN. COHEN: Be sensitive in terms of our concerns.

-She discusses riparian zones and interim plans while rulemaking is
going on.

-How we manage the interim plans and whether we include stream
morphology and biodiversity in the development of the new Class 1
riparian management plans is a controversial issue.

-There was a debate whether or not to include the scenic provision.

-The industry believes it is important.

383 REP. JOSI: How do you feel about the scenic highway provision?

SEN. COHEN: Is more concerned with preserving fish runs and maintaining
water quality. We need a sustainable product that is in coexistence
with the environment.

-The scenic part is less relevant in terms of where we put our first
dollars.

406 REP. NORRIS: What is the ultimate purpose of the written plan?

SEN. COHEN: The State Forester reviews those plans to make sure they
are appropriate.

405 SEN. BOB KINTIGH, District 14: Discusses the purpose of the written
plans.

456 CHAIR SCHROEDER: HB 2317 would have provided a market for immature
timber.

-As you indicated there are times immature timber needs to be cut.

TAPE 124, SIDE A

018 SEN. DICK SPRINGER, District 6: We reached a fair and reasonable compromise.

-We had a full review of the issues.

-There were major compromises made to get this bill passed.

-This bill makes a substantial contribution in the Legislature's role to face up to these challenges in concert with the industry and the expectations of the public.

-Water quality was a key issue and we reached consensus agreement on that language.

-He hopes the committee will stick close to the language on stream classification.

-It will cost money to do this job right. He understands Ways and Means has set aside \$3 million.

-Ratify our work and pass it as quickly as possible.

099 SEN. KINTIGH: Discusses the section on reforestation.

-He encourages the committee to keep the section on water quality the way it is.

-He would like to see a small owner exemption in the section on leaving trees.

128 REP. DWYER: What is the requirement for leaving trees?

SEN. KINTIGH: Two trees and two logs per acre.

REP. DWYER: How can that be an economic hardship for a small woodland owner?

SEN. KINTIGH: In my stand there are 60 to 70 trees per acre. This section would require me to leave one out of every 15 trees.

CHAIR SCHROEDER: What would be the cost?

SEN. KINTIGH: Each tree is approximately \$100.

REP. DWYER: You're not losing the trees. You'd have bigger trees the next time you cut.

SEN. KINTIGH: One big tree would take up an area where several smaller trees could grow.

152 REP. DWYER: In the past didn't they leave trees for reseeding?

SEN. KINTIGH: We don't depend on seed trees today, we use genetically superior seedlings.

171 REP. NORRIS: Does this bill apply to public and private timber?

SEN. KINTIGH: Private and state timber.

REP. NORRIS: Would this apply to operations in the national forests?

SEN. SPRINGER: Federal regulations would preempt if they are different. It's our understanding the U.S. Forest Service tries to coordinate their harvest activities with the state. In many cases they meet or exceed the standards in this legislation.

SEN. KINTIGH: Private forests within federal forests come under this.

REP. NORRIS: Does this address slash burning?

SEN. SPRINGER: To the extent that we've increased the fees.

-It's not as comprehensive as HB 2175

CHAIR SCHROEDER: Does it also refer to burning to prevent forest fires?

SEN. SPRINGER: We've made an exemption where fire is a management practice that's essential to maintain the health of the forest.

223 REP. VANLEEUEWEN: Refers to section 21, page 13.

-Are these sanctions the same as the ones in SB 184?

SEN. COHEN: The water quality sections need to be read in conjunction with each other. Section 23 qualifies this section.

SEN. SPRINGER: Thinks the sanctions would generally be the same. He elaborates.

269 REP. DWYER: Are we going to make an exception for a small woodlot owner who logs 120 acres out of their 2,500 acres?

SEN. KINTIGH: Is thinking of 500 to 1,000 acres or clearcuts of less than 20 acres. The average small woodland owner has 100 acres.

REP. DWYER: What is the normal acreage for intensive management?

-How many acres do you have?

SEN. KINTIGH: Has about 220 acres of timber. His clearcuts are five to 10 acres.

REP. DWYER: Is five acres an average for a small woodland owner?

SEN. KINTIGH: Fifteen or 20 acres for a clearcut.

308 SEN. COHEN: Refers to section 10.

-We compromised and kept ORS 527.630 fairly intact.

REP. NORRIS: Is there a way to make up the shortage of the four trees per acre from the surrounding timber?

336 SEN. SPRINGER: The bill allows clustering.

-Every situation is unique.

-Something has to be left.

REP. NORRIS: Could that be made up with the remaining timber? There should be some flexibility in the rules.

SEN. KINTIGH: Feels the answer would be yes.

-Trees are also required in the riparian area.

REP. DWYER: Does not think nine trees per acre is unreasonable.

-We have done more for small woodlot owners than we've ever done. They should not be treated any differently.

388 DAVIS: OFIC will offer an amendment that addresses the small clearcut.

-On clearcuts of less than 15 acres the requirement to leave two trees and two logs per acre should be waived.

-Standing trees and snags are a danger to loggers.

432 CHAIR SCHROEDER: Do you normally leave any hollow logs?

DAVIS: Occasionally logs or trees are left if they are too far gone. Generally we take everything of economic value.

CHAIR SCHROEDER: Can those rotten logs count for the two per acre requirement?

DAVIS: Yes.

TAPE 123, SIDE B

016 RAY WILKESON, Oregon Forest Industries Council: Presents Hand-Engrossed Senate Bill 1125 (EXHIBIT B) and "Section-By-Section Analysis" (EXHIBIT C).

-Legislative Counsel is preparing a draft of our amendments.

-He comments on the reasons for their suggestions.

-He discusses the "Section-By-Section Analysis" (EXHIBIT C).

078 REP. JOSI: Refers to section 3, page 3 of the Hand-Engrossed Bill.

-Are you removing lines 6 through 14 because of the ambiguity of "cumulative effect"?

-Do you fear there is a potential for small clearcuts?

WILKESON: It's not a fear. We believe the Legislature should make these decisions. That's the best way to increase the confidence of the public.

-We suggest deleting that subsection because of a Senate amendment that delegates to the Board of Forestry how big a clearcut should be.

-We believe it's more appropriate to set the size of a clearcut in statute.

100 REP. DWYER: It's political about the size?

WILKESON: It's arbitrary.

-There is currently no limit on the size of a clearcut.

-This bill establishes a significant restriction on a private landowners ability to liquidate a stand of timber.

-He refers to expert testimony presented in the Senate.

REP. DWYER: What's the difference between having it in the law or in rules?

WILKESON: The bill makes it clear that clearcuts will not be more than 120 acres.

REP. DWYER: If we make a mistake in the law we have to wait two years to fix it.

WILKESON: The legislature can move as fast as an agency.

REP. DWYER: Understands your intent. He is dismayed that you don't seem to have confidence in the Board of Forestry.

WILKESON: It's not a matter of a lack of confidence, it's sending a message to the public.

REP. NORRIS: What section were we referring to?

WILKESON: Section 3(3). If this committee agrees 120 acre clearcuts should be set in statute, this section is unnecessary.

-We'll reserve the rest of this analysis until next time.

167 DAVIS: The horror stories you've heard about forestry relate to practices that took place before the current Forest Practices Act was in effect.

-We haven't had an opportunity to monitor the existing rules.

-We're suggesting a modest increase in stream protection, because we believe some increase in protection is justified.

-Most of us believe the current Forest Practices Act adequately protects our resources.

197 FRED ROBINSON, Assistant State Forester, Department of Forestry: Presents testimony in support of SB 112 5 (EXHIBIT D) and "Final Report on Forest Practices Forum Issues" (EXHIBIT E).

354 CHARLIE STONE, Forest Practices Director, Department of Forestry: Refers to Attachment 1 (EXHIBIT D).

-He refers to Attachment 2 and discusses proposed changes.

430 REP. VANLEEUEWEN: Do you mean the statute as it stands in your reference to section 3?

STONE: Currently, until the board takes action in rules, 120 acres would be the limit. We believe that is adequate.

-He continues with section 6.

-The bill requires 200 trees per acre be replanted in clearcuts. Some areas will not support 200 trees per acre.

TAPE 124, SIDE B

027 STONE: Continues with section 8.

075 REP. DOMINY: How many of these amendments did you bring before the Senate?

STONE: We never discussed prescribed burning and the deletion of section 17.

-Some of the items are due to the final version of the bill.

-We raised the bonding issue before.

094 REP. DOMINY: Elaborate on clearcutting and the waterways.

STONE: Discusses clearcutting.

-He did not comment on streams.

REP. DOMINY: There was a difference between the industry and the Senate committee in developing a new class of streams.

-Which version of the bill do you support?

STONE: We support the current version of the bill.

119 ROBINSON: The Board of Forestry's position can be found in the final report (EXHIBIT E).

136 REP. DOMINY: The bill's original form set up another class of streams. It was my understanding you didn't oppose that initially.

STONE: Whether or not it is in this bill, the Board of Forestry has determined the stream classification needs to be changed.

-They will go ahead and change the classification with or without the bill, unless the Legislature says not to change it.

REP. DOMINY: What do you think about the industry's proposal?

STONE: We have no problem with the industry's original proposal.

173 CHAIR SCHROEDER: Asks unanimous consent for REP. DOMINY to cast his vote on Senate Bill 900 A-Engrossed.

CHAIR SCHROEDER: Hearing no objection the motion passes.

REP. DOMINY: Votes aye.

179 REP. DAVE MCTEAGUE, District 5: Presents testimony on SB 1125 (EXHIBIT F).

277 DAVID MOSKOWITZ, Association of Northwest Steelheaders: Presents

testimony on SB 1125 (EXHIBIT G).

-It seems OFIC cannot make up its mind whether or not it wants the Legislature or the Board of Forestry to set the standards.

-The board should be given more rulemaking authority.

-He discusses clearcutting.

REP. VANLEEUEWEN: What percent of clearcuts are under 120 acres?

MOSKOWITZ: Ninety-five percent.

REP. VANLEEUEWEN: How long has that been happening?

MOSKOWITZ: Doesn't know.

-He discusses scenic buffers.

336 REP. JOSI: The buffers along highways are left, but aren't left permanently.

MOSKOWITZ: That's the same point REP. DWYER raised about trees along streams.

REP. JOSI: The trees left in a clearcut are lost for liquidation for about 50 years.

368 MOSKOWITZ: There are aesthetic values for scenic highways.

-This bill is trying to develop a public relations campaign on the scenic highways issue.

-Fish are being allowed to degrade and this bill should address that.

-Trees should be left by the streams where they make the most difference.

-He discusses a recent meeting of sportsmen in Coos Bay.

-Their message was to leave trees by the streams and not by the highways.

397 REP. NORRIS: How many were at that meeting?

MOSKOWITZ: Twenty-five.

REP. NORRIS: You are talking about a small well organized group.

MOSKOWITZ: It was a mix of people in the area.

REP. JOSI: Did they express their opinions after a presentation?

MOSKOWITZ: Presented a legislative update and they asked questions.

REP. JOSI: Was there a timber representative?

MOSKOWITZ: No.

REP. VANLEEUEWEN: Please address specifics in the bill.

434 MOSKOWITZ: There is no way to enforce the written plans.

-He refers to OFIC's comments on section 9.

-Section 9 (stream classification amendments) should be retained as written.

-He refers to the OFIC handout on that section. There was testimony on biodiversity and stream morphology.

TAPE 125, SIDE A

132 REP. MEEK: Could you go over what you said about section 9?

MOSKOWITZ: Replies.

-OFIC contradicts testimony presented in the Senate.

058 REP. MCTEAGUE: Refers to a grant the Portland Chapter of the Northwest Steelheaders received to place woody debris in Scappoose Creek.

-People are trying to maintain the streams and see trees being cut.

VICE-CHAIR VANLEEUEWEN: It's frustrating to have the rules changed all the time.

092 JIM LITHERLAND, Jamestown Resources, Ltd.: Discusses the bonding requirements in section 8.

-It will be onerous to put a bonding requirement on people.

REP. NORRIS: Doesn't the language give you more flexibility than just requiring a bond?

LITHERLAND: A lot of this timber is of a very low value.

-Some security may eliminate the possibility of a conversion.

REP. NORRIS: Conversion?

LITHERLAND: Convert from some sort of forest use to some sort of farm use.

128 JOHN THOMAS, Timberland Owner and Timber Manager, Ostrom Lumber: Presents testimony on SB 112 5 (EXHIBIT H).

171 VICE-CHAIR VANLEEUEWEN: His testimony reminds her of what happened with the osprey in her area.

REP. NORRIS: Compliments the witnesses.

VICE-CHAIR VANLEEUEWEN: Closes the Public Hearing.

-She adjourns at 10:22 A.M.

Testimony of DR. THOMAS M. QUIGLEY, Acting Manager, Blue Mountains Natural Resources Institute is filed as EXHIBIT I

Submitted by:

Edward C. Klein, Committee Assistant

EXHIBIT LOG:

A - Testimony on SB 1125 - John Davis - 4 pages B - Hand
Engrossed SB 1125 A - Ray Wilkeson - 19 pages C - Section by
Section Analysis on SB 1125 - Ray Wilkeson - 10 pages D-Testimony on SB
1125 - Fred Robinson - 14 pages E-Final Report on Forest Practices Forum
Issues - Fred Robinson - 61 pages F-Testimony on SB 1125 - Rep. Dave
McTeague - 16 pages G-Testimony on SB 1125 - David Moskowitz - 3 pages
H-Testimony on SB 1125 - John Thomas - 5 pages I-Testimony on SB 1125 -
Thomas Quigley - 2 pages