

Senate Committee on Agriculture and Natural Resources February 22, 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.

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

February 22, 1991Hearing Room C 8:00 a.m.

Tapes 54 - 57

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

MEMBER EXCUSED:

VISITING MEMBER:Rep. Larry Sowa

STAFF PRESENT: Peter Green, Committee Administrator Chris Beck,
Research Associate Stuart Farmer, Committee Assistant

MEASURES CONSIDERED: SJM- 1 - Urges Congress to Reform
1872 Mining Law, PH SB 246 - Extends to 1977 Surcharges Wildlife and
Commercial Fishing Law Fees, WS. SB 247 - Annual License to Angle for
Shellfish or Animals Living Intertidally on the Bottom,PH. SB 248 -
Increases Fees for Hunting Licenses and Tags, PH.

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TAPE 54,SIDE A

001 CHAIR SPRINGER CALLS THE MEETING TO ORDER AT 8:15 AM

SJM1 - To Reform the 1872 Mining Law to Reflect Current Technologies, PH
Witnesses: Liz Frankal; Sierra Club & Native Plant Society of Oregon
Ivan Urnovitz; Oregon Mining Council & N.W. Mining Association Terry
Dreaver; Eastern Oregon Miners Association Andy Kerr; Director of
Conservation for the Oregon Natural Resources Council Phil Hocker;
President of the Mineral Policy Center Gary Brown; Concerned Citizens
for Responsible Mining

020 LIZ FRANKAL: speaks on behalf of SJM1. Reads testimony of Native Plants Society (See Exhibit A). Expresses that the Sierra Club also supports this legislation.

075 IVAN URNOVITZ: speaks against SJM1. (See Exhibit B). Feels that the age of a law is not an important issue. They do agree that preserving the natural surroundings of the mining site. Feels that the greatest misunderstanding about the mining laws has to do with why it is important to maximize the opportunity for access and subsequent discovery of valuable Ore Deposit. 181 > Federal Review Process, requiring citizen participation. Believes that the proper balance between environmental protection and the natural resource industry is being struck. Urges committee to not send a false message to Congress.

234 SEN. SMITH : asks if they are required to file reclamation plans with state agencies ?

236 URNOVITZ: yes, the state of Oregon is going through a process to improve it's regulations. We are required to submit a plan of operations. On federal lands this requires approval prior to the beginning of any project.

252 SEN. SMITH: Do your organizations support the proposed improvements to these regulations?

256 URNOVITZ: Does support these proposed improvements.

270 CHAIR SPRINGER: What is your understanding of the consistency that is required as part of the federal mining law permit process and our state land use laws ?

280 URNOVITZ: normally the federal government retains primacy over managing it's lands. However it is not unusual for the federal agencies to work as closely as possible to avoid large conflicts with land uses on private or state lands on adjacent areas to federal lands.

286 CHAIR SPRINGER: Can you address the Coos Sand Issues?

305 URNOVITZ: State and Local Jurisdiction does not cover Federal land uses. Coastal Zone Management Act that is a special act, the apparent conflict is that these claims preceded CZM Act and also the CZM would most likely have its greatest ramification on a project like that at such time as they attempted to develop the property. Staking the claims themselves do not present a threat or impinge on a counties planning.

350 CHAIR SPRINGER: How do we avoid a problem of having toxic or dangerous substances on a former site if we have to count on the fed's to help us protect the environment.

366 URNOVITZ: on these kinds of things past mining practices have left a lot to be desired. Points out that the federal statutes are clear with regards to the federal environmental requirements should only be considered the foundation for what a mining company needs to do. Oregon does have more stringent environmental laws then the federal law requires.

394 SEN. TIMMS: why has Oregon not developed mining to the extent that surrounding areas?

403 URNOVITZ: there are two reasons; the first is that the nature of the geology. Miners tend to start in districts that have been more thoroughly explored.

TAPE 55, SIDE A.

001 URNOVITZ: con't. Feels that Oregon is known as a state having very stringent requirements for environmental controls. Even though there was a lot of stringent requirements there were still some regulations that were incomplete. This led to a degree of uncertainty.

018 SEN. TIMMS: Have we improved these regulations so that we don't have that gap in Oregon.

021 URNOVITZ: we are in the process. By the end of the year there will be a complete bill to address all of these issues. Stresses the need of having a balanced economy in these communities.

055 CHAIR SPRINGER: Thanks Mr. Urnovitz and introduces Terry Dreaver from Bonanza Mining.

068 TERRY DREAVAR: representing the Eastern Oregon Miners Association and the Bonanza Mine. Speak against SJM1. Feels that there are many Federal Act in place that are adequate to protect the land. Feels that the SJM1 does not factually represent the environmental safeguards already imposed on the mining industry. Bonanza Mining is proud of its reclamation. EOMA was just awarded a Good Stewardship of the Land Award. Feels that there can be an union between miners and environmentalists. Mining is only 1% of the ground in the United States and 40% of that has already been reclaimed.

170 CHAIR SPRINGER: Asks for a definition of placer mining.

172 DREAVAR: Placer mining is the process of extracting and removing the dirt with excavators and large trucks. We are very careful about saving the top soil, we like to reclaim concurrently. Promote the planting of the natural foliage from the same ecozone. Do not practice mono- culture.

218 SEN. TIMMS: commend Bonanza mining for the extensive reclamation work done in the area.

232 DREAVAR: When ever we must do anything that is environmentally sensitive we go to the effected agency first. We don't what to decrease habitat, if anything we wish to increase habitat.

289 ANDY KERR: Director of Conversation for the Oregon Natural Resources Council, introduces Phil Hocker, President of the Mineral Policy Center in Washington D.C. and Gary Brown, with Concerned Citizens for Responsible Mining.

295 PHIL HOCKER: (See Exhibit C) Does recognizes that mining can cause incredible damage to the environment. Sixty superfund sites around the country (See Exhibit D). The basic principals of the mining law of 1872 are that once you have discovered an economically viable deposit you have a vested legal right to the mining of that deposit. You are not subject to any forced guarantees to restore the land to its original condition.

TAPE 54, SIDE B.

001 HOCKER: con't. Discusses land patenting process (See Exhibit E). Supports the SJM1 and feel that it would be very helpful both for the Oregon congressional delegation and also for the rest of the country which is looking in some perplexity at this issue to see the kind of

signal that this memorial would send.

065 SEN. BRENNEMAN: asks for a restatement of the purpose of Exhibit D.

070 HOCKER: states that the photo is to show the magnitude of these activities and the type of impact that they can have on the landscape.

080 SEN. BRENNEMAN: could you provide the committee with a synopsis of the reclamation plan on this project.

082 HOCKER: is unaware of one and is certain that one was not required as a prerequisite to the opening of this mine.

135 GARY BROWN: Lifetime resident of Ontario, Oregon. Discusses Heap-leach mining, this process of mining is permissible due to the 1872 Mining Law (See Exhibit F). Is concerned that many new superfund sites, this law also permits trespassing, private parties own the land but not the minerals.

235 ANDY KERR: introduces a statement of the National Wildlife Federation, Provides historical examples of mining claims resolved by federal government; Rock Mesa in the Three Sisters Wilderness, Newberry Volcanoes National Monument, Kalmiopsis Wilderness and Chetco Wild and Scenic River, and the Oregon Dunes National Recreation Area (See Exhibit G, H, I). Cyanide Heap Leach mining threatens much of Southeast Oregon. Provides specific recommendations.

TAPE 55, SIDE B.

005 SEN. SMITH: asks what other states are doing in terms with their interactions with Congress to try to alter this bill or preserve it ?

009 HOCKER: is unaware of any other memorials in this sense. The Western Governors Association has passed a resolution directing their staff to do a study and prepare some policy options for them on the issue; the Association of State Land Commissioners has created a subcommittee to look into this from the point of view of the land commissioners. One of their concerns is that there are state revenue questions.

048 SEN. TIMMS: are you advocating more federal control.

050 KERR; yes, the federal government owns these lands, through the mining law of 1872 we have abdicated our stewardship responsibilities and our property rights.

062 SEN. TIMMS: Is not in favor of giving the federal government any more power. We are being run by the east of the Mississippi.

079 HOCKER: reform can simplify the process that the miners must go through.

135 GEOFFREY GARCIA: speaks against SJM-1 . Is opposed to the idea of patenting land. Feels that it is ridiculous to burn fossil fuels to return the land to it's original contour.

193 CHAIR SPRINGER: thanks all for there testimony and calls a recess until 10:00. 207 > call the meeting back to order at 10:00.

229 SEN. BRENNEMAN: MOTION: move that SB 246-1 be sent to Ways and Means with a DO PASS recommendation. 233 > VOTE: 4 - 0; all other members being excused, the motion carries.

SB 247 - Annual License to Angle for Shellfish or Animals Living on the Bottom, PH Witnesses: Jeff Curtis, Department of Fish & Wildlife Kay Brown, Fish Division of Department of Fish & Wildlife Charles Woosley, Concerned citizen

235 JEFF CURTIS: Department of Fish and Wildlife. States that this bill would require a license for people who wish to take shell fish and other intertidal animals (See Exhibit J). Bill would not have any effect on the people who already buy fishing licenses.

293 SEN. BRENNEMAN: asks for an outline of the current spending.

295 CURTIS: we spend about \$800,000 in our shellfish program.

304 KAY BROWN: there are a lot of activities having to do with resource protection, not a lot of research involved primarily in inventory. Looking at long term trends trying to determine the status of the resource. There are also a few enhancement programs to increase the clam stock in the Coos Bay area for recreational clamming.

342 CHARLES WOOSLEY: from Corvallis here to represent himself and to ask that the committee act favorable on SB 247 in its original form (See Exhibit K).

SB 248 - Increases Fees for Certain Hunting Licenses and Tags, PH Witnesses: Rollie Rousseau, Deputy Director of the Fish & Wildlife Rod Ingram, Department of Fish and Wildlife Linda Borine, Vice-Chair of the Oregon Fish & Wildlife Commission Rep. Larry Sowa, District 26 John Nichols, Legislative Chairman of the Oregon State Shooting Association Rod Harder, Oregon Director of the National Trappers Association Wanda Foster, Oregon Fur Takers Jim Kaufman, Four Corners Rod & Gun Club

TAPE 56, SIDE A.

001 ROLLIE ROUSSEAU: Department of Fish and Wildlife. This is not a measure 5 fee bill (See Exhibit L). Refers to table in exhibit. Fees only address the three principal revenue raisers, resident and non-resident hunting licenses as well as elk and deer tags. Fees are not adjusted for inflation. Number of hunters are decreasing. \$661,000 is allocated to the Oregon State Police Enforcement Program for game enforcement.

060 SEN. KINTIGH: these would still be game positions for enforcement.

063 ROUSSEAU: yes, these monies are dedicated to wildlife management and can not be used for any other purposes.

103 SEN. SMITH: questions the use of these fees, hunter's education, shooting range improvement, etc.

108 ROUSSEAU: the act provides for a number of activities. Most of the money goes to wildlife management. The majority of the money that is in the Wildlife division comes from user fees and Pittman-Robertson.

129 SEN. TIMMS: what is the reasoning that the federal money would go into those programs ?

136 ROD INGRAM: the only real restrictions in the Pittman-Robertson Act is that we not use the dollars on propagation and enforcement.

176 LINDA BORINE: speaks in support of SB 248, states that hunters are

aware that they must pay more to maintain the resource. They are willing to do this if the money goes towards a sound wildlife management program.

203 SEN. SMITH: how much money would the amendment proposed generate and what is your position on the amendments.

210 INGRAM: that is about \$600,000 a biennium. The department would support an enhanced hunter ed. program, the problem is that there isn't those kinds of monies available. 85% of the revenue must go to existing program or else you will cut program.

229 SEN. TIMMS: what is the reason for the decrease in the number of hunting licenses.

233 ROUSSEAU: growing urban society.

254 INGRAM: water problem does contribute to the decline of water foal session. Pheasant hunting has moved from the Willamette Valley to the Penelton and Ontario areas. Mule deer hunting has declined without limited entry because of low opportunity. Give a run down on the number of hunters in different categories.

320 SEN. KINTIGH: asks if the department still sells the combination licenses and if so how will it be impacted on the increases ?

323 ROUSSEAU: it would be adjusted by \$3.00 which is the adjustment in the hunting license.

330 SEN. TIMMS: limited entry, we are looking at preference tags. Now maybe people can hunt in their own areas. Is there any way that we can preference tags for those rural areas were people have paid for a lot of the health facilities that are needed for hunters ?

350 INGRAM: we are in the process of this next year of trying to put that together. Whether it be a preference system or a point system. We have put a limit on non-residence of 5% of all mule deer hunts. In terms of allowing a preference for an individual because of the area that they live in, we have not done that. We opposed that during the last session. It creates major problems in terms of regionalization. Feels that the Western Oregon hunter is paying the bill in Eastern Oregon and that the system does treat everyone evenly.

TAPE 57, SIDE A.

032 REP. LARRY SOWA: speaks on behalf of the amendments to SB 248 (See Exhibit M). Believes that there is a need for a fee increase. Department believes that 5% is ok. Would ask the committee to add a sunset clause (line 10 of SB 248) non-resident annual hunting license to hunt game bird only. Believes that putting a limit on big game hunting is a good idea and should be put into statutes.

135 JOHN NICHOLS: legislative chairman for the Oregon State Shooting Association. Is concerned that the amendments are raising the fees to compensate for reducing services. Believes that Pittman-Robertson funds are the way to build ranges.

154 ROD HARDER: Oregon Director for the National Trappers Association, would like assurances that these fee increases are not going to be used and channeled away from the game side of the program to non-game.

178 WANDA FOSTER: Oregon Fur Takers, against SB 248. Do support a

non-residence fee increase. Feels that the consumptive user charges have gone up, don' mind covering inflationary costs but feels that we should look more to the non-residence for this.

215 JIM KAUFMAN: opposed SB 248 (See Exhibit N, O). Representing the Four Corners Rod and Gun Club. Opposed to an increase in fees as the bill is written, but would agree if the commission would accept our amendment. The money that the Department of Fish & Wildlife receives for hunter education comes from an amendment to the Pittman-Robertson fund, House resolution 3429. This specifically states that 50% of that money was to go to hunter education and range improvement.

298 CHAIR SPRINGER: adjourns meeting 11:04

Prepared by

Reviewed by

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Peter Green Committee
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EXHIBIT LOG:

A - Testimony of Native Plant Society of Oregon - Liz Frankal - 2 Pages
B - Testimony of Oregon Mining Council & Northwest Mining Association - Ivan Urnovitz - 20 Pages
C - Testimony of Mineral Policy Center - Phil Hocker - 4 Pages
D - Photograph - Phil Hocker - 1 Page
E - Materials and Articles - Phil Hocker - 10 Pages
F - Testimony of Concerned Citizens for Responsible Mining - Gary Brown - 3 Pages
G - Testimony of Oregon Natural Resources Council - Andy Kerr - 4 Pages
H - Survey by Oregon Natural Resources Council - Andy Kerr - 1 Page
I - Testimony of National Wildlife Federation - Andy Kerr - 6 Pages
J - Testimony by Oregon Department of Fish & Wildlife; SB 247 - Jeff Curtis - 2 Pages
K - Testimony by Charles Woosley - Charles Woosley - 1 Page
L - Testimony by Oregon Department of Fish & Wildlife; SB 248 - Rollie Rousseau - 4 Pages
M - Amendments to SB 248 - Rep. Larry Sowa - 2 Pages
N - Amendments proposed by Four Corners Rod & Gun Club - Jim Kaufman - 1 Page
O - Testimony of Four Corners Rod & Gun Club - Jim Kaufman - 20 Pages