

Senate Committee on Agriculture and Natural Resources May 17, 1991 -
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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.

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

May 17, 1991Hearing Room C 8:00 a.m. Tape 203 - 206

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: Sen. Scott Duff

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

MEASURES CONSIDERED: SB 1043(WRK) SB 555(WRK) SB
1125(WRK)

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statements made during this session. Only text enclosed in quotation
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proceedings, please refer to the tapes.

TAPE 203 SIDE A

003 CHAIR SPRINGER CALLS THE MEETING TO ORDER AT 8:00 AM

WORK SESSION ON SB 1043

WITNESSES: KRIS NELSON, Energy Consultant ANDY HOSHIMOTO,
Bio-Research Engineering, Oregon State Univ. PAUL ECKLEY, Plant Manager,
Willow Lake Waste Water Treatment Plant

004 CHRIS BECK: Overview of SB 1043

015 KRIS NELSON, Energy Consultant, Explains 1043-2 Amendments EXHIBIT A
and submits written testimony EXHIBIT A1.

027 SEN KINTIGH: On a previous alternative fuel bill, wouldn't the state
purchase vehicles?

033 SEN. SMITH: Those bills dealt with the state purchasing alternative
fuel vehicles. The purpose of the SB 1043-2 amendments is to conduct a
study.

041 NELSON: The supply side of the industry has been lacking. Explains

intent of SB 1043-2.

048 KINTIGH: So it fits in with the other alternative fuel bills.

050 NELSON: Yes, the idea is finding how to replace the dollars leaving the state and simultaneously developing a new industry.

058 SPRINGER: Establishes that the Department of Energy is ok on this. What about Economic Development?

066 NELSON: I'm not sure what The Department of Economic Development's feelings are on these amendments.

077 ANDY HOSHIMOTO, Head of Bio-research Engineering, OSU, with PAUL ECKLEY,

Plant Manager, Willow Lake Waste Water Treatment Plant, Explains projects pertinent to this amendment. -Tillamook project, proposes to convert waste from dairy cattle into methane. -Willow Lake project, use existing facilities to generate methane.

093 SPRINGER: How are the projects being funded?

094 HOSHIMOTO: Through private and federal funding.

099 SPRINGER: Private sector in Boardman is working with potato waste and other agricultural bi- product. The Federal Government probably won't have much help to offer.

MOTION: SEN. SMITH MOVES SB 1043 AS AMENDED TO THE FLOOR, DO PASS.

VOTE: 7 AYES, SEN. SMITH CARRIER

WORK SESSION ON SB 555 AND SB 1125

WITNESSES: SEN. SCOTT DUFF, DISTRICT 29 FRED ROBINSON, STATE FORESTRY DEPARTMENT JOHN DAVIS, OREGON FOREST INDUSTRIES COUNCIL (OFIC) PAUL KETCHUM, SENIOR PLANNER, 1000 FRIENDS OF OREGON JIM BROWN, STATE FORESTER FRED VAN NATTA, CITIZEN MARK LIVERMAN, PORTLAND AUDOBON SOCIETY CHARLIE STONE, DEPARTMENT OF FORESTRY JILL ZARNOWITZ, OREGON DEPARTMENT OF FISH & WILDLIFE (ODFW)

135 SENATOR SCOTT DUFF, DISTRICT 29: Introduces SB 555-6 Amendments (EXHIBIT B) and gives overview.

179 SEN. SMITH: Who would be doing the burning? Are there rules on how to conduct these fires?

DUFF: The landowner, US Forest Service or the Oregon Department of Forestry would do the burning and this would be an evolving process. Would expect the Department to develop rules.

187 SEN. TIMMS: Would you want this included in SB 1125?

DUFF: If the burning fees are there, yes.

193 SPRINGER: They aren't there yet unless some of the amendments are adopted.

195 SEN. SMITH: Does the Department have the authority to do this now?

203 DUFF: I doubt it. This may just draw attention to this type of forest practice.

220 FRED ROBINSON, Assistant State Forester, State Forestry Dept., There is no current fee for any kind of burning in Eastern Oregon. -It would take this kind of exemption to exempt the fee requirement. -supports this fire management tool. -the SB 555-6 amendments EXHIBIT B would prevent a disincentive.

235 SEN. SMITH: If there are no fees why would we need the amendment?

240 ROBINSON: You wouldn't currently. The amendment would exclude this type of burning from fees that are contained in SB 555 or the SB 1125-10 amendments. If these bills aren't passed the amendment isn't necessary.

250 SEN. KINTIGH: Two disincentives are the Clean Air Act and the possible liability if a mishap with a fire occurs.

257 ROBINSON: Addresses these two disincentives.

SPRINGER: Sen. Kintigh has some general comments.

275 SEN. KINTIGH: Enters into the record what he thinks are factual errors in testimony. EXHIBIT O.

306 SEN. SMITH: Gives overview of her proposed changes to SB 1125-7 EXHIBIT I. These are the issues that the SB 1125-7 amendments don't adequately address. Would like language in the amendments to address these concepts. -Stream protection and Classification.

375 CHAIR SPRINGER: This comes down to a 100 foot buffer on all fish bearing streams.

394 SEN. KINTIGH: What about not wanting to put specifics into statute.

399 SEN. SMITH: This would be an interim standard. Conservative standards are necessary so that while the Board is establishing rules, the streams are protected. Once the Board establishes rules, these standards don't apply.

410 SEN. KINTIGH: Doesn't agree.

419 SEN. SMITH: Continues overview of proposed changes to SB 1125-7 EXHIBIT I -Cumulative Effects and Forest Management.

461 SEN. TIMMS: Have we heard testimony that other states are more stringent?

470 CHAIR SPRINGER: We have heard Independent testimony.

474 SEN. SMITH: We haven't heard from the states.

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040 SEN. TIMMS: I would like to hear from the states.

043 SEN. SMITH: We have heard from the US Forestry Department; their

rules are much stronger on public lands.

045 SEN. TIMMS: We're talking about private lands.

050 SEN. SMITH: Yes, but we are talking about the cumulative effect of forestry on the environment. We need to know if there are reasons for more stringent rules in terms of environmental protection.

TIMMS: Doesn't disagree. Would be interested in what other states are doing so we can learn from each other.

060 SEN. SMITH: Continues overview of proposed changes to SB 1125-7 EXHIBIT I -Harvesting Restrictions for Immature Timber.

COHEN: Wants Cumulative Effects added as another reason for clearcut limitations in both bills

089 SEN. TIMMS: Are we talking about a sustained yield?

093 SEN. SMITH: Yes, its possible to have a balance to allow sustained yield for the timber industry while at the same time protecting the biology of the forest.

096 SEN. TIMMS: We're trying to protect the biology. Asustained yield is planting as much as we are cutting-Do we have a process for this? I agree with your flexibility in the process.

105 SEN. SMITH: A sustained yield can't be maintained if younger and younger trees are being cut. Some timber companies are doing this.

115 SEN. KINTIGH: Comments on SB 1125-7 changes EXHIBIT I in conjunction with the Department of Forestry Graph EXHIBIT E. If this criteria for harvesting immature timber using 75% of predicted volume were used, 65 years would be the earliest you could clearcut. That is going too far.

122 SEN. SMITH: That is the difference of opinion. If you go below 60 years, those are young trees.

124 SEN. KINTIGH: I would disagree. It depends on the site.

128 SEN. SMITH: There would be some flexibility for each site.

130 SEN. KINTIGH: According to the graph EXHIBIT E, 65 would be the cut-off.

132 SEN. SMITH: Willamette Industries doesn't cut their trees until they are at least 60 because they don't believe that's good forestry.

134 SEN. KINTIGH: I'm saying this 75% of mean annual increment would mean at least 65 years.

137 SEN. COHEN: What is your recommendation.

139 SEN. KINTIGH: Around half, 45-50 years EXHIBIT C.

146 SEN. COHEN: Is this terminology appropriate?

149 SEN. KINTIGH: No, it would be easier to go by age of the culmination mean annual increment. Agrees with OFIC's Amendments to SB 1125 EXHIBIT J.

181 JOHN DAVIS, General Manager, Western Timber & Logging Operations, Willamette Industries, representing OFIC, -Manage lands based on productivity of the site. -culmination of mean annual increment is too costly. -Early harvests may result from natural disasters, new technology. We are trying to grow trees faster. -Forestry is a marginal business.

236 SEN. COHEN: In Section d, page 11, line 13, of SB 1125-10 EXHIBIT D, we aren't suggesting you can't do this, you just have to have a written plan.

254 SEN. TIMMS: Why are we limiting private landowners from harvesting timber in the best way? If you can grow it faster and there is new industry around it; why can't there be more flexibility?

267 CHAIR SPRINGER: Page 11, line 13 of SB 1125-10 EXHIBIT D, is merely a recording requirement, not a prohibition.

273 DAVIS: Doesn't support arbitrary limits on minimum ages of when trees can be harvested. There are circumstances that may dictate otherwise. -as technology changes, there will be a demand for smaller and younger logs. -Majority of the demand is for larger logs. -With younger harvest, for now at least, you will find solid reasons behind them, other than economics.

336 PAUL KETCHUM, Senior Planner, 1000 Friends of Oregon, basic question that needs answering is how much oversight should the state have over harvests on private forest land. -State needs to have a role in looking at immature harvests and their impacts. - definition of immature timber; 75 percent is good to begin discussions; the board needs to look at this, they need direction from the legislature. - yield tables - age or volume as proxy for harvesting immature timber. - volume per acre is easily determined and more practical.

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005 SEN. COHEN: Recommends a written plan, an accounting of the younger tree being cut. The Department of Forestry can then make their own judgement. There are too many studies being done; emphasizes monitoring what is happening now.

039 KETCHUM: The state needs to define immature timber, recommends volume.

051 SEN. SMITH: You aren't disagreeing. You're just trying to determine what criteria the Department should use.

056 KETCHUM: Conditions and review standards need to be established by the board.

063 SEN. COHEN: They have by rule how they judge their written plans.

066 KETCHUM: Doesn't support a prohibition of immature harvests. The state needs an accountability of the private industry for their actions. -It's difficult for the public to have information on the harvest rates.

074 SEN. COHEN: That has been said before. It isn't relevant to moving this bill.

081 DAVIS: Refers to OFIC amendments to SB 1125 EXHIBIT J.

101 SEN. COHEN: Then you won't fall under the written plan.

DAVIS: That's right, but the data will be gathered.

SEN. COHEN: The written plan is still needed even if immature timber is not involved.

121 SEN. KINTIGH: Mr. Davis' proposal is satisfactory; suggests going back to the plan in his SB 1125 amendment EXHIBIT C. Uses the graph EXHIBIT E to support his suggestion.

148 JIM BROWN, State Forester, The policy question is why are you interested in immature timber. -because of yield per acre and sustainability. -impact on environment -flexibility in policy is important -age, not basal area or volume per acre, is the best vehicle for this flexibility. -clarification for administrative purposes is needed in SB 1125-10 EXHIBIT D, section 11.

214 SEN. COHEN: We do need to reconstruct and maybe even put in another section to direct by rule to develop standards.

225 BROWN: Sen. Kintigh's suggestion, regarding his amendments EXHIBIT C, was a good one.

234 CHAIR SPRINGER: Sen. Kintigh's language along with Sen. Cohen's suggestion is what we will have staff put together.

237 DAVIS: Make sure you make adjustments for various species.

248 SEN. KINTIGH: That is implied; culmination of mean annual increments would be for each species.

251 SEN. COHEN: For the record then, it is self-implied.

260 FRED VAN NATTA, Citizen: Is it clear you are talking about clear cuts?

275 SEN. COHEN: It applies to clear cuts and it isn't a prohibition. It just says you need a written plan.

286 BROWN: For clarification, what would your expectations be for us dealing with a corporation that did a leverage buy out and was harvesting timber to pay off the debt?

295 SEN. COHEN: To justify exceeding the clearcut acreage, a good or better job with respect to ecology needs to be shown.

303 BROWN: The goal is to achieve the policy of the Act. That's how we would make our decision.

307 SEN. COHEN: That doesn't excuse you from the original standards for exceeding clearcut size.

BROWN: agrees

313 SEN. SMITH: Completes overview of her suggested changes to SB 1125-7 EXHIBIT I -Retention and Recruitment of Snags and dead and down material in riparian areas

354 BROWN: Previous testimony on section 5 of SB 1125-10 EXHIBIT D is consistent with the language. -it's easier for an agency if it's set in statute rather than administrative rule. -Sen. Smith is correct in not wanting to get prescriptive in the language.

380 DAVIS: The Select Committee had trouble with Section 5 of SB 1125-10, EXHIBIT D -It is different from the traditional way rules are made governing these kinds of things. -Specific language is included because of the varying opinions regarding this material. -Section 5 is designed to give flexibility to the land owner.

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008 SEN. COHEN: The language in Section 5 of SB 1125-10 EXHIBIT D says "at least".

011 SEN. SMITH: How do we know how many snags are enough?

012 SEN. COHEN: Regarding SB 1125-10 EXHIBIT D, asks Mr. Brown, for the Record, "As this is drafted and it does say "at least" on line 3, page 5; could you, if it became clear, could you within your current rule making authority, make some modifications on the basis of that wording of "at least" there? I believe you could."

019 BROWN: Would need to talk to the Attorney General.

COHEN: Its clear for the record that she wants an answer.

026 KETCHUM: Supports a directive to the Board to address this issue rather than specific standards. -The Board of Forestry has the prerogative to address this issue.

036 CHAIR SPRINGER: The Board would need some criteria to guide them on this; what would you suggest as criteria? What other language ought to guide them?

046 KETCHUM: The issue of snags is a known need in the forest. The question is how should it be addressed. This is bad policy because there is no evidence in this committee why these numbers were chosen.

059 SEN. COHEN: What rules are on the books now?

062 KETCHUM: In a special section of each regions rules is says when possible, leave snags for wildlife.

SEN. COHEN: You're saying that's enough.

066 KETCHUM: The present rules are inadequate. A directive for the Board to adopt standards is the way to go. -How much regulation should there be? -There is agreement that conifers are needed for streams. -The Board should adopt regionally specific, flexible rules.

090 MARK LIVERMAN, Portland Audobon Society, Overview of what the US Forest Service requires in snag requirements.

SEN. COHEN: Give it to us in writing. As soon as possible.

103 BROWN: Suggests changes to page 5 of SB 1125-10 EXHIBIT D.

117 CHAIR SPRINGER: Asks Davis to state OFIC's retrospective.

123 DAVIS: Submits notes on why SB 1125 would make a good legislative statement EXHIBIT F. -Highlights Sections 4, 6, 8-10 and 15 of the SB 1125-9 amendments. -Addresses allegations regarding stream degradation prior to 1987. Monitoring programs need to continue and possibly be accelerated. -Addresses previous testimony implying that neigHB oring states are far ahead of Oregon. -SB 1125 offers improvement to current practices with an industry/environmental balance. -Urges passage of SB 1125

269 SEN. COHEN: Once we put the rhetoric aside, we will find that industry and environmental concerns aren't that far apart.

278 BROWN: On page 15 of SB 1125-10 EXHIBIT D, suggests deletion of lines 11 through 17.

299 KETCHUM: The environmental community would like to see substantial changes in the Forest Practices Act. Recommends a comparison study. For the record, introduces compromise language to SB 1125-10 EXHIBIT G.

339 SEN. COHEN: SB 1125-10 EXHIBIT D represents further compilations and refinement of language.

355 PETER GREEN, Committee Administrator, Goes over SB 1125-10 EXHIBIT D, a list of issues addressed in SB 1125-10 EXHIBIT K, and a list of issues not addressed in SB 1125-10 EXHIBIT L. Suggests the committee look at what is addressed in the Bill and then the issues not addressed.

378 SEN. COHEN: Proposes starting in the middle of EXHIBIT K, the non-controversial issues. Gives overview of changes made to Section 8, EXHIBIT D.

420 BROWN: On page 9, lines 4-11 of SB 1125-10 EXHIBIT D, is it your intent to retain a bonding provision?

SEN. COHEN: Yes, for this purpose only.

427 BROWN: Gives an example of the way he interprets this.

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015 SEN. TIMMS: What are we changing?

SEN. COHEN: We added in a sentence on page 8 line 17-18 of SB 1125-10 EXHIBIT D.

037 PETER GREEN: Addresses Reforestation from the list of issues EXHIBIT K.

SEN. COHEN: This doesn't require studies. Lines 4-8 on Page 7 of SB 1125-10 EXHIBIT D are still there.

044 BROWN: There is a simpler way. Suggests changes to Section 6 of SB 112 5-10.

057 SEN. COHEN: Let's not do a major rewrite. We could deal more specifically with root rot.

064 BROWN: Science keeps changing. Suggests a generic term.

067 CHARLIE STONE, Department of Forestry, The language Mr Brown just read for Section 6 of SB 1125-10, attempts changing the standards but not putting them all in statute.

075 SEN. COHEN: This needs to be in writing. We can take out the particular name of the pathogen since that may change.

PETER GREEN: Continues overview of the list EXHIBIT K, starting from the top. -Stream Classification

093 SEN. COHEN: Should we resolve these as we go or just go through them?

100 GREEN: Continues with Stream Classification.

117 CHAIR SPRINGER: What does this mean in terms of buffer numbers?

122 BROWN: Current standards would apply in the interim. On line 29, page 9 of SB 1125-10 EXHIBIT D, it is important to have a common understanding of fish bearing streams. The intent is game fish.

135 JILL ZARNOWITZ, Oregon Department of Fish and Wildlife (ODFW), Fish bearing streams for ODFW means fish that are identified as endangered. States what is believed to be the intention.

CHAIR SPRINGER: What is not effected then?

148 ZARNOWITZ: ODFW doesn't exclude non-game fish.

157 CHAIR SPRINGER: Are Forestry and ODFW of one mind on this?

164 SEN. SMITH: They don't appear to be in agreement.

BROWN: That's correct; that's the policy question before you. On Class 1 standards, we disagree; There is no disagreement in terms of water quality standards.

SEN. SMITH: Reiterates ODFW's and the Department of Forestry's viewpoints.

171 LIVERMAN: Our concern is that Class 1 stream standards aren't enough to protect fish bearing streams.

181 SEN. BRENNEMAN: From what source do you get this?

LIVERMAN: From testimony submitted by The American Fisheries Society and others. Also, a copy of a report by the National Marine Fisheries Service was previously submitted.

SEN. BRENNEMAN: I've heard contrary evidence. Current standards don't mean damage to fish when applied properly.

203 CHAIR SPRINGER: Aren't you suggesting that the Board shall review current Class 1 streams as stated in this language?

205 LIVERMAN: Yes but disagree with what would be the interim protection on lines 27-29, page 9, SB 1125-10 EXHIBIT D.

CHAIR SPRINGER: What would you suggest?

LIVERMAN: Until the Board acts, there should be a 100 foot buffer on fish bearing streams.

209 SEN. COHEN: You're proposing to redo the current Class 1 stream riparian rule and replace it with a 100 foot buffer.

LIVERMAN: The Board is going to review the entire classifications of water and they may decide the Class 1 designation will change also. This buffer protects the streams in the interim.

CHAIR SPRINGER RECESSES THE MEETING AT 10:30 a.m.

MEETING RECONVENES AT 11:25

250 SEN. COHEN: Continues discussion of SB 1125-10 EXHIBIT D.

259 DAVIS: Refers to Section 9, page 9 of SB 1125-10 EXHIBIT D. Also recommends changes as outlined in OFIC amendments to SB 1125 EXHIBIT M.

322 SEN. COHEN: The 25 feet is a current Class 1 standard?

325 BROWN: That's a minimum.

331 CHAIR SPRINGER: Currently do we require real trees, not just salmon berries?

BROWN: Gives specifics of current requirements for Class 1 streams.

347 DAVIS: That is the language in our compromise.

352 SEN. COHEN: Goes over OFIC amendments to SB 1125 EXHIBIT M; what is current and what isn't.

363 BROWN: The current rules also have a shade requirement but other than that, yes.

373 SEN. COHEN: How many months are we talking about versus number of trees eligible for logging during this season?

390 BROWN: I don't know

SEN. COHEN: It would be simpler to do class one for that short amount of time.

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006 CHAIR SPRINGER: What is the definition on fish bearing?

BROWN: During the recess ROBINSON and ZARNOWITZ agree on changes to SB 112 5-10 EXHIBIT D.

020 SEN. KINTIGH: Asks for clarification.

BROWN: Restates changes.

034 ZARNOWITZ: We worked with Forestry; for an interim standard it will work until we can get better riparian protection.

041 SEN. COHEN: Wants to discuss which shade trees are important.

058 LIVERMAN: Addresses this issue on how it effects wildlife as well as the stream.

070 CHAIR SPRINGER: You're talking about more than fish.

LIVERMAN: That's right and these are considerations in the review.

075 SEN. BRENNEMAN: It's unreasonable to look at these kinds of set asides on Class 2 streams in all cases. The OFIC suggestions are workable until they develop the rules.

085 CHAIR SPRINGER: There have been suggestions to limit it to 1/4 mile, not the whole reach.

SEN. COHEN: We can come back to this issue.

095 BROWN: Between 1 and 2 percent of these Class 2 streams are being operated along in a given year.

104 LIVERMAN: The question is how many operations also effect Class 1 streams.

108 PETER GREEN: Addresses the next issue on the list EXHIBIT K, Clearcut Size. - SB 1125-10 EXHIBIT D is not much different from the OFIC amendments. -Should limitations be put in statute? -Could set a standard and allow the Board to make their own recommendations.

125 CHAIR SPRINGER: Reviews what the board will be required to do in rule making. Allows the 120 acres as an interim cap.

132 BROWN: 120 acres is the cap with 240 acres as written plan?

136 GREEN: This addresses everyone's issues.

140 DAVIS: Could you go over this again?

143 GREEN: re-explains the clearcut issue.

151 DAVIS: They can only change to a number less than 120?

153 GREEN: Yes, with the 240 acre exception.

155 BROWN: They could decide to keep it at 120?

CHAIR SPRINGER: Yes, but not more.

159 SEN. BRENNEMAN: Why not?

CHAIR SPRINGER: The evidence says 120 is the minimum acceptable amount.

SEN. BRENNEMAN: We could probably find testimony disputing this.

CHAIR SPRINGER: The weight of the testimony has been otherwise. 95% of the current cuts are 80 acres or less. Correct me if I'm misstating this.

171 STONE: 95% are 120 or less, 50% are 20 or less.

175 SEN. KINTIGH: Information from ODFW indicated that a variety in

clearcut size was good, and an 80 acre average was good. The OFIC proposal works into this.

187 DAVIS: The average of clear cuts falling under a specific number must be put in context. -These clear cuts can add up to thousands of acres, without reproduction. -OFIC recommends distribution of clearcuts. -There is no optimum clearcut size. -This isn't a logical approach. It should be in legislation.

216 SEN. COHEN: The 120 acres needs to be flexible. The Board can do this through rule making.

250 SEN. KINTIGH: How would the spacing of clearcuts be addressed. The same way it is here?

COHEN: Yes.

255 LIVERMAN: This clearcut limitation has been a rule in search of a mission from the beginning. -Directions to the Board regarding fish and wildlife should be clear.

267 GREEN: Continues with the next issue on the list EXHIBIT K, Wildlife Habitat. -Review of language

295 BROWN: That is consistent with The Governor's Office.

299 CHAIR SPRINGER: Establishes that Forestry and ODFW are familiar with the language.

304 DAVIS: The existing language is the language we should be using, not 'enhancement' or 'restoration'.

314 BROWN: Reminds the Committee of the changes he suggested earlier on page 15 of SB 1125-10 amendments, EXHIBIT D.

329 SEN. COHEN: We need to set this aside also.

CHAIR SPRINGER: We can't assuage the issue much more.

SEN. COHEN: Needs more discussion of the language in Section 12 sub 4-5, SB 112 5-10 EXHIBIT D

356 GREEN: Discusses the purpose of Section 12 of SB 1125-10 EXHIBIT D -what it proposes to add. -Governor's Office agreed with some language and made changes to some.

370 SEN. COHEN: What do sub a and sub b of Section 12 sub 4 mean in the SB 112 5-10 amendments EXHIBIT D? Is that repetition.

374 BROWN: The whole sub 4 in some ways rewrites the policy of the Act and the standards by which the Boards direct rules. This is repetition.

393 SEN. COHEN: We need sub c of Section 12, sub 4, of SB 1125-10 EXHIBIT D. This would give you the authority to do the written plan.

400 BROWN: Concerned with page 14, line 23-24 of SB 1125-10 EXHIBIT D. By deleting these lines, the basic intent of the two-tiered rule making process that the Board goes through is changed. Urges retaining these two lines.

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010 SEN. COHEN: We should do that.

013 GREEN: In Section 12, page 15, lines 9-10 of SB 1125-10 EXHIBIT D, the Board is given authority to regulate along visually sensitive corridors. That isn't what the timber industry is asking for. The Committee needs to make a call on this.

021 BROWN: Suggests deleting sub a and sub b of sub 4, section 12 of SB 112 5-10 EXHIBIT D to make the section consistent.

038 GREEN: Clarifies for the record what Mr. Brown suggests for section 12, sub 4 of SB 1125-10 - sub a gives Board authority to regulate along cumulative effects. - sub c gives State Forester authority to condition written plans. - you're suggesting combining them; giving General Board authority. - This would create one subsection that doesn't mention written plans.

045 BROWN: You would be able to condition practices against that.

052 GREEN: This is getting at a conversation Sen. Springer had with the Chairman of the Board. She did not believe that authority existed. It is a clear intent on the record that that is what we are trying to craft.

055 CHAIR SPRINGER: Staff will rewrite that language with the Board and the Department.

058 SEN. COHEN: What needs to be accomplished in the language. -Don't give away the written plan authority. -Addresses the Board's and Forestry's authority

BROWN: We'll offer Mr. Green language to accomplish this.

082 CHAIR SPRINGER: What are we going to do about Section 12, sub 5 of SB 112 5-10 EXHIBIT D?

GREEN: The industry doesn't want it in there.

084 SEN. COHEN: Doesn't want it in there. The Board doesn't need to waste time one rule making.

088 SEN. KINTIGH: The Board doesn't want it.

SEN. COHEN: Drop sub 5 of and Sub 6 of Section 12, SB 1125-10 EXHIBIT D.

GREEN: That takes care of most of the list EXHIBIT K except for smoke management.

111 SEN. COHEN: What is happening with smoke?

BROWN: Emissions are down about half since 1977. We're currently in the review process with DEQ in revising the Forestry element of the state implementation of the Clean Air Act.

SEN. BRENNEMAN: There has been a dramatic change in the last few years where I live.

128 CHAIR SPRINGER: Management is carrying it to the Southern Oregon Counties. It's an up or down decision for the whole committee. Further

discussion probably won't effect anyone's vote.

135 SEN. KINTIGH: Suggest doing the hardwood amendments, SB 1125-8, EXHIBIT H.

CHAIR SPRINGER: Doesn't think there are objections to SB 1125-8 amendments; asks about the Yew amendments, SB 555-3.

COHEN: Do the Yew amendments, SB 555-3, add a tax credit?

GREEN: No. There's a study. Reads from the amendments.

167 CHAIR SPRINGER: What's the matter with the SB 555-3 Amendments Mr. Brown?

BROWN: The issue is taxol and is it important for cancer research. Isn't sure we are ready to manage our forests for Yew production.

CHAIR SPRINGER: How about if you're asked to study it; if you find protection is needed we will give you rule making authority.

GREEN: There is study language in the SB 555-3 amendments. Chuck Wilson could separate this out.

GREEN: We've glossed over the fact that we're creating a scenic highways program.

COHEN: Let's leave it in the SB 1125-10, EXHIBIT D for now.

184 SEN. BRENNEMAN: Refers to his previous suggestion to clarify whether or not those are federal or state highways.

SEN. COHEN: Have we incorporated the forest health issue someplace?

GREEN: Thinks it was.

SEN. COHEN: Maybe it isn't. Doesn't want to foul up the entire riparian zone by putting in Forest Health issue.

207 GREEN: It's the Duff amendment, to SB 1125-3.

SEN. COHEN: Thinks it changed the whole riparian zone. Does it apply to riparian zone considerations?

213 BROWN: Has a decision been made on the SB 1125-5 amendments, the study that Janet McLennon discussed on 5-15-91?

GREEN: It is on the list of things not yet addressed, EXHIBIT L

230 ZARNOWITZ: we have concerns about that kind of study.

CHAIR SPRINGER ADJOURNS MEETING AT 12:20 P.M.

EXHIBIT LOG:

A1- Testimony on SB 1043 - Kris Nelson - 1 page A - Amendments to
SB 1043 - Staff - 1 page B - Amendments to SB 555 - Sen. Duff - 1
page C - Amendments to SB 1125 - Sen. Kintigh - 1 page D
- Amendments to SB 1125 - Staff - 20 pages E - Testimony on SB 555

and SB 1125 - Department of Forestry - 1 page F - Testimony on SB
1125 - John Davis, OFIC - 2 pages G - Testimony on SB 1125 - Paul
Ketchum - 5 pages H - Amendments to SB 1125 - Staff - 1 page I
- Amendments to SB 1125 - Sen. Smith - 2 pages J -Amendments
to SB 1125 - OFIC - 1 page K - Amendment overview to SB 1125 - Staff
- 1 page L - Amendment overview to SB 1125 - Staff - 1 page M
- Amendments to SB 1125 - OFIC - 2 pages N - Testimony on SB 1125
- Staff - 1 page O - Testimony on SB 1125 and SB 555 - Sen. Kintigh -
14 pages

Submitted by: Reviewed by:

Jill Rader Peter Green Assistant Administrator