

Senate Committee on Agriculture and Natural Resources January 25, 1991 -  
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These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

SB 81 (PUB) SB 97 (PUB) SB 98 (PUB)

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

January 25, 1991Hearing Room C 8:30 a.m. Tapes 16 - 18

MEMBERS PRESENT:Sen. Dick Springer Sen. Joyce Cohen, Vice-Chair  
Sen. John Brenneman Sen. Shirley Gold Sen. Bob Kintigh Sen. Eugene  
Timms

MEMBER EXCUSED: Sen. Wayne Fawbush

STAFF PRESENT: Peter Green, Committee Administrator Chris Beck,  
Research Associate Kus Soumie, Committee Assistant

WITNESSES: Jon Magis, Department Veterans' Affairs  
Don Hull, Department of Geology Janet Neuman, Division of State Lands  
Greg Wolf, Department of Land Conservation and Development (DLCD) Richard  
Angstrom, Oregon Concrete and Aggregate Producers Association John  
Boleo, Department of Geology Liz Frankel, Sierra Club Russ Evon,  
Association of Oregon Counties Don Hull, Department of Geology Tom  
Barrows, Northwest Mining Association Dave Barrows, Oregon Mining  
Counsel Mark Wiverman, Portland Audubon Society Al Wieble, Geothermal  
Resources Counsel Peter Green, Administrator Senate Ag. and Natural  
Resources Committee

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TAPE 16 SIDE A

011 CHAIR SPRINGER CALLS THE MEETING TO ORDER AT 8:44 AM

PUBLIC TESTIMONY ON SB 81

013 JON MANGIS, Director, Department of Veterans' Affairs, presents testimony in support of SB 81 and presents EXHIBIT A

054 CHAIR SPRINGER: How many and where are the parcels of land are involved.

160 MANGIS: Involves 145 properties sold through the state involveing 3 or more acre parcels.

079 SEN COHEN: Why should the basic policy change?

090 MANGIS: Initial loans were made for residential purposes with no thought to mineral rights.

100 MANGIS: - gives history of Land use rights and funding structure within the Department of Veterans' Affairs, and the Oregon War Veteran's Fund.

140 SEN COHEN: Is there any reason mineral rights should not be retained in the larger tracts of land?

153 JANET NEUMAN, Acting Director of the Division of State Lands, gives testimony on SB 91 and states reasons for not retaining mineral rights. It will be in the best interests of the State to retain mineral rights on certain properties over 10 acres.

199 SEN COHEN: If we change the statute as it is being proposed you will not have opportunity to do this in any sense.

202 NEUMAN: That is correct.

204 SEN COHEN: What is the percentage and what kind of work load is in ranches 300 in ten years

217 NEUMAN: Among 145 properties a substantial amount are in excess of 10 acres.

223 SEN COHEN: Asks for information on foreclosures chronologically.

245 NEUMAN: Based on experience people do not like split estates.

254 SEN KINTIGH: Are these properties on public or private ownership?

266 NEUMAN: Most are on public ownership.

INTRODUCTION OF SB 97

276 DON HULL, DEPARTMENT OF GEOLOGY, gives testimony on SB 97 and submits testimony EXHIBIT B

- speaks of the problems being confronted in regulation and permitting of mining.

- questions addressed in SECTION 1 SB 97

399 SEN COHEN: Are DOGAMI you prepared to enforce these regulations?

413 HULL: We are now adequately staffed to enforce these regulations as a team with Department of Fish and Wildlife, DEQ and Water Resources.

TAPE 17 SIDE A

012 HULL: continues testimony on SB 97 and RECOMMENDED CHANGES FOR SB 97

084 CHAIR SPRINGER: Do you have access to what a county or city comprehensive plan would say about whether a particular area anticipates aggregate activity?

091 HULL: This is something that we ought to be aware of.

There are 36 different treatments of mining in the counties. 30 days is not enough time to coordinate.

103 SEN SPRINGER: Hand engrossing is needed on this bill.

108 HULL: - continues testimony on SB 97 RECOMMENDED CHANGES

112 CHAIR SPRINGER: You will need to go through the committee to get the amendments from Legislative counsel.

122 GREG WOLF, Department of Land Conservation and Development, gives testimony on SB 97, and asks for work group to come up with a bill agreeable to all.

149 CHAIR SPRINGER: What is a reasonable time line on a forthcoming bill from a work group.

153 WOLF: Goal 5 revisions were to be addressed this year and had to cancel due to other demands on the staff's time. Goal 5 is first on next years biennium.

160 RICHARD ANGSTROM, Managing Director of Oregon Concrete and Aggregate Producers Association, gives testimony on SB 97 and presents EXHIBIT C

247 ANGSTROM: Counties are sole authority for issuing permits to mine and operation and establish standards for mining. After permit was issued there was no assurance reclamation was being done. In 1971 state direction was given so that mines would be reclaimed. Under statute the aggregate issue is section 800 of 517, and gold mining is section 900. The standards have been split.

295 ANGSTROM: They should not be allowed to issue their permit until the county has issued a mining permit.

319 SEN TIMMS: Are we talking the same rules for aggregate as for mining?

323 WOLF: We want to mesh the DOGAMME permitting process with the county land use permitting process, so they work together without conflict.

338 CHAIR SPRINGER: Please produce an example of this concept. Does GOAL 5 adequately meet DOGAMI's statutory requirements?

362 WOLF: We can return and give you a graphic example of how one of these permits moves through the process.

360 SEN TIMMS: Does Federal Land need to go by land use regulations?

374 WOLF: We believe Goal 5 does not apply on Federal Land.

383 SEN TIMMS: You are not involved in the process when Federal lands are involved?

396 JOHN BOLEO, DEPARTMENT OF GEOLOGY, speaks to the desire to come up with a concurrent permitting process.

TAPE 16 SIDE B

032 LIZ FRANKEL, Sierra Club, presents testimony on Goal 5 and asks to be involved in discussions on SB 97

- speaks about the difference between regulating and permitting in the counties

079 RUSS EVON, Association of Oregon Counties and the County Planning Directors, speaks on goal 5. DOGAMME is needed to participate in the planning process. Concerned that State agency expertise is needed in the comprehensive process.

117 CHAIR SPRINGER: Do counties have authority to extract or do they extract severance tax?

121 EVON: No. There are concepts around.

129 CHAIR SPRINGER: Do you need statutory authority to levy severance tax? Can you recover costs as a condition of the permit application?

135 EVON: Counties would be interested in considering that possibility. Permits have to be related to the actual cost of administering said permit.

160 SEN COHEN: Generally, what would be your costs to issue a permit?

163 SEN TIMMS: Would there be a substantial cost difference between counties?

169 CHAIR SPRINGER: How often do you see a combined request at an aggregate site?

177 EVON: 25-50 per cent. They want the assurance of full blown operations.

INTRODUCTION OF SB 98, Authorizing Penalties of up to \$50,000.00 per day for violations

215 DON HULL, Director, Department of Geology and Mineral Industries, DAN RAMEAL, working with oil gas and geothermal well drilling and production submits EXHIBIT D

- intent of SB 97 - AMENDMENTS TO SB 97 - need to create reclamation fund - violator would not be assessed civil penalties by more than 1 jurisdiction for the same offence.

278 TOM BARROWS, Northwest Mining Association, speaks in favor of SB 97, and amendments

- maximum penalty should be changed to \$25,000.00 per day

315 DAVE BARROWS, Oregon Mining Counsel, speaks in support of SB 97, and amendments

- asks that maximum penalty is changed to \$25,000.00 per day

344 RICHARD ANGSTROM, Managing Director of Oregon Concrete and Aggregate Association, speaks in opposition to SB 97

- offers amendments bringing agreement to the bill.

389 SEN COHEN: Counties have a chronic problem in getting response to a complaint. If there is some condition where some landscaping in the process of reclamation is filling with the wrong material what can be done.

044 ANGSTROM: Department of geology, under this law, is responsible to insure that reclamation is done correctly.

TAPE 18 SIDE A

003 SEN COHEN: Why are you opposing this bill?

019 ANGSTROM: Inability to get reclamation accomplished we would have no problem with it

026 SEN COHEN: Are you asking for a more specific type of rule making?

044 ANGSTROM: We want to establish by statute those areas where the civil penalty would apply.

PUBLIC TESTIMONY ON SB 98

067 MARK WIVERTMAN, Conservation Director for the Portland Audobon Society, gives testimony in favor of SB 98

097 AL WIEBLE, President of Pacific Northwest Section of the Geothermal Resources Council, speaks in support of the SB 98.

- concerned the size of fine will relate to severity of the infraction - draft matrix needs to be more specific

117 CHAIR SPRINGER: Asks for written amendments from WIEBLE and WIVERTMAN

- Question for HULL and BOLEO. What if you have an abandoned site of someone goes bankrupt, do you have authority to do that?

133 HULL: At this time primary enforcement tool for abandoned sites (illegally abandoned sites) is a binding or alternate security.

- \$50,000.00 per day deterrent is given as a preventative measure rather than clean up insurance.

190 PETER GREEN, Administrator of Senate Agriculture and Natural Resources Committee,

- introduces LC 2221, RELATING TO FOREST PRACTICES AND LC 2312, EXHIBIT E

MOTION:

CHAIR SPRINGER MOVES LC 2221 AND 2312 INTRODUCED

HEARING NO OBJECTION THE MOTION CARRIES

MEETING ADJOURNED AT 10:25 AM

EXHIBIT LOG:

A - Testimony on SB 81 - Jon Mangis - 2 pages B - Testimony on SB 81 - Janet Neuman - 3 pages C - Testimony on SB 97 - Don Hull - 3 pages D - Testimony on SB 98 - Don Hull - 5 pages E - Testimony on SB 98 - Dennis Olmstead - 4 pages F - Introduction of LC 2312 - Peter Green - 3 pages G - Introduction of LC 2186 - Peter Green - 14 pages

Submitted by:    Reviewed by:

Kus Soumie        Peter Green Assistant    Administrator