

Senate Committee on Agriculture and Natural Resources March 11, 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 Forest Practices (PUB)

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

March 11, 1991 Hearing Room C 8:15 a.m. Tapes 75 - 77

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

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

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TAPE 74, SIDE A

003 CHAIR SPRINGER CALLS THE MEETING TO ORDER AT 8:30 AM

FOREST PRACTICES WITH INVITED TESTIMONY

WITNESSES: JANET McLENNAN JIM BROWN RANDY FISHER GEORGE BROWN BRIAN
GREBER ROD INGRAM

026 JANET McLENNAN, Chairman of the Board of Forestry, gives overview of the Forest Practices Act.

100 JIM BROWN, State Forester, gives testimony on Forest Practices and presents EXHIBIT A.

183 BROWN: Continues overview of EXHIBIT A

205 SEN COHEN: Can you categorize the types of complaints you receive? Are they before or after the fact, do they come to you soon enough?

209 BROWN: They are a mix, but largely from acts occurring at the time of the complaint. In the use of chemicals, turbidity, general discomfort with overall activity.

227 SEN COHEN: Are you able to resolve these complaints?

234 BROWN: We try to investigate within 24 hours of the complaint. Resolution takes longer.

246 SEN COHEN: Have you found a way to avoid the turbidity complaints?

252 BROWN: It is a good operator bad operator issue.

260 SEN COHEN: Do you take some actions to prevent that?

261 BROWN: We have made an attempt through operator education.

265 SEN TIMMS: How do you interface with the Federal Government?

269 BROWN: They have agreed with written memorandum of understanding, to meet or exceed the Forest Practices Rules.

286 SEN TIMMS: Do you have the staff to properly interface with the Federal Government?

289 BROWN: We provide no oversight on that, unless there is a complaint occurring on Federal land.

304 CHAIR SPRINGER: To what extent would our Forest Practice Act enable or authorize you to look at issues such as road building and construction.

310 BROWN: Continues overview of EXHIBIT A, page 5.

387 CHAIR SPRINGER: Do you have access to the GIS system to help you track and plot?

BROWN: The State doesn't have a GIS system.

TAPE 75 SIDE A

029 SEN BRENNEMAN: How often do you require a written plan in the Umpqua section?

030 McLENNAN: Several hundred times per year.

049 SEN SMITH: What is your procedure when you are not given notification?

054 BROWN: When we become aware they are conducting an activity we issue them a civil penalty.

071 SEN SMITH: You seem to have a progressive plan. Do you ever give serious fines to people?

078 McLENNAN: The base penalty for all rule violations starts at \$100.00 and can not be suspended.

082 BROWN: We have issued some heavy fines. Most of the damage has been minimal. The department needs criminal penalty authority.

099 CHAIR SPRINGER: Could you provide us with a sample plan.

100 BROWN: We will also provide you with a statistical report.

124 CHAIR SPRINGER: Comments about aerial views of logging operations in the coast range.

134 BROWN: Speaks about the conventional system of logging in the northwest. Speaks to the issue of soil erosion and current forest practices.

170 BROWN: Oregon uses two types of stream classification, which need to be expanded or reclassified.

204 SEN SMITH: I assume if there are experts in your department and fish and wildlife, you should have a lot of information on damage to streams. Why is it that in all the major issues the department is not being proactive in their findings?

234 BROWN: We have asked for help on technical problems. Gives example of the forestry practice of removing large woody debris in streams. How much area near a stream needs to be protected?

341 BROWN: Gives testimony on the technical advantages of clear cut practices. We currently do not give consideration to scenic values.

361 CHAIR SPRINGER: In Oregon tourism is important and 101 looks like a lawn mower has gone through the area.

378 BROWN: If you are interested in timber supply, the ugliness of clear cutting must be weighed with the economic advantages.

TAPE 74 SIDE B

008 SEN SMITH: There must be compromise between not cutting and cutting everything.

015 BROWN: Some buffer strip along highways could be done in stages. This needs to be addressed more specifically and stage it to lessen the visual impact of harvesting.

025 CHAIR SPRINGER: We are looking to you for confidence in what you are doing.

032 BROWN: Gives some recommendations with respect to reforestation.

063 SEN COHEN: It is a bad policy to get money from civil penalty.

076 SEN SMITH: I hope you pursue the perpetrator for damages, rather than requiring other people to pay for the damage.

085 BROWN: We recommended the amendment of an alternate plan containing some new concepts.

104 SEN SMITH: Do you have statutory authority to tell owners they can't cut because of cumulative effects?

109 BROWN: That would depend on how broad the cut is.

123 SEN SMITH: Could you ask us now for the authority to implement the results of these studies now rather than later?

131 McLENNAN: We think we have the authority to do that in 1971. With regard to cumulative effects and prohibition of cutting for some period of time, in my judgment we would need authority to make those kinds of harvest scheduling.

161 SEN SMITH: Do you think the board has the political power and courage to tell landowners they can't harvest timber due to a neighbor's past or present activities. Or should that happen somewhere else besides the Department of Forestry or the Board of Forestry?

172 McLENNAN: By statute, the Board represents the public interest. Our policy statement on forest practices is broadly stated and the dual course is what the board is intent upon. If that purpose can only be satisfied and if the legislature determines that purpose can be satisfied by the types harvest restrictions that you propose then the legislature will give us that authority. We do not have it yet.

190 SEN SMITH: I am impatient with endless studies. I would like to see something done without coming back 2-3 times before asking for implementation.

206 McLENNAN: We do have a lot of authority and use it forthrightly based on information at hand. We are being attentive to what is seen on the ground in the forests of Oregon. We are concerned about the status of Oregon's forests. There is an emotional reaction to the way forests are harvested. In terms of day to day protection we may have to improve techniques. We can get advice from experts in the field, and we are open to improvements.

243 BROWN: There is not chaos in the forest. Forest land managers are doing a good job.

331 SEN SMITH: If we exercise good judgement in requiring adequate planning during harvest, that is a lot less expensive than cleaning up afterward. If there is no incremental damage that keeps building, the forest will never be shut down.

356 SEN TIMMS: How is scientific information passed on to the landowner and those involved in the process. We are not doing a good job in agriculture.

373 BROWN: This information occurs in three different ways. - interagency task forces - advisory committee - Oregon State University extension service

TAPE 75 SIDE B

011 SEN TIMMS: Is the environmental community attending these meetings and getting information to them also?

013 BROWN: I appointed an advisory committee of which three are from the environmental community and three from the forest industry and two from Oregon State University a county planner.

022 CHAIR SPRINGER: What is your strategy on the south coast streams?

027 BROWN: You will hear about that from Jim Martin. This area is very complex due to decimation by logging operations in the 1950's and 60's.

048 CHAIR SPRINGER: We need to minimize the negative impacts of clear cutting.

068 RANDY FISHER, Director, Oregon Department of Fish and Wildlife, gives department overview of Forest Practices Policy and goals. Presents EXHIBIT C

155 SEN SMITH: Why do we need legislation to get the two involved departments working together on these issues?

170 FISHER: We do work closely with the Bureau of Land Management and the Department of Forestry.

183 SEN COHEN: How much will it cost you to do a study?

186 JIM MARTIN, Chief of Fisheries, Department of Fish and Wildlife, we used the same sort of effort with the BLM, it is costly and we assume we will have enough in our budget to work with the Department of Forestry.

204 SEN COHEN: What will it take to organize and cut out ineffective procedures?

228 SEN BRENNEMAN: I have seen that local fish biologists have a good working relationship with local fishermen. Would you agree with that?

235 FISHER: We have a very good relationship with all the local Board of Forestry people. We share information, plan and prioritize work together.

246 SEN TIMMS: Does the Federal government pay you for working on their projects?

364 FISHER: No they do not.

258 MARTIN: Speaks about specific areas of concern in the Department of Fish and Wildlife.

293 SEN COHEN: Are we closer to defining cumulative effects for water quality alone as well as habitat? Do you have some information for us on this?

320 MARTIN: Yes we do know enough to recommend on cumulative effects of head water impacts. The issue is what kind of protection needs to be in place downstream. We now understand how to deal with riparian issues.

TAPE 76 SIDE A

007 MARTIN: continues testimony on fish habitat engineering, and cumulative effects.

020 SEN COHEN: Can you make a decision that cutting small areas more often is better than the large clear cuts?

027 MARTIN: Yes, we know alot about those kinds of decisions, we don't know enough to weigh all the dangers involved. We have found we need many different kinds of strategies to do that kind of planning which has been underway for nearly ten years.

050 MARTIN: continues testimony on the riparian impacts of water quality impacts with regard to quality, temperature and sedimentation.

065 SEN COHEN: Who does the monitoring now?

066 MARTIN: No one is doing site by site water quality monitoring.

071 SEN KINTIGH: Has water temperature influenced the type and amount

of fish?

081 MARTIN: The large volume of stored water released at an abnormal time of year is detrimental.

103 ROD INGRAM, Chief of the Wildlife Division, Department of Fish and Wildlife gives overview and testimony on Forest Practices and riparian areas.

199 SEN SMITH: How do we move toward preventing species extinction in the forests?

200 INGRAM: Our response has been limited and we need to move more quickly, with the personnel we need, to make sure the department has the personnel to take care of these problems on private and public land as well.

234 SEN SMITH: We need to look at forest practices from a much larger scale that the immediate sit impact of the harvest.

238 SEN KINTIGH: Is breaking up timber with modest sized clear cuts, beneficial to wildlife?

243 INGRAM: That is correct however it depends on the type of wild life. Clear cutting is good for some species and detrimental for others.

254 SEN TIMMS: What is the policy on clear cutting for disease control in south eastern Oregon?

263 INGRAM: Our concern is on the northern fir slopes. We need to design some plans for the future to address the insect problem.

354 SEN TIMMS: What are the problems in the riparian areas with regards to elk.

361 FISHER: I have not seen any riparian damage from elk.

375 CHAIR SPRINGER: Has the commission gotten together with other agencies to work on these problems?

380 INGRAM: Never in the two years I have been with the agency.

TAPE 77 SIDE A

027 DEAN GEORGE BROWN, Dean of the College of Forestry introduces Brian Greber.

BRIAN GREBER, Assistant Professor of Forest Economics, presents testimony for the College of Forestry and presents overview of EXHIBIT D

087 GREBER: Continues testimony on Forest Practices Act and overview of EXHIBIT D.

187 GREBER: continues overview and testimony on EXHIBIT D

222 CHAIR SPRINGER: Is our state policy consistent with national policy on Forest practices?

235 GREBER: There is not an emphasis beyond reforestation.

CHAIR SPRINGER RECESSES MEETING TILL 5:30 PM

EXHIBIT LOG:

A - Testimony on Forest Practices - Jim Brown - 6 pages
B - Testimony on Forest Practices - Jim Brown - 1 page
C - Testimony on Forest Practices - Randy Fisher - 31 pages D
- Testimony on Forest Practices - Brian Greber - 7 pages

Submitted by: Reviewed by:

Kus Soumie Peter Green Assistant Administrator

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SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

March 11, 1991Hearing Room C 5:30 a.m.
Tapes 78 - 79

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

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

MEASURES CONSIDERED:SB 263 - Requires Local Government to Impose that
Franchisee Pay Certain Percent of Gross Waste Collection Revenues to
Public Utility Commission, PH SB 614 - Prescribes Additional Commercial
Fishing Poundage Fees and Dedicates Proceeds to Commercial Fishing Law
Administration and Food Fish Enhancement, PH

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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.

001 CHAIR SPRINGER: calls the meeting to order at 5:36 and starts with a
public hearing on SB 263 .

SB 263 - Requires Local Government to Impose that Franchisee Pay Certain
Percent of Gross Waste Collection Revenues to Public Utility Commission,
PH Witnesses: Senator Joyce Cohen, Dist. 13 Tom O'Connor, League of
Oregon Cities Gordon Fultz, Association of Oregon Counties Norm Meyers,
Public Utilities Commission Bruce Bailey, Oregon Sanitary Service
Institute Mike Dewey, Waste Management Inc.

013 SEN JOYCE COHEN: speaks in support of SB 263 (See Exhibit A). There
is the need for other software systems. I don't care whether it is the
PUC who provides this service to make sure the expertise is there to
work out fair rates and to help them determine what should be their part
of the solid waste management. We need more technical assistance for
local governments. The city of Salem has been through a rate
determination.

080 SEN SMITH: How would you feel about some mechanisMdealing with
specific cost of service for garbage service. Is there some way Salem
could opt out since the mechanisM is in place now?

101 SEN COHEN: Cities and counties could get together and someone could
be trained to respond to their question. Perhaps the consolidation of
information could be housed as part of SB 66.

117 SEN SMITH: This seems to be a win-win situation; the collectors
win, the rate payers win and the jurisdiction wins because the rates are
based on cost rather than what someone hopes their costs to be.

121 SEN COHEN: A lot of this work is being contracted out by local
jurisdictions to consultants. We don't need to have every jurisdiction
paying out \$50,000 to a consultant every time a garbage rate comes to
them. We can find better ways to make this happen.

141 TOM O'CONNOR, League of Oregon Cities, gives testimony in support of SB 263 (See Exhibit B). Both the LOC and the Association of Oregon Counties currently provide technical assistance to the members on a wide range of local government issues.

186 SEN SMITH: When the haulers ask for a rate increase there was no set accounting procedure that a jurisdiction could look at to see if the rate request was reasonable or what the cost of service was. Would you be in favor of requirements that the collectors use the same accounting procedures to determine their cost of service ?

202 O'CONNOR: The type of service at the local level varies in terms of the type desired and costs as well as types of community. It may be difficult to come up with a uniform plan.

214 SEN SMITH: The accounting procedures are basically the same. For a local jurisdiction to determine the cost of services it needs to be similar.

228 O'CONNOR: We have not heard a need for this kind of service.

233 CHAIR SPRINGER: Does the public have a clue to the rate structure?

245 GORDON FULTZ, Association of Oregon Counties, gives testimony on SB 263 . Believes that there is a need for technical assistance at a lower level. The county solid waste managers were organized just two years ago. It would be very helpful to organize a model format that cities and counties could use.

269 SEN TIMMS: The equipment required now for collection is state of the art. Would the league of cities would have some figures and organization. The cities are the ones facing the problem. Is a franchisee forever?

300 O'CONNOR: no it is renewable.

332 NORM MEYERS: Public Utilities Commission, neither for nor against SB 263 . Gives overview of agency rate making and cost programs. This bill provides that PUC will provide technical assistance including rate consulting services, determination of rate impact of various solid waste recycling alternatives, conduct technical seminars. SB 263 provides technical assistance to the Department of Environmental Quality. For any of this to work the essential ingredient is this effective cost program and the cooperation of local governments and the solid waste haulers in the state.

TAPE 79, SIDE A

006 SEN SMITH: Do you think it is possible to identify a uniform accounting system for waste haulers to use to allow jurisdictions to determine the reasonableness of a rates without plugging in to the expertise of PUC ?

015 MEYERS: Yes that can be done. The individual communities would have to go to a consulting firm. This firm has three parts to their cost program; Collections of data and statistics are unified, Time and motion studies, and a profitability studies. Identify if the carrier is operating efficiently, recycling costs versus the revenues that can be collected, costs on anything you want, it can be as specific as you want.

058 SEN COHEN: do you know what the cost would be for this soft ware?

065 MEYERS: \$440,000 in the first biennium.

093 BRUCE BAILEY: Franchise fees vary around the state. Cautions the committee that around the state there is considerable variation in terms of the number of people taking the service and other factors.

130 MIKE DEWEY: gives testimony in support of SB 263. There may be some jurisdictions that may not wish to use the expertise developed by the PUC. None the less they would be paying into the PUC to develop that expertise. Doesn't know if there should be an exemption.

155 SEN TIMMS: Aren't there software systems for solid waste people?

162 DEWEY: We have done that manually but believes that there is software available.

167 BAILEY: Once you have that information there may be reasons why companies who can not get a rate increase for political reasons or not having enough information that this could work to their advantage. It is an additional cost to pass it on to the consumer through the rates.

182 SEN SMITH: Do you use the same accounting system?

184 BAILEY: I'm sure that we must.

186 SEN SMITH: Do you submit your expenditures and revenue to the PUC regularly to provide a basis for your rate requests?

192 BAILEY: The city of Bend has an outline of information that we must submit and a time schedule to meet if we want a rate increase.

225 DEWEY: the city or the county is going to determine what a fare rate of return is. Just have the information is not going to get you were you want to be, and decisions that are still ahead will be difficult for people to make.

238 BAILEY: The decisions and implementing programs at the local level is going to vary due to things that vary locally. The decisions need at be at the local level.

SB 614 - Prescribes Additional Commercial Fishing Poundage Fees and Dedicates Proceeds to Commercial Fishing Law Administration and Food Fish Enhancement, PH Witnesses: Jeff Curtis, Oregon Department of Fish & Wildlife Senator John Brenneman, Dist. 2 Senator Joan Dukes, Dist.1 Roy Seigardsen, Bell Boy Crab Co. Rob Nicholas, Restaurant Owner Paul Hanneman, Oregon Trawl Commission Captain Daniel Brosnan, Oregon Department of State Police

285 JEFF CURTIS: from the Oregon Department of Fish and Wildlife, speaks in support of SB 614 and gives overview of Agency cuts (See Exhibit C). The reason for this bill is that most of our general fund revenues have been in the commercial fish program. If we wish to run the programs that we did in the last biennium in this biennium we must pick up 1.9 million dollars of our "stuff" and \$330,000 of the game police. To raise this 2.3 million dollars we have come up with a series of poundage fee increases.

TAPE 78, SIDE B

017 SEN BRENNEMAN: gives testimony in support of SB 614 (See Exhibit D). This bill does not have the support of Fishermen.

055 SEN JOAN DUKES: gives testimony in support of SB 614 and gives overview of the issues under consideration. It looks as if the request will be a switch from the poundage fee to an "ad valorem" assessment. If we raise our fees, Washington will process our fish. Believes that Commissioner Jacobson is doing a great job.

087 SEN BRENNEMAN: the amount on the salmon that 3.15 in addition did not include the restoration enhancement bill. If we do that too it is on top of that poundage fee for the R&E renewal program.

109 ROY SEIGARSEN, gives testimony against SB 614, requests more time to determine the merit of this bill.

138 ROB NICHOLAS: Restaurant owner, gives testimony against SB 614.

States that if the processors cost goes up by 1 cent that his costs will rise by twenty-five cents.

160 PAUL HANNEMAN: Representing the Oregon Trawl Commission, gives testimony on SB 614 (See Exhibit E). They have had some movement on the trawl side of the issue. Another 5 cents is not easy to look at. Proposes an ad valorem system to replace the poundage fee and plug in the advisory system.

267 SEN KINTIGH: If we go to an ad valorem system would that fluctuate more than a poundage system.

275 HANNEMAN: Yes, take the ten year average with out the two bad years and settle on the ad valorem tax that is higher in order to benefit the departments budget with out terrible impacting us in depressed times.

300 SEN COHEN: Could we amend the bill and what is the time frame?

305 HANNEMAN: Two weeks is the deadline for a solution.

333 DANIEL BROSANAN: gives testimony in support of SB 614 (See Exhibit F). This bill will provide restoration of monies thereby reducing the adverse impact to the commercial fisheries enforcement in Oregon.

TAPE 79, SIDE B

037 CURTIS: we did have to cancel one meeting. Bob Jacobson is hitting every community from Bend to Astoria, giving him more time will provide the input that you want in this legislation.

060 CHAIR SPRINGER: Adjourns the meeting at 7:00.

Prepared by

Reviewed by

Stuart Farmer
Assistant

Peter Green Committee
Committee Administrator

EXHIBIT LOG:

A - Testimony of Senator Joyce Cohen - Joyce Cohen - 4 Pages B -
Testimony of the League of Oregon Cities - Tom O'Connor - 1 Page C -
Testimony of the Oregon Department of Fish & Wildlife - Jeff Curtis - 10
Pages D - Testimony of the Oregon Fish & Wildlife Commissioner - Sen.
Brenneman - 8 Pages E - Testimony of the Oregon Trawl Commission - Paul
Hanneman - 2 Pages F - Testimony of the Oregon State Police - Capt.
Daniel Brosnan - 10 Pages