

Senate Committee on Agriculture and Natural Resources April 22, 1991 -  
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proceedings, please refer to the tapes.

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

April 22, 1991Hearing Room C 8:00 a.m. Tape 155 - 156

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

VISITING MEMBERS: Rep. Gail Shibley Rep. Dave McTeague

STAFF PRESENT: Peter Green, Committee Administrator Chris Beck,  
Research Associate Kus Soumie, Committee Assistant Jill Rader, Committee  
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MEASURES CONSIDERED: SB 555(WRK) SB 1125(WRK) SB  
915(WRK) SB 1010(WRK) SB 740(WRK) SB 687(WRK)

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TAPE 157 SIDE A

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

WORK SESSION ON SB 687

WITNESSES: Gary Lynch

013 CHRIS BECK: Gives overview of amendments to SB 687 EXHIBIT A

021 GARY LYNCH, DOGAMI, gives overview of SB 687 -1 amendments

MOTION: Sen Cohen moves the - 1 AMENDMENTS TO SB 687

VOTE: Hearing no objections the MOTION CARRIES

WORK SESSION ON SB 1010

WITNESSES: Quincy Sugarman Bob Danko

049 QUINCY SUGARMAN, DEQ, gives overview of amendments to SB 1010  
EXHIBIT B

- answers questions from Committee Members

083 BOB DANKO, DEQ, gives testimony on SB 1010, regarding fiscal impact of the amended bill.

MOTION: Chair Springer moves the adoption of the OSPRIG AMENDMENTS with correction on page 26 the (designated shelf)

VOTE: Hearing no objection the MOTION IS ADOPTED

MOTION: Sen Cohen moves SB 1010 as amended DO PASS with letter to President suggesting referral to Ways and Means Committee with Sen Brenneman excused

VOTE: In a roll call vote the MOTION is CARRIED 4 - 2 with Sen Brenneman excused

WORK SESSION ON SB 687 DOGAMI Fee Bill

MOTION: Sen Cohen moves SB 687 as amended TO THE FLOOR DO PASS

VOTE: In a roll call vote the MOTION IS ADOPTED with Sen Brenneman excused

WORK SESSION ON SB 915

160 SEN. COHEN: Gives overview of the - 4, - 5 AMENDMENTS to SB 915, and presents EXHIBIT C

- discussion and questions from Committee Members

264 SEN COHEN: Comments on amendments and the properties of phosphates.

- continues discussion of the -5 amendments to SB 915

MOTION: Sen moves adoption of -4 -5 Amendments to SB 915

VOTE: Hearing no objection the MOTION CARRIES

- Discussion with Committee members

WORK SESSION ON SB 740

WITNESSES: Lorna Young Frank Dost

360 BECK: Present overview of the - 1 , - 2 and OEC amendments to SB 740 EXHIBIT D

TAPE 158 SIDE A

013 LORNA YOUNG, Department of Agriculture, gives testimony on SB 740 - 1 amendments EXHIBIT D

030 FRANK DOST, Toxicologist, gives testimony on SB 740 - 2 AMENDMENTS, and presents overview of EXHIBIT D

- discussion with Committee Members

WORK SESSION ON SB 915

WITNESSES: Rep Gail Shibley

106 REP GAIL SHIBLEY, DISTRICT 12, gives testimony on SB 915 and gives overview of amendments EXHIBIT C

MOTION: Sen Brenneman moves SB 915 as Amended to the FLOOR DO PASS

VOTE: In a roll call vote the MOTION CARRIES 4 - 2 with Chair Springer and Sen Smith excused

WORK SESSION ON SB 555 and 1125

WITNESSES: Rep Dave McTeague Jim Brown Fred Hansen Lydia Taylor Dave Moskowitz Jerry Russ

160 JIM BROWN, State Forester, gives testimony on SB 555 and SB 1125 and presents overview of EXHIBIT E

191 FRED HANSEN, DEQ, gives testimony on SB 555 1125 and presents overview of Amendments to SB 555 (EXHIBIT F)

- answers questions from Committee members

277 LYDIA TAYLOR, DEQ, gives testimony on SB 555 and SB 1125

287 HANSEN: gives language from the amendments and intent of that language.

335 TAYLOR: gives overview of the agreement between DEQ, Department of Forestry (DOF).

- questions from Committee Members

375 HANSEN: Water resources at this time and more in the future.

TAPE 157 SIDE B

003 SEN. TIMMS: continues discussion on water management and best management practices

007 BROWN: - gives testimony on SB 555/1125 with overview of water quality standards and best management practices.

011 SEN. COHEN: Reiterates amendments for best management practices.

018 BROWN HANSEN: If there is failure to meet best management practices, they must be revised to meet those standards.

033 HANSEN, BROWN: - continues overview of procedures dealing with non-compliance with best forestry practices.

082 TAYLOR: Discussion of penalties, with intent not being to have penalties but to help people comply

100 BROWN: Discussion of violations and how they would be handled.

137 SEN. COHEN: Introduces amendments from Rep. Dave McTeague on SB 555 /1125 and gives overview of EXHIBIT G

203 REP DAVE MCTEAGUE, DISTRICT 25, gives testimony on SB 555/1125 and presents overview of EXHIBIT G

- wider, no-cut stream sides in riparian zones - cumulative effects by Audobon amendments - program to bring back stocks of fish that are presently endangered.

240 DAVID MOSCOWITZ, Northwest Steelheaders, gives testimony on SB 555/1125 and speaks against support for task force to study issue citing this has been documented sufficiently. Fish stocks already in danger and will suffer further losses during any proposed study. Speaks in support of SB 555 because it would be a major step toward protecting the environment, creating sustainable forestry;, and protecting other resources.

- concerns with SB 1125 - against giving water quality authority to the Department of Forestry - urges committee to look at other states before giving this kind of mandate - Current best management practices not adequate

342 Kintigh: Who compensates for the acreage taken in compliance with mandates?

362 MCTEAGUE: There is a solution is written into the bill. The issue is still present the issue how to get the buffer zones. The committee must agree on buffer zones needed.

392 MOSCOWITZ: Who is going to compensate the public for the loss of fish in the state.

TAPE 158 SIDE B

003 MOSKOWITZ: - continues testimony on SB 555/1125

022 JERRY RUSS, County Commissioner, gives testimony on SB 555/1125 and presents overview of EXHIBIT H

- testing chemical properties extracted from various species of trees used against cancer - problem of supply of Pacific Yew, which is slow-growing tree - proposed studies with the needles of the trees - trees need to be restocked or replanted - Pacific Yew trees need to be maintained in second growth - use of Clean Air Act to ensure yew trees aren't destroyed, especially by burning. - supports amendments

097 RUSS: Industry will most likely move toward plantations, but policies must be created to support such an industry.

109 Discussion of synthesized chemicals.

MEETING RECESSES UNTIL 5:30 PM

EXHIBIT LOG:

A	-	Testimony on SB 687 - Committee Staff - 1 page
B	-	Testimony on SB 1010 - Quincy Sugarman - 4 pages
C	-	Amendments to SB 915 - Sen Cohen - 7 pages
D	-	Amendments to SB 740 - Committee Staff - 4 pages
E	-	Testimony on SB 555/1125 - Jim Brown - 28 pages

F - Amendments to SB 555 - Fred Hansen - 30 pages  
G - Amendments to SB 555 - Rep Dave McTeague - 6 pages  
H - Amendments to SB 555 - Jerry Russ - 9 pages Testimony on SB  
555 - Jerry Russ -

Submitted by:    Reviewed by:

Kus Soumie            Peter Green Assistant    Administrator

Senate Committee on Agriculture and Natural Resources April 22, 1991 -  
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SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

April 22, 1991Hearing Room B 5:30 PMTape 157 - 160

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

VISITING MEMBERS: Rep. Ron Cease

STAFF PRESENT: Peter Green, Committee Administrator Chris Beck,  
Research Associate Stuart Farmer, Committee Assistant MEASURES  
CONSIDERED: SJM 4 (PPW) SJM 13 (PPW) SJM 14 (PPW) SJM 17  
(PPW) SJM 20 (PPW) SJR 26 (PPW) SB 740 (WRK) EXECUTIVE APPOINTMENT,  
STATE BOARD OF FORESTRY David E. Gilbert SB 1125 (PPW) SB 555 (PPW)

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TAPE 157 SIDE A

003 CHAIR SPRINGER CALLS THE MEETING TO ORDER AT 5:30 PM

PUBLIC HEARING ON SJM13, 17, 20 AND SJR26

WITNESSES:Rep. Ron Cease, District 19 Fred Heutte, Solar Energy Assoc.  
of Oregon Mike Grainey, Department of Energy Sen. Bob Kintigh, District  
14 John Albrecht, Oregon Chapter, Sierra Club Denise McPhail, Portland  
General Electric (PGE)

005 REP. RON CEASE, District 19, testifies in support of SJM13,17 & 20;  
all have merit and should have no trouble getting support from both  
sides.

049 FRED HEUTTE, Solar Energy Association of Oregon, testifies in  
support of SJM13, 20 & SJR26. Submits a group of articles relating to  
SJM13 EXHIBIT A. -There isn't direct evidence that global warming is  
occurring, but the studies being done point in that direction. -This is  
an issue of policy and not analysis. -Action needs to be taken now  
before it is too late.

110 MIKE GRAINEY, Deputy Director, Department of Energy, testifies in  
support of SJM13, 17, 20 & SJR26.

142 SEN. BOB KINTIGH, District 14, Testifies against SJM13. Reads  
written testimony EXHIBIT B.

305 SEN. SMITH: Do you discount the National Academy of Sciences and the International Scientific Community's concern about global warming?

320 SEN. KINTIGH: Has numerous quotes from scientists who disagree with the concept of global warming.

SEN SMITH: Is concerned that if we wait until everyone agrees on global warming then it will be too late to do anything about it. Do you think that a national plan should be developed that reduces carbon dioxide emissions? Isn't it a gamble to do nothing?

SEN KINTIGH: There should be an energy plan centered on conserving our resources. It isn't a gamble to do nothing. We need to know for certain before we waste time and money.

360 JOHN ALBRECHT, Chair, Oregon Chapter of the Sierra Club, testifies in support of SJM 13 & 17. Provides written testimony supporting his comments EXHIBIT C.

472 DENISE McPHAIL, PGE, testifies in support of SJM20.

TAPE 158, SIDE A

003 MCPHAIL: Continues testimony on SJM20. Submits SJM20-1 amendmndts EXHIBIT K.

PUBLIC HEARING ON SJM4

WITNESSES: Bruce Anders, Department of Agriculture

020 BRUCE ANDERS, Director, Oregon Department of Agriculture, testifies in support of SJM 4. Gives background on SJM4 and the importance a General Agreement Tariff (GAT) could bring to Oregon. Speaks to concerns regarding trade with Mexico and Canada.

SEN KINTIGH: Establishes what the role of the Northwest Delegation is.

CHAIR SPRINGER: Could you comment on free trade's effects on consumer or health standards.

ANDERS: The GAT process attempts to harmonize safety worldwide.

WORK SESSION ON SB 740

WITNESSES: Dr. Laurence Foster, MD., State Epidemiologist, Health Division Lorna Youngs, Department of Agriculture.

099 CHRIS BECK, Research Associate, provides an overview of SB 740-2 amendments from the consensus workgroup EXHIBIT D.

130 DR. LAURENCE FOSTER, MD., Health Division, testifies in support of SB 740 -2. States the purpose of the amendments. EXHIBIT D also contains a memo from Foster to the Committee.

CHAIR SPRINGER: Establishes that the Department of Agriculture accepts the SB 740-2 amendments.

189 SEN. SMITH: Has a State Agency ever sought civil monetary penalties against a person as a result of your investigation?

194 LORNA YOUNGS, Department of Agriculture, No, but that could occur.

SEN. KINTIGH: Asks a question regarding medical confidentiality.

225 MOTION:Chair Springer moves adoption of the SB 740-2 amendments.  
Hearing no objection the amendments are adopted.

SEN SMITH: For the record, would like it to be clear that in Section 4,  
sub 1 g, of the SB 740-2 amendments, the State Agencies actions be  
included in the report.

MOTION:Chair Springer moves SB 740 as amended to Ways & Means, do pass.

VOTE:In a roll call vote the motion is adopted with 6 ayes; Sen  
Brenneman is excused.

EXECUTIVE APPOINTMENT- DAVID E. GILBERT

MOTION:Sen. Timms moves confirmation of the recommended appointment of  
Dr. David E. Gilbert to the Oregon State Board of Forestry.

VOTE:In a roll call vote the motion is adopted with 7 ayes.

WORK SESSION ON SJM4

MOTION:Sen. Smith moves SJM4 to the floor, do pass.

VOTE:In a roll call vote the motion is adopted with 7 ayes.

WORK SESSION ON SJM17

MOTION:Sen. Smith moves SJM17 to the floor, do pass.

VOTE:In a roll call vote the motion is adopted with 7 ayes.

SEN COHEN: Votes aye in committee but intends to vote No on SJM17 on the  
floor.

WORK SESSION ON SJM20

MOTION:Sen. Smith moves SJM20 to the floor, do pass.

VOTE:In a roll call vote the motion is adopted with 7 ayes.

WORK SESSION ON SJR26

MOTION:Sen. Cohen moves SJR26 to the floor, do pass.

VOTE:In a roll call vote the motion is adopted with 7 ayes.

RECONSIDERATION OF SJM20

MOTION:Sen. Smith moves adoption of the SJM20-1 amendments, hearing no  
objection, the motion is adopted.

MOTION:Sen. Smith moves SJM20 as amended to the floor, do pass.

VOTE:In a roll call vote the motion is adopted with 7 ayes.

PUBLIC HEARING ON SJM14



WITNESSES: Sen. Tricia Smith, District 17 Lynn Owen, representing Paul Ketchum of 1000 Friends of Oregon John Albrecht, Sierra Club Adam Berger, Sierra Club Legal Defense Fund Paul Cosgrove, representing Anadarko Bob Edmiston, Anadarko Mike Grainey, Department of Energy Dan Salzer, Stewardship Ecologist, Nature Conservancy Dave McClain, California Exploration Company (CECI)

365 SEN. TRICIA SMITH, District 17, testifies in support of SJM14. Submits and reads written testimony EXHIBIT E.

BRENNEMAN: How many test wells have been sunk already?

SEN SMITH: Doesn't know but believes there are people testifying later who can answer.

TAPE 157, SIDE B

SEN SMITH: Answers Sen. Brenneman's question regarding noise level.

SEN KINTIGH: What is the exact boundary of the off limits area?

SEN SMITH: The three national forests.

015 LYNN OWEN, representing Paul Ketchum of 1000 Friends of Oregon, Reads written testimony from Ketchum EXHIBIT F.

046 JOHN ALBRECHT: testifies in support of SJM14. Feels that Crater Lake should be protected from Geothermal drilling. Five holes have been drilled.

SEN TIMMS: Of the five holes drilled, has there been any inclination that they have adversely effected Crater Lake. Are they going to the required depth to produce the energy?

ALBRECHT: No. The permits are for a certain depth. These are test depths and don't necessarily mean the energy will be found at the permitted depth level.

080 ADAM BERGER, Sierra Club Legal Defense Fund, testifies in strong support of SJM14 on behalf of Oregon Trout, Oregon Natural Desert Assoc., and the Portland Audobon Society. Submits written testimony and amendments to SJM14 EXHIBIT G.

CHAIR SPRINGER: If the Borax Lake site is endangered why is the Bureau of Land Management (BLM) allowing this to happen?

BERGER: There is some uncertainty about the connection between the drill site and the lake. They believe additional testing of the area would be needed before drilling is stopped.

185 SEN. TIMMS: What proof do you have that the drilling is effecting Borax Lake?

195 BERGER: Explains the fault systems in the area of the lake. Understands that most holes drilled in the past haven't involved the flow testing of geothermal. That is when the impact on the lake would show. The information prepared for this committee has been derived from geothermal experts and conversations from members of the US Geologic Survey.

SEN TIMMS: Disputes Berger. The BLM granted the permit. Surmises that

the BLM would get their information from the same sources.

BERGER: BLM is receiving its information on the geology of the area from Anadarko. We don't have access to that information.

250 SEN. BRENNEMAN: Why do many environmental organizations list geothermal energy as an alternative to nuclear or fossil fuel sources?

260 BERGER: Because of the decreased pollution. Keep in mind that geothermal energy is not without environmental costs and it is not a perpetual resource.

275 ALBRECHT: The Sierra Club is not necessarily opposed to geothermal energy but we have not suggested it as a viable alternative energy source.

WORK SESSION ON SJM13

MOTION: Sen Smith moves SJM13 to the floor, do pass.

VOTE: In a roll call vote the motion is adopted with 4 ayes; Senators Brenneman, Kintigh and Timms vote no.

PUBLIC HEARING ON SJM14

330 PAUL COSGROVE, representing ANADARKO, testifies against the proposed amendments to SJM14 from the Sierra Club Legal Defense Fund EXHIBIT G. Does not have a position on Crater Lake but would not wish to see the amendments that would prohibit drilling at Borax Lake. -Gives background on Anadarko and Borax Lake. -A message would be sent, if these amendments are adopted, that Oregon is not in favor of responsible Geothermal projects.

420 BOB EDMISTON, ANADARKO testifies against the proposed amendments from the Sierra Club Legal Defense Fund to SJM14. -There were a number of technical inaccuracies in Mr. Berger's testimony. Specifically that geothermal development has caused neighboring hot springs to stop flowing.

TAPE 158, SIDE B

003 EDMISTON: Continues testimony opposing the Sierra Club Legal Defense fund amendments. -Much of the history of geothermal development is related to old projects. There is better technology in today's projects. -A 55 mega watt power plant has not been discussed as Mr. Berger claims. -Speaks to the current technology. -Shows the Committee a map locating the existing test wells.

COSGROVE: Points out that the reservoir that feeds Borax Lake and the Reservoir that is in Anadarko's field are probably not connected, contrary to what Mr. Berger said.

055 CHAIR SPRINGER: Can you guarantee that your activities won't adversely effect Borax Lake?

060 COSGROVE: There isn't an absolute guarantee. There is a fairly uniform conclusion that there won't be an adverse effect. With regard to wells, we don't know.

CHAIR SPRINGER: The potential for serious damage then, does exist.

080 SEN. SMITH: The point of your exploration is to see whether or not the drilling has an effect on the Lake as well as whether or not you have a marketable source of energy?

090 EDMISTON: There is no chance of these holes having an impact on the Lake. Uses the map to support this.

130 SEN. SMITH: How do you know when drilling these test wells whether or not you are disrupting the ecosystem of the lake?

140 EDMISTON: A detailed monitoring plan has been developed as part of the environmental assessment by the BLM. -A committee has been set up to monitor the lake. -BLM has set up a permanent monitoring probe at the lake. -We have produced data on the lake.

SEN SMITH: If there is no previous data on the lake what good will monitoring do? There is nothing to compare it to.

EDMISTON: The BLM is making measurements at the present time.

175 SEN. SMITH: What is U.S. Fish & Wildlife doing about the Chub? What was the U.S. Fish and Wildlife's position on your permits?

180 COSGROVE: There is a recovery plan developed by the Nature Conservancy in conjunction with Fish and Wildlife. -Describes the permitting process and the numerous agency approvals necessary. -According to the Oregon Natural Resource Council, Fish and Wildlife is opposed to our permits.

245 MIKE GRAINEY: Supports SJM14. Submits a letter from Neil Goldschmidt supporting his position EXHIBIT H. Governor Roberts also supports this. -The Department of Energy is not opposed to Geothermal energy. -Recommends not amending SJM14 to include Borax Lake.

292 DAN SALZER, Stewardship Ecologist, Nature Conservancy, testifies in support of the Borax Lake amendments to SJM14. Submits and reads written testimony EXHIBIT I. -The level of monitoring in the past has been inadequate at Borax Lake. There is lack of data. It is only recently that sufficient monitoring has occurred.

SEN KINTIGH: Points out inconsistent testimony between Mr. Berger and Anadarko relating to the temperatures in Borax Lake.

SALZER: Explains the chubs adaptation to different temperatures in Borax Lake and how temperatures could adversely effect it.

464 COSGROVE: Offers clarification from Salzer's testimony

TAPE 159, SIDE A

003 COSGROVE: Continues. Also answers a question from the Chair on SB 93.

024 DAVE McCLAIN, CECI, testifies against SJM14. Gives background and submits testimony EXHIBIT J. EXHIBIT J is BLM testimony to the peer review panel. -Lines 7-14 of SJM14 are unconfirmed. It clouds the facts. -Points to key elements of EXHIBIT J. -Gives technical background on drilling for Geothermal Energy. -There are plenty of Federal safeguards to protect Crater Lake. -The unclear water in Crater Lake is from recreational activities. -SJM14 bases it's argument on insufficient evidence. -Discusses the thermal nature of Crater Lake.

208 SEN. SMITH: You indicated you would not pursue the Crater Lake Project without public support; would you consider the passage of SJM14 to be a lack of public support?

211 McCLAIN: Sen. Brockman conducted a poll which said 84% were in favor of geothermal development. Any geothermal development on a federal lease has a royalty that goes back to the county. Disputes previous testimony on what CECI considers the best sites.

PUBLIC HEARING ON SB 555 and SB 1125

WITNESSES: Jim Brown, State Department of Forestry (DOF) Charlie Stone, DOF

257 JIM BROWN, DOF, There is no change in our stance on Water Quality issues from this morning's meeting. -We have concurrence on our current testimony with Oregon Dept. of Fish and Wildlife (ODFW)

277 PETER GREEN, Committee Administrator, Refers to a document submitted by Jim Brown and the Department of Forestry distributed to members from the 4/22/91 AM meeting.

290 BROWN: Goes over what was covered in his document submitted at the 4/22/91 a.m. meeting.

400 CHARLIE STONE, State Department of Forestry, Addresses issues the committee staff presented to the committee. -Classification and protection of waters of the state; changes are needed.

455 SEN. COHEN: So we should settle for at least 3 classifications.

460 STONE: Yes, there isn't enough variety in two and at least three would be better. -Describes process the DOF would go through to accomplish changes in classification and protection levels, from the department of forestry testimony submitted 4/22/91 A.M.

TAPE 160, SIDE A

003 STONE: Continues. Gives overview of the Audobon amendments SB 555-2.

015 SEN. SMITH: Has the department adopted rules for class 2sp stream designation?

018 STONE: In 1987 the definition of Class 2sp was adopted and a rule was also developed. We haven't yet administered that rule because of the problems in the definition of Class 2 sp.

SEN SMITH: So you have a rule but it's not operable? So you really don't have a rule?

025 BROWN: Correct. That points out the difficulty of the two class system we have.

CHAIR SPRINGER: Concerned that after a certain amount of time, the experts still won't agree.

STONE: For classification of water we are seeking input from the experts and then we will put together an appropriate system. The larger issue is how much is forestry contributing to the decline of fisheries?

056 SEN. SMITH: How long do you anticipate rulemaking to take?

060 STONE: September of 1992 to have the rules in place. Having all of the streams classified could be a long period of time.

075 BROWN: Currently we have Class I and Class II stream maps which could speed up the new classification process.

SEN COHEN: Do you have a budget estimate?

BROWN: Yes.

106 STONE: Continues with the list of issues. -Clearcut size and spacing restrictions. The Board and the Department of Forestry support a limitation on the size, spacing and distribution of clearcuts. -We believe there is a correlation with clearcut size and nature's ability to buffer effects. -Water Quality and soil productivity issues are a result of practices rather than clearcut size. -Wildlife Habitat is effected by large clearcuts. -We support clearcut limitation, however, determining an appropriate level should be done by the legislature and not by the Board of Forestry.

145 SEN. SMITH: If the Department and the Board of Forestry do not find any correlation between clearcut size and wildlife habitat or stream designation, why would you not want to make those decisions on a case by case basis rather than having the legislature have a standard size.

160 BROWN: Shows the Committee data from the document handed out at the 4/22/91 AM meeting supporting Mr. Stone's testimony.

180 STONE: Ideally clear cut size should be determined on a case by case basis. If the state were to try and determine size on a case by case basis, it would be too costly. -Refers to some of the graphs in the DOF document from the 4/22/91 a.m. meeting.

209 SEN. SMITH: What size would you propose the legislature to set?

212 BROWN: A 120 acre maximum with an occasional variation up to 240 acres as stated in SB 112 5.

220 STONE: A 120 acre clearcut limit will slow the rate of harvest. Continues with the list of issues. -Reforestation. -Measures would be taken to make sure reforestation sites are maintained. -Goes over standards for reforestation compliance. -The DOF does not support increasing the stalking standards.

333 SEN. COHEN: What do we have to do to get rules to require a time period. It bothers me that the DOF doesn't support increased plantings.

360 BROWN: The DOF thinks that the minimum standards are sufficient. Our enforcement records demonstrate that the landowners are replanting. We don't know that the young plantings grow. -The standard should be changed free to grow.

SEN KINTIGH: Establishes specifics of what private landowners are replanting.

STONE: We aren't now having problems achieving higher standards than the minimum.

BROWN: Landowners have figured out that increased reforestation is in

their own interest.

STONE: We support putting in rule form an acceptable species list for each region.

CHAIR SPRINGER: Do you intend to address comments made by the hardwood industry?

BROWN: Yes.

TAPE 159, SIDE B

010 SEN. SMITH: In areas where hardwood is the best alternative, will you encourage reforestation of hardwood?

020 BROWN: Yes.

SEN SMITH: Regarding the SB 555-2 amendments which discuss diseases; in diseased areas will you prevent reforestation of conifers and require reforestation of disease resistant species?

BROWN: We have not in the past. Would like to think before responding.

033 STONE: That is not a large scale problem. Continues with the list of issues as addressed in the document from the DOF submitted 4/22/91 a.m. -Forest Practices Act Policy Statement. -Concerned with maintaining the balance between growth and harvest of trees as well as sound management of soil, air and water. -Written Plans: The Board and DOF don't support the requirement of additional written plans. -Written plans are important in relation to specific sites but not when applied across the board. -Gives background of written plans. Written plans across the board would be too expensive.

SEN SMITH: If an operator was required to submit a written plan, wouldn't you be able to stop any potential damage that operator could inflict if he was a bad operator?

STONE: Bad operators don't follow written plans. Education is a better approach. There are always some operators who won't comply no matter what the requirements are.

SEN SMITH: Do you do pre-operational inspections on all operations?

STONE: No. We prioritized the operations and try to hit as many high priority operations as possible.

BROWN: Describes the prioritizing process.

170 SEN SMITH: Do you do pre-operational inspections of sites that do not require written plans?

BROWN: Goes over the two types of written plans.

STONE: We try to get to as many sites where written plans are required as possible, as well as those sites that don't require written plans.

SEN SMITH: Requests that they send her a list of criteria for a high priority site.

SEN KINTIGH: Offers additional information on the prioritization process.

STONE: The Department and Board of Forestry approve of the 30 day waiting period for written plans as suggested in the SB 555-2 amendments. Continues with the issues discussed in the document from 4/22 a.m. -Fish and wildlife habitat.

250 CHAIR SPRINGER: Recognizes the Boards concern to the rights to private landowners. Regarding the habitat issue, Should private lands share equal responsibility with state lands?

260 STONE: Concentrates on Habitat versus wildlife. -Habitat is not the end, it is the means to the end. -The state owns the wildlife and the private land owners own part of the habitat. -We are trying to achieve the maintenance of wildlife over time.

300 CHAIR SPRINGER: What will the private landowner's responsibility be for habitat?

BROWN: The state's goal is clearly stated in the Forest Practices Act, to maintain viable populations of wildlife irrespective of who owns the land. -Regulate habitat necessary to achieve the goal of a viable population of wildlife. -The policy question before the committee is , what is the objective and how do you get there.

SEN SMITH: Doesn't understand the state on the wildlife and habitat issue. -Habitat is clearly what has to be managed in order to sustain the wildlife. Everyone agrees with that so what is the debate?

BROWN: Gives a practical example using the Great Blue Heron.

SEN SMITH: How do you bring back fish in areas where there used to be fish but aren't anymore.

400 BROWN: You have to manage habitat.

STONE: There is a difference because the state owns the water where they don't own the private landowner's habitat.

SEN SMITH: We have seen strong evidence that factors outside the stream bed can greatly effect the stream bed.

BROWN: That is addressed in the riparian rules. The testimony you saw on fisheries indicated that there were a number of causes that effected the fish.

STONE: Habitat is all forestland. If the goal is to protect habitat then should we not allow any trees to be cut.

SEN SMITH: Where do your recommendations go beyond the industry recommendations?

STONE: There are a number of areas in which we differ.

TAPE 160, SIDE B

003 STONE: Continues -We differ in Stream Classification and scenic values -Registration and Licensing of foresters is worth looking at.

BROWN: Our concern is if we are going to put something in place it should be beneficial to the resource. California has an administrative hoop process that is timely, costly and not necessarily more effective.

We are doing as good or better in the state of Oregon. -Addresses setting up a licensing process.

085 CHAIR SPRINGER: Doesn't believe that the Department of Forestry's recommendations even meet those of the industry.

093 BROWN: Disagrees.

STONE: Establishes that the Committee has the last version of the Board of Forestry's Forum report to use as a reference.

CHAIR SPRINGER ADJOURNS THE MEETING AT 9:25 PM.

#### EXHIBIT LOG

A -Testimony on SJM13 - Heutte - 8 pages B -Testimony on SJM13 - Sen. Kintigh - 6 pages C -Testimony on SJM13 and SJM17 - Albrecht - 13 pages D -Testimony and Amendments to SB 740 - Staff - 5 pages E -Testimony on SJM14 - Sen. Smith - 3 pages F -Testimony on SJM14 - Owens - 2 pages G -Testimony and amendments to SJM14 - Berger - 10 pages H -Testimony on SJM14 - Graine - 1 page I -Testimony on SJM14 - Salzer - 25 pages J -Testimony on SJM14 - McClain - 14 pages K -Amendments to SJM20 - McPhail - 1 page L -Testimony on SJM20 - Rep. Bob Pickard - 1 page M -Testimony on SJM17 - Laurie Aunan - 2 pages

Submitted by:Reviewed by:

Jill RaderPeter Green AssistantAdministrator