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

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

May 8, 1991Hearing Room C 8:00 a.m. Tape 188 - 191

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

MEMBERS EXCUSED:

VISITING MEMBERS:

STAFF PRESENT: Peter Green, Committee Administrator Chris Beck, Research Associate Barbara Porter, Committee Assistant

MEASURES CONSIDERED: SB 91(WRK) SB 555(WRK) SB 1125(WRK)

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TAPE 188 SIDE A

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

WORK SESSION ON SB 91

SECONDARY LANDS

012 TED LORENZEN, State Department of Forestry: The Department of Forestry is supportive of the Secondary Lands process and criteria that LCDC has adopted.

Two policy recommendations: -criteria should be meaningful -identification of secondary lands should be directed to areas that have less productive soils and that are also impacted by parcelization and development. EXHIBIT A

121 LORENZEN: Responds to questions regarding testimony. Does not offer any specific amendments.

139 LARRY TROSEY, Oregon Farm Bureau: Currently readjusting written

testimony to match the A-engrossed version, will submit at a later date. -Discusses the Right to Farm portion of the bill. Proposes an amendment that will give protection to the people inside of an Urban Growth Boundary (UGB) to continue farming at their current level. -Generally supportive of the bill.

261 DON SHONBURG, Oregon Farm Bureau: The chair of the Senate Revenue Committee does not intend to deal with the tax issue related to Secondary Lands. The issue deals with whether or not land that is moved out of an EFU zone into secondary lands will continue to automatically receive farm use assessment.

SEN. SMITH: I really do think that is a Revenue issue and could be dealt with in HB 2550.

SHONBURG: It is certainly revenue related, but it is specific to Secondary Lands and that was the reason why the chairman did not want to deal with the issue in HB 2550. -Recommends that land that is moved into Secondary Lands continue to receive automatic farm use assessment until such time that they take an action consistent with uses allowed in Secondary Lands but not allowed inside of an EFU zone. Then they would have to meet the income test in order to qualify for farm use assessment.

CHAIR SPRINGER: If this is important enough to you I hope you have something in writing that you can share with us.

SHONBURG: Legislative Counsel is drafting amendments.

CHAIR SPRINGER: More than amendments, a precise statement of the problem, something that tells me that Revenue is not going to deal with this.

SEN. GOLD: I will speak with the Senate Revenue Chair. This is not a topic for this committee.

368 WORK SESSION ON SB 1125 & SB 555

FOREST PRACTICES

378 PETER GREEN: Continue through Sen. Cohen's outline, starting with clearcut limitations, then reforestation.

TAPE 189 SIDE A

012 JOHN DAVIS, OFIC: Presents and discusses EXHIBIT B, relating to clearcuts. Answers questions from members.

107 PETER GREEN: Sen. Cohen's proposal at this time is the SB 1125 Reforestation proposals which are contained in both Dash 7 and the original 1125 proposal relating to green-up requirements and quicker planting time than the current law provides. It is basically section 6 of the Dash 7 amendments.

124 CHARLIE STONE, Department of Forestry: Supports section 6 of the amendments. Answers questions from members.

228 DAVIS: Supports section 6 of the amendments. Answers questions

from members.

340 SEN. KINTIGH: I would like to hear some comment on the area of Free to Grow, that is, loss from animal damage.

366 STONE: It is not so much the question of Free to Grow, but adequate stocking.

380 PAUL KETCHAM, 1000 Friends of Oregon: Supports reforestation elements, especially Free to Grow. -The standards for reforestation need to be in statute. They need to be regionally specific. -This legislation should direct the Board of Forestry to at least not allow species that are susceptible to root rot to be replanted in areas known to be infested. - The board should be directed to not allow the planting of trees known to be susceptible to infestation in areas that are subject to infestation and to adopt a list of species which can be planted in those areas to guard against the spread of infestation and disease.

TAPE 188 SIDE B

064 CHAIR SPRINGER: Does the department know how extensive the root rot problem is in western Oregon and what is your position on eastern Oregon?

STONE: We should be planting the appropriate species to meet the site conditions.

CHAIR SPRINGER: The suggestion is that the department has not addressed the problems.

073 STONE: The board is prepared to examine those questions.

079 PETER GREEN: Written Plans, section 11 of Dash 7 amendments. 104 STONE: Defines and discusses high risk areas. -Written plans for high risk areas would not be necessary and would not achieve much in the way of resource protection.

131 The members continue to discuss the Dash 7 amendments.

178 Stone: The rules adequately address the situation and the written plan is extra work.

218 SEN. COHEN: Questions approval and notification requirements for high risk areas.

317 CHAIR SPRINGER: What percentage of citations are for failure to notify?

322 STONE: About forty percent.

346 SEN. SMITH: Discusses which classes of streams should be included in written plans.

TAPE 189 SIDE B

013 SEN. COHEN: In regard to streams, where is prior approval required?

017 STONE: Prior approval is required anywhere that the operation activities have a potential to put soil material into the waters of the state.

032 SEN. SMITH: Questions the timing of notification.

057 Discussion of time periods.

077 DAVIS: Refers to page four of OFIC document answering Sen. Cohen's draft. -OFIC is opposed to the 80 acre limit. -OFIC strongly supports the requirement for written plans be provided for operations near high risk sites, but not for high risk areas.

151 KETCHAM: Supports written plan requirements.

191 SENS. TIMMS, BRENNEMEN, AND GOLD EXCUSED TO THE FLOOR.

195 PETER GREEN: Explains the next section of the written plans portion of the outline. - extends review period to 30 days. -requires notification of pesticide application.

205 SEN. COHEN: Are there current notification rules? 209 STONE: The Department does currently have a system. -The service is available to those who want it.

240 SEN. SMITH: How much does it cost to get the notification?

245 STONE: There is a minimum charge of fifteen dollars for the first five sections, and three dollars per additional section.

328 KETCHAM: Is there some justification for notification within just five miles of the operation? -What kind of information is supplied on the notice for chemical application? 359 SEN. COHEN: How many people are on your list?

366 STONE: Each district has approximately 12-20.

390 SEN. KINTIGH: The list of water right holders is incomplete. It would be very difficult for the department to really be able to notify everyone.

408 DAVIS: OFIC opposes this provision. -More rules are not needed. \_It would be an administrative nightmare to notify everyone within five miles.

TAPE 190 SIDE A

015 KETCHAM: The rational thing to do is to notify people downstream that there may be chemicals in the water, giving them time to take evasive action. -The department should send notice, free of charge, to anyone who requests it.

036 SEN. COHEN: Is there a requirement that the Department of Forestry be notified by the applicators?

037 STONE: We recieve notice 15 days prior to the operation.

CHAIR SPRINGER: Suggests Ketcham's idea that a person can request to be put on the notice list be drafted.

051 PETER GREEN: Land Use Conversions; SB 1125 is the model that Sen. Cohen's Dash 7 uses, section 8.

058 STONE: Reviews provisions of amendments. -supports provision. -section 8, subsection 2, which requires bonding, is unnecessary.

110 COHEN: What is the review timeframe?

STONE: 3 to 5 years. He explains the process of land use change and reforestation.

130 KETCHUM: Responding to COHEN says section 8 is good in Dash 7 amendments. - makes person more accountable and guarantees reforestation. - require completion of the land use change within 18 mo. of harvesting. Make the cut-off date clear in statute.

150 STONE: Agrees with KETCHUM's statement about timeframe.

213 SEN. SMITH: Under adoption of this section, or currently, you can require reforestation if the grazing is compatible with production of trees- which is it?

217 STONE: It's a problem because the wording is too loose, it's a loophole.

229 SEN. SMITH: If we adopted section 8, as it is in the Dash 7 amendments, does that give you enough authority to require that if the maintenance of forest cover could happen with the proposed use that they do reforest?

STONE: Yes.

240 DAVIS: I feel the language in section 8 is probably as good as we're going to get to force compliance with the reforestation rules in cases other than a really legitimate land use conversion.

251 KETCHUM: Suggests adding language that would provide that landowners provide a management plan for the proposed conversion.

265 STONE: The section gives us ample ability to take care of the problem.

278 PETER GREEN: Licensed Timber Operators, sections 13, 14, 15.

294 STONE: Explains that licensing operators is necessary and would only be an added expense to the state.

327 KETCHUM: People have to know the rules. We support licensing timber operators, and the registered forester is an essential component to bring the accountability up to an acceptable level.

386 CHAIR SPRINGER: How many people will be affected by this?

394 DAVIS: We're talking about tens of thousands of people in Oregon that are operators as defined in this section.

TAPE 191 SIDE A

011 SEN. COHEN: Do you have a listing of the names or do you make any judgement about who these people might be?

019 STONE: We have the notification information that tells us who the operator is in the computer data base, so that type of list could be prepared.

052 CHAIR SPRINGER: Safety in the woods is the responsibility of everyone out there. We still have far more deaths and serious disabling injuries as a result of forest practices than we ought to have. Licensing might be an additional step to try to reduce those problems.

060 STONE: Safety issues and concerns within forest practices and the resource protection concerns have always been generally separate.

074 SEN. SMITH: Educating and registering foresters or operators would help the industry keep up with what is required of them, rather than waiting until they do it wrong and then penalizing them.

099 DAVIS: The landowner is totally responsible for the activities on his land. Licensing will not improve the situation because there is already incentive to do the job right.

119 SEN. SMITH: If I contract a forester to harvest my timber, how do I know he's a legitimate operator if there is no registration?

128 DAVIS: It is the landowners responsibility to use available resources to protect himself.

138 CHAIR SPRINGER: Asks STONE if there is a list of referrals of bonafide (or not) operators?

140 STONE: We advise the use of resources for information. We would be able to tell you if an operator had previous citations.

177 KETCHUM: There is no accountability on the part of the operator to show that they know the rules. THE question of licensing is an appropriate shift of the burden to the private sector to demonstrate that they have the knowledge to protect the resource base that you are concerned about. -There is a need for more state oversight on forest practices. People need to spend more time in the field. -The Dash 2 amendments (ARO environmentalists) are something to work with toward that end.

226 SEN. KINTIGH: Would you be willing to accept the judgement of the licensed forester?

230 KETCHUM: Only if it is inspected by a professional to provide accountability.

271 DAVIS: My opposition is based on the fact that there is no need for this. Compliance with the rules is very high. It will be a costly venture.

298 KETCHUM: Registering of foresters and the licensing of operators could only help instill public confidence in the industry and in the Board of Forestry's activities.

PETER GREEN: Scenic Values, sections 10 and 12.

324 DAVIS: OFIC committee opposes the addition of scenic values to the list of values in the acts policy statement. -Greatest area of public concern is the adjacent property to scenic highways.

353 SEN. SMITH: Would you prefer your own standards in the bill?

373 DAVIS: Yes. We have no interest other than providing the 150 foot green strip next to the highway.

458 SEN. COHEN: There are alot of other items that should be included in section 10 that are more important than the scenic issue. I would like the board to focus on riparian zones as a priority.

TAPE 190 SIDE B

050 KETCHUM: The conservation committe has been very clear that it does not support adding scenic provisions to the forest practices act. -Forest practices should not be hidden. -Trees should remain along streams, where they count for fish and wildlife. -Diffuses the Department of Forestry's inadequate attempts to cover all the bases in the forest landscape.

074 DAVIS: This issue has come before us many times from the public, that's why we're responding with tools that "mask" that. It is perception that we're dealing with.

125 KETCHUM: Disagrees that it is a perceptional problem. It is a forestry problem.

134 CHAIR SPRINGER: Adjourns the mtg at 11:10 .

EXHIBIT LOG:

A - Testimony on SB 91- Ted Lorezen- 50 pages B - Testimony on SB 1125/555-John Davis- 4 pages C - SB 1125, Dash 7 amendments

Submitted by:

Reviewed by:

Barbara Porter  
Administrator

Peter Green Assistant

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SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

May 8, 1991Hearing Room B 5:00 PMTape 192 - 193

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. Tom Novic

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

MEASURES CONSIDERED: SB 91(WRK) SB 797(WRK) SB 1097(WRK) SB 1112(WRK) SB 765(WRK) SB 766(WRK)

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TAPE 192 SIDE A

003 CHAIR SPRINGER CALLS THE MEETING TO ORDER AT 5:00 PM

WORK SESSION ON SB 262 Integrated Pest Management

MOTION: Sen Cohen moves the reconsideration of SB 262

VOTE: Hearing no objection the MOTION CARRIES

MOTION: Sen Moves SB 262 Rules Committee referral be rescinded, adding a Ways and Means Referral, MOVE THE BILL AS AMENDED DO PASS

VOTE: In a roll call vote the MOTION CARRIES with Sen Timms, Gold Excused

WORK SESSION ON SB 797

WITNESSES: Paul Cosgrove Brian Boe Chris Beck Mike Grainey Mark Ford George Richardson Dell Isham

036 SEN SMITH: Gives testimony on SB 797 - 1 Amendments EXHIBIT A



062 PAUL COSGROVE, American Paper Institute, gives testimony on SB 797 and gives overview of proposed amendments EXHIBIT B

- concerns with -1 AMENDMENTS to SB 797

092 SEN. COHEN: Comments on the proposed amendments to SB 797 related to the DEQ study.

102 SEN. SMITH: Speaks on the intent of the bill. Opposition to the American Paper Institute amendments EXHIBIT B

137 BRIAN BOE, gives testimony on the 'compostability' of disposable diapers, and the Fiscal impact on DEQ.

158 COSGROVE: - speaks on the 'compostability' issue.

WORK SESSION ON SB 765, SB 766, SB 1112

175 CHRIS BECK, Committee staff, gives overview of EXHIBIT C

206 MIKE GRAINEY, Department of Energy, gives testimony on SB 765, SB 766, SB 1112 definitions with recommendations

- answers questions from committee members - for air quality, we are looking for something beyond what is going to happen - agrees to inclusion of "significantly reduce the State's reliance on petroleum based sources of energy" in the amended language

4MARK FORD, Department of Transportation, gives testimony on SB 1112, SB 765, SB 766 and definitions required for passage of the bills.

295 GEORGE RICHARDSON, Northwest Natural Gas, gives testimony on amendments to SB 765, 766 and gives overview of EXHIBIT C

- presents overview of letter to Sen Springer EXHIBIT D

342 DELL ISHAM, Northwest Propane Gas Association, gives testimony on SB 765, 766 and preferred definitions for alternative fuels.

- urges the current definition be left intact

366 PAUL COSGROVE, Ethanol Fuel Association, gives testimony in opposition to proposed X amendments. EXHIBIT B

385 SEN. SMITH: How long does the process take to produce marketable fuels?

400 COSGROVE: I don't know.

TAPE 193 SIDE A

005 COSGROVE: - continues testimony and answers questions from members on alternative fuels.

MOTION: Sen Smith moves the NW Natural Gas definition of alternative fuels (applied to SB 764, SB 765, SB 1112)

VOTE: In a roll call vote the MOTION PASSES 7 - 0

MOTION: Sen Smith moves SB 765 as Amended to the Floor DO PASS

VOTE: In a roll call vote the MOTION PASSES 7 - 0

MOTION: Sen Smith moves SB 766 as amended to the floor with do pass recommendation.

VOTE: In a roll call vote the MOTION PASSES 7 - 0

MOTION: Sen Smith moves SB 1112 as amended to Revenue Committee do pass recommendation

VOTE: In a roll call vote the MOTION PASSES 7 - 0

WORK SESSION ON SB 1097

075 SEN JOAN DUKES, District 1, gives overview of SB 1097 coming before the committee again.

090 MIKE STENSON, Legislative Counsel, gives testimony on SB 1097 AMENDMENTS

EXHIBIT E

107 SEN DUKES: continues overview of amendment to SB 1097

MOTION: Chair Springer moves - 2 Amendments to SB 1097

VOTE: Hearing no objection the MOTION ADOPTED

MOTION: Sen Cohen moves SB 1097 AS AMENDED to the floor DO PASS

VOTE: In a roll call vote the MOTION ADOPTED 7 - 0

WORK SESSION ON SB 797 AMENDMENTS

179 SEN. SMITH: gives overview of -1 Amendments to SB 797 and the intent of those amendments. EXHIBIT A - defines targeted group of diaper wearers to be children of 30 months. - discussion with Committee members

194 REP TOM NOVIC, DISTRICT 16, gives testimony on SB 797 and - 1 amendments presenting EXHIBIT F

- questions from committee members

MOTION: Sen Smith moves -1 Amendments as further amended with the deletion of section 3

- discussion Cohen, Smith, Brenneman, Gold

VOTE: Hearing no objection the MOTION IS ADOPTED

MOTION: Sen Smith moves SB 797 AS AMENDED to the floor DO PASS

VOTE:In a roll call vote the MOTION is CARRIES 6 - 0 (Sen Kintigh excused)

WORK SESSION ON SB 91

360 STEVE MARKS, President Kitzhaber's Office, gives overview of -11 amendments to SB 91A EXHIBIT G

TAPE 192 SIDE B

006 SEN. TIMMS: Are we making the land use process easier?

012 MARKS: It is different than the current procedure, in that we have set some time lines in the process, some specific criteria and standards that the county has to come in for when they want a secondary proposal adopted.

035 SUE HANNA, Legislative Counsel, gives clarification of the -11 amendments to SB 91A (EXHIBIT G) I do not anticipate any changes to procedures. There is reference to already existing procedures in the law, relating to public hearing and notice.

MOTION:ADOPTION OF THE 91-A, -11 AMENDMENTS

VOTE:HEARING NO OBJECTION THE MOTION IS ADOPTED

100 HANNA: Will have the new amendments ready for Friday. - criteria for section 3 rewrite is completed - minor cross references - 2 more sets of amendments are in the process of completion dealing with the technical of land use

- discussion of rangeland issues SEN TIMMS, STEVE MARKS

203 HANNA: The soil testing proved to be too expensive and caused some surprises in rating land.

CHAIR SPRINGER ADJOURNS MEETING AT 6:30 PM

EXHIBIT LOG:

A	-	Testimony on SB 797 - Sen Tricia Smith - 2 pages
B	-	Testimony on SB 797 - Paul Cosgrove - 4 pages
C	-	Amendments to SB 1112 SB 765 SB 766 - Committee Staff - 26
pages D	-	Testimony on SB 765 - George Robinson - 3 pages
E	-	Amendments to SB 1097 - Mike Stenson - 2 pages
F	-	Testimony on SB 797 - Rep Tom Novic - 1 page
G	-	Testimony and Amendments to SB 91 - Steve Marks - 72 pages

Submitted by: Reviewed by:

Kus Soumie Peter Green Assistant Administrator