

Senate Committee on Agriculture and Natural Resources February 18, 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.

Measures Heard SB 477 (PPW) SB 76 (PPW) SB 242 (PPW) SB 98 (WRK) SB 500 (PUB) SB 496 (PUB)

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

February 18, 1991 Hearing Room C 8:00 a.m. Tapes 48 - 49

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

VISITING MEMBER: Rep. Shibley

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

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TAPE 48, SIDE A

005 CHAIR SPRINGER CALLS THE MEETING TO ORDER AT 8:38 AM

INFORMATIONAL HEARING

025 ROY ARNOLD, Dean, College of Agricultural Sciences, gives general comments and information on availability of individuals in College programs who may be of assistance to the committee on a variety of issues this session.

071 DR GEORGE BROWN, Dean of Forestry and Director Forest Research Laboratory, gives testimony and overview of EXHIBIT A

075 SEN COHEN: Why haven't we developed an agricultural practices management Act in Oregon?

079 BROWN: I don't know.

080 SEN COHEN: Should we expect you department to help us do the research and get started since we are headed in that direction.

085 BROWN: There can not be one Agricultural Practices Act in Oregon due to the great diversity in Oregon. There is movement in those areas and there have been changes in practices with water quality protection. There is a need to have flexibility to allow it to be varied and tailored to the variety of commodities in Oregon.

095 SEN COHEN: We are getting to questions of appropriate water and fertilizer usage, and how to manage runoff. Other States have started talking about that issue.

108 BROWN: Research and extension education programs on issues relating to agricultural practices. At this point there are no regulatory requirements for these practices.

109 SEN COHEN: This is not protection of the environment as much as protection of the agricultural industry. We have addressed some of these issues in Forestry but not in Agriculture.

115 BROWN: That is clear to leadership in agriculture. Any major organization contrasted with programs 10 years ago, you will find that they are filled with topics relating to these very topics.

123 SEN COHEN: Who are the good guys and the bad guys in Issues like the Tualatin River in order to establish common goals for practice so those who act appropriately won't be seen in the same light as those not complying.

132 CHAIR SPRINGER: We will spend more time on these issues.

143 BROWN: Oregon has been a leader in riparian zone management. Options in grazing systems are there making habitat maintenance issue one that can be accomplished along with grazing if done properly.

160 BROWN, presents testimony and overview of EXHIBIT B

190 SEN TIMMS: We need to coordinate information on what is being done in Agriculture. There is a real void in information gathering. How are we solving the information decimation system problems?

214 BROWN: We are not effective in giving knowledge to general public. All sides are not being given visibility. Most information is given to major publications, however we don't have a budget to disseminate information. We need public information programs.

244 SEN TIMMS: It has been suggested that there be a masters program for environmental ranching on rangelands.

254 BROWN: Reductions in programs are inhibiting expansion into new programs. Major overhauls in curriculum may give some environmental programs.

295 SEN TIMMS: This is important to the economic development of this state. Cattle grazing is good when done properly.

341 CHAIR SPRINGER: I would like to get to the campus to exchange information at your invitation.

PUBLIC HEARING ON SB 76 AND SB 242

WITNESSES: Rep Shibley

373 REP SHIBLEY, speaks on water quality issues, speaks in support of SB 76, 242

TAPE 49 SIDE A

005 REP SHILBEY: continues testimony on SB 76 and SB 242.

WORK SESSION ON SB 98

WITNESSES: Richard Angstrom Dennis Olmstead

047 RICHARD ANGSTROM, Concrete and Aggregate Association, gives testimony on SB 98 and overview of EXHIBIT C. We have a problem with the routine pipe conditions that are under MLR for aggregate, having the civil penalty in addition to bonding.

098 SEN TIMMS: I want civil penalties for DOGAMI, but is it possible to take the aggregate people separately from mining?

111 SEN COHEN: In my area there are a lot of problems with reclamations. The bonding is for damage already done. If in the process of reclamation, procedures aren't up to standards, they need to be stopped and fined.

-Dialogue with Sen Timms

135 ANGSTROM: None of the amendments here before you technically clarify these issues. Additional amendments limited to aggregate operations are being worked on. In the -2 amendments there would be some specific language for just that.

144 PETER GREEN, Administrator, gives overview and clarification of amendments to SB 98

173 SEN SMITH: Your position is that you don't want this bill to apply to aggregate mining because this type of mining requires bonding and you believe the bonding process is sufficient to assure that reclamation will occur as required?

177 ANGSTROM: That is our preferential position.

183 PETER GREEN: reads SB 98-2,

- surface mining without a permit - surface mining outside the permit area - surface mining that results in damage to ground water resources - surface mining that results in inability to complete reclamation

196 SEN SMITH: What in the bill goes beyond those things?

223 DENNIS OLMSTEAD, DOGAMI, reads SB 98-3 version of SB 98. EXHIBIT D - issue of a single incident resulting in the violation of 1 or more provisions of the law. - how that incident would be handled - intent of suggested amendments

297 SEN SMITH: I am comfortable with your language and intent.

300 OLMSTEAD: continues testimony and overview of EXHIBIT D

342 SEN SMITH: What does a reclamation plan have in it? How specific is the language and is there a process allowing a company to deviate from the reclamation plan. I don't see where the problem is.

362 OLMSTEAD: We agree all major areas are covered in the law. We submit a detailed reclamation program that is the standard. As part of the permit saying you will do everything agreed to. We are dealing with the little things.

386 SEN SMITH: continued dialogue with Olmstead on the proposed amendments for SB 98

TAPE 48 SIDE B

008 OLMSTEAD: continues testimony and dialogue with Sen. Smith

045 SEN TIMMS: Would it help DOGAMI in dealing with other Departments if they have civil penalties?

051 OLMSTEAD: It doesn't matter who levies a civil penalty?

061 SEN TIMMS: Mineral and geology relates to industry more than any other department. If they have civil penalties they have more credence as a Department.

072 OLMSTEAD: Conditions from the mining and reclamation industry have no instance so far that would have had a fine assessed. It is a small thing we are arguing about.

MOTION:

SEN SMITH MOVES THE -3 AMENDMENTS TO SB 98

VOTE:

IN A ROLL CALL VOTE THE MOTION IS ADOPTED WITH SEN KINTIGH VOTING NAY

MOTION:

SEN SMITH MOVES SB 98 AS AMENDED WITH SUBSEQUENT REFERRAL TO JUDICIARY COMMITTEE WITH DO PASS RECOMMENDATION

VOTE:

IN A ROLL CALL VOTE THE MOTION PASSES UNANIMOUSLY

To be carried by Sen Smith

MOTION:

SEN BRENNEMAN MOVES LC 1747-1 INTRODUCED AS A COMMITTEE BILL at the request

of Northwest Stealheaders Association.

VOTE:

HEARING NO OBJECTION THE MOTION CARRIES

PUBLIC HEARING ON SB 477 SB 76

WITNESSES: Tom Zelenka Rob Douglas

118 ROB DOUGLAS, Portland Steamship Operators Association, gives testimony on SB 477, SB 76.

131 TOM ZELENKA, Schnitzer Steel Industries, gives testimony on SB 477, 76 and gives overview of EXHIBIT D

276 SEN SMITH: Your testimony talks alt about prevention but the bill only talks about a plan to be set in place for dealing with spills once they have occurred. That is not prevention.

291 SEN SMITH: Is there a part of the plan that could include training and how to avoid a spill at the onset.

301 ZELENKA: I have no problem with language making that more explicit.

309 CHAIR SPRINGER: Do you see any inconsistency with the departments approach and what you are trying to do?

317 ZELENKA: The rules from the coast guard will be made available to you. We are trying to get a no fault response contingency.

371 ZELENKA: Advice on SB 500. gives overview of EXHIBIT D

TAPE 49 SIDE B

003 CHAIR SPRINGER: speaks on the isles of transponders on ships on the Columbia River

006 ZELENKA: speaks about communication issues on the Columbia River

PUBLIC HEARING ON SB 76, SB 242

WITNESSES: Capt. Geoffrey Stone Capt. Donald Hughs Barry Barret Eugene Rosalie Jill Zarnowitz

025 CAPTAIN GEOFFREY STONE, President Columbia River Bar Pilots, gives testimony on SB 76, SB 242 and gives overview of EXHIBIT E

110 CAPTAIN DONALD HUGHS, Columbia River Pilot, gives overview of the Operations of the American River Pilots Association, and gives testimony in favor of SB 76, SB 242

125 BARRY BARRET, Tanker Master Columbia River Bar Pilot, answers questions regarding river piloting.

166 EUGENE ROSALIE, Northwest Environmental Advocates, gives testimony on SB 242

192 JILL ZARNOWITZ, Oregon Department Of Fish and Wildlife, questions on the wildlife rehabilitation more equipment than we stated previously. Presents testimony on SB 242 and presents EXHIBIT F

229 CHAIR SPRINGER ADJOURNS MEETING AT 10:20 AM

EXHIBIT LOG:

A - Testimony - Dr. George Brown - 1 page B - Testimony -  
Dr. Roy Arnold - 1 page C - Committee Bill introduction LC 1747-1  
- 1 pags D - Testimony on SB 477 - Tom Zelenka - 7 pages  
E - Testimony on SB 477 - Geoffrey Stone - 6 pages  
F - Testimony on SB 242 - Jill Zarnowitz - 2 pages

Submitted by: Reviewed by:

Kus Soumie Peter Green Assistant Administrator