

SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

June 14, 1991 Hearing Room C 8:00 a.m. Tapes 244 - 246,
248 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 STAFF PRESENT: Peter Green, Committee
Administrator Chris Beck, Research Associate Barbara Porter, Committee
Assistant MEASURES CONSIDERED: HB 2261 WS HB 2244 WS HB 2795 WS & PWS
HB 3361 WS HB 2150 WS HB 2785 PH & PWS HB 2575 PH & PWS These minutes
contain materials which paraphrase and/or _ - ize ~ n~de during this
session. Only text enclosed in quotaffon marks report a speaker's exact
words. For complete contents of the proceedings, please refer to the
tapes. ..

TAPE 244 SIDE A 003 CHAIR SPRINGER CALLS THE MEETING TO ORDER AT 8:00
AM

HB 2261 Changes land use appeal process.

005 CHRIS BECK, RESEARCH ASSOCIATE: Explains the -A7 (6-13-91)
amendments (EXHIBIT A) and the -A8 amendments (EXHIBIT B). 025 CHAIR
SPRINGER: Invites proponents of the amendments to act as an advisory
panel. 045 CHARLIE HALES, HOME BUILDERS ASSOCIATION: The -A6
amendments, proposed by 1000 Friends of Oregon, are not supported by the
balance of the concensus group. The -A7 amendments are the concensus
group amendments that are not supported by 1000 Senate Committee on
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Friends and which incorporate the conceptual amendments discussed by the
committee on Wednesday dealing with not)fication, land use decisions,
and waiver from appeal fee requirement. They do not incorporate the
final amendment, -A9 (EXHIBIT C). The -A8 amendments are proposed by
Tillamook County. 070 NEIL KAGEN, 1000 FRIENDS OF OREGON: 1000
Friends urges adoption of the -A7 amendments as amended by the -A9
amendments. The law should remain the same for limited land use
decisions as for regular land use decisions. MOTION: SEN. GOLD moves the
reconsideration of the conceptual amendment adopted by the committee on
Wednesday. 080 VOTE: In a roll call vote, the motion passes, with
Senators Brenneman, Gold, Kintigh, and Timms voting AYE, and Senators
Cohen, Smith and Springer voting NAY. 095 MOTION: SEN. SMITH moves
the -A7 amendments. 105 VOTE: In a roll call vote, the motion passes,
with all members present voting AYE. MOTION: SEN. BRENNEMAN moves the
-A8 amendments. 110 ED SULLIVAN: Explains the -A8 amendments relating
to not)fication. 120 SEN. BRENNEMAN: Statement of "good faith".
130 GREG WOLF, DLCD: Supports the -A8 amendments. 140 SULLIVAN:
Clarification of the amendments. 170 KAGEN: Opposes the amendment.
180 VOTE: In a roll call vote, the motion fails with Senators
Brenneman, Kintigh, and Timms voting AYE, and Senators Cohen, Gold,
Smith and Springer voting NAY. 195 MOTION: SEN. SMITH moves the -A9
amendments. VOTE: In a roll call vote, the motion fails with Senators
Cohen, Smith and Springer voting AYE, and Senators Brenneman, Gold,
Kintigh and Timms voting NAY. 215 MOTION: SEN. GOLD moves HB 2261 as
amended to the floor with a do pass recommendation. VOTE: In a roll call
vote, the motion passes with Senators Brenneman, Cohen, Gold, Kintigh,
Smith, and Timms voting AYE, and Senator Springer voting NAY.
220 SEN. SMITH: Changes vote to NAY. 221 CHAIR SPRINGER: The
motion is adopted, 5-2. Senate Committee on Agriculture and Natural
Resources June 14, 1991 - Page 3

225 SEN SMITH: Serves notice of possible minority report.

230 CHAIR SPRINGER: Joins Sen. Smith in notice of possible minority report.

HB 2244 Establishes standards for chemical process mining operations for nonaggregate minerals.

260 CHAIR SPRINGER: Invites panel to testify.

280 BECK: Outlines the proposed amendments. -A20: OEC; deletes the word "practicable in section 4, line 30. -A25: language proposed by state agencies. -A2 1: OEC and Department of Fish & Wildlife; relating to wildlife protection. -A22: OEC; backfilling requirements -A23: civil penalties -A26: proposed language for the state permits on section 21 -A27: Department of Justice; relating to permits (EXHIBIT D).

325 DAVE BARROWS, OREGON MINING COUNCIL: Urges adoption of the first three lines of the A26 amendments.

SEN. TIMMS: In the -A23 amendments, change \$50,000 to \$25,000.

355 MOTION: SEN. TIMMS moves the -A23 amendments.

VOTE: Hearing no objection, the motion is adopted.

385 MOTION: SEN. KINTIGH moves the -A27 amendments.

VOTE: Hearing no objection, the motion is adopted.

405 MOTION: SEN. COHEN moves to delete section 4, sub 2, sub e. 430
JEAN CAMERON, OREGON ENVIRONMENTAL COUNCIL: It is burdensome language.

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025 BARROWS: Leave in the language, deleting the words on line 43, "a procedure" and inserting "standards".

035 GAIL MCKEWAN, OREGON DEPARTMENT OF FISH AND WILDLIFE: Agrees with Cameron's statement. The section does not clearly describe expectations. Concern is with the phrase, "standards to evaluate the Potential impacts upon wildlife and wildlife habitat." Suggests deletions and substitutions in language. 070 Will develop some language. Senate Committee on Agriculture and Natural Resource June 14,1991- Page 4

080 SEN. SMITH: Questions intent.

085 CAMERON: Clarifies purpose.

095 BARROWS: Rulemaking is necessary on behalf of the standards.

105 CAMERON: That language exists on page 20.

112 BARROWS: That's fine as long as everyone understands that means that there is to be a rulemaking process in the remainder of 1991, and set the standards in a normal rulemaking process.

118 MARTHA PAGEL: Expresses concern. Supports Sen. Cohen's suggestion.

128 MCKEWAN: Proposes language; on lines 43 & 44, page 2, the phrase, "the procedure to evaluate the potential impacts upon wildlife and wildlife habitat" be stricken. On line 43, that would read, "the state department of fish and wildlife shall establish, by rule, standards for review of a proposed chemical process mining operation for the purpose of developing conditions for fish and wildlife habitat protection that satisfy the terms of this section for inclusion in the consolidated permit by the department". 140 MOTION: SEN. COHEN moves language read into the record. VOTE: Hearing no objection, the motion is adopted.

148 BECK: Revises the first five lines of the -A21 amendments.

160 CAMERON: Clarifies that the amendments are not only from OEC, but are also the position of the Sierra Club, Wilderness Society and National Wildlife Federation. The amendments remove two phrases in the section 4, sub 2, sub a; "recognizing that a goal of zero mortality is unachievable as a practical matter" and "in a matter consistent with known industry standards". 190 SEN. KINTIGH: Questions zero mortality. 204 MCKEWAN: Points out the word, "objective", making the phrase not absolute. 220 CAMERON: To do our best is the goal.

244 Consideration of -A22 amendments. 245 LARRY TUTTLE, WILDERNESS SOCIETY: We have proposed, as a standard for Oregon, the backfilling of pits. It is both achievable and safe for the environment if detoxification of the spoils and other materials related to the mining is included in the backfilling.

HB 3361 Prohibits sale of alkaline manganese battery containing more than 0. Senate Committee on Arkulture and N - ral Resources June 14, 1991- P - e S

300 REP LISA NAITO: Proposes two changes on the bill. The changes will satisfy the concerns of DEQ.

315 PETER GREEN: The changes are incorporated in the -A9 and -All amendments.

MOTION: CHAIR SPRINGER moves -All amendment.

VOTE: Hearing no objection, the motion is adopted.

MOTION: CHAIR SPRINGER: moves -A9 amendment.

VOTE: Hearing no objection, the motion is adopted. 355 REP RON CEASE: The chair of the house committee and the speaker are agreeable to the -A13 amendments (EXHIBIT E). There is no fiscal impact. 410 MOTION: SEN. KINTIGH moves the -A13 amendment. VOTE: Hearing no objection, the motion is adopted. 420 REP. NAITO: Supports the -A15 amendments (EXHIBIT F).

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MOTION: CHAIR SPRINGER moves the -A15 amendment.

VOTE: Hearing no objection, the motion is adopted.

035 MOTION: SEN. GOLD moves the -A14 amendments (EXHIBIT G).

040 SEN. GOLD: Explains amendments.

CHAIR SPRINGER: No objections on the house side to -A13 and -A15 amendments.

065 NAITO: We worked hard on this bill to avoid a referral to Ways & Means. 075 SEN. GOLD: We're dealing with a definition of region and an interim committee that will exist for purposes of contact with other states.

085 SEN. TIMMS: Supports the bill.

095 SEN. COHEN: Ask leadership to put bill on the list, rather than have an interim committee.

135 SEN. GOLD: The Redefinition of region" is critical.

156 SUBSTITUTE MOTION: SEN. GOLD moves to amend -A14 to delete lines 12-24 on page 1 and line 1 on page 2. . Senate Committee on Agriculture and Natural Resources June 14,1991- Page C

180 BRIAN BOE: There is uniform agreement that HB 3361 is an important initiative and should pass. 185 VOTE: In a roll call vote, the motion passes with Senators Brenneman, Gold, Kintigh, and Timms voting AYE and Senators Cohen, Smith, and Springer voting NAY.

210 MOTION: SEN. SMITH moves HB 3361 to the floor with a do pass recommendation.

VOTE: In a roll call vote, the motion passes, with all members present voting AYE.

HB 2244 245 BARROWS: Reference to interest in the house of maintaining language in the bill.

260 CAMERON: Disagrees with Barrows' testimony.

275 SEN. TIMMS: Supports mining.

300 Discussion of revegetation.

385 PAGEL: Case by case implications.

400 CAMERON: Suggests language in the -A22 amendments.

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030 MOTION: CHAIR SPRINGER moves -A22 amendments, 3a, lines 1-10 and 3b, lines 14-18 as amended. VOTE: In a roll call vote, the motion fails with Senator Springer voting AYE and Senators Brenneman, Cohen, Kintigh, Smith and Timms voting NAY, Senator Gold is absent. 090 MOTION: CHAIR SPRINGER moves language on lines 14-17 from 3b of the -A22 amendments.

100 VOTE: Hearing no objection, the motion is adopted. 115 CHAIR SPRINGER: Suggests deletion of line 9 after "objectives" and line 10 on page 3.

120 PAGEL: Explains intention.

140 BARROWS: Definition of mitigation.

180 Discussion of -A26 amendments.

210 PAGEL: Paraphrases existing language of the bill.

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225 BARROWS: This is not the house committee's idea of the bill.

255 TUTTLE: Prefers language in house version of the bill. Supports language proposed by Pagel.

290 BARROWS: Supports the -A26 without the one year automatic stay. 330
ROY ELLIGER, NATIONAL WILDLIFE FEDERATION: Refers to demonstrative evidence (photograph showing impact on the landscape). Magnitude of the impact far exceeds solar areas or synthetic fuel plants. Prefers the language in the current bill.

375 MOTION: SEN. COHEN moves -A26 amendments.

PAGEL: Correction on line 10 of the -A26 amendments, after the word, "permit": "during the pendency of judicial review for a period of up to 12 months."

SEN. COHEN: Restates motion with correction.

420 SEN. TIMMS: Supports the amendments.

VOTE: In a roll call vote, the motion passes with all members voting AYE.

TAPE 246 SIDE A

020 Discussion of the -A20 & -A25 amendments.

025 PAGEL: Discusses language in the -A25 amendments.

035 CAMERON: Discussion of -A20 amendments.

040 BARROWS: Prefers current bill, supports -25 amendments. A20 amendments end gold mining in Oregon.

045 MOTION: SEN. COHEN moves -A25 amendments.

050 CAMERON: Prefers the -A20 amendments, can live with the -A25 amendments.

052 CHAIR SPRINGER: Questions meaning of "necessary..

PAGEL: The complete phrase is, "necessary to assure compliance with environmental standards".

062 GARY LYNCH, OREGON DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRY: This act gives the technical review team flexibility to determine what is the best approach. It is flexible. It may require tankage or a net. This language says (the word, "necessary" needs to be defined in rules) use the technology that is best going to meet the standards which we see in section 4 and in other places in the bill. Senate Committee on Agriculture and Natural Resources June 14, 1991 - Page 8

075 SEN. SMITH: Standards must be adequate for this amendment to work.

090 VOTE: In a roll call vote, the motion passes with all members voting AYE.

09\$ MOTION: SEN. SMITH moves the first 5 lines of -A21 amendments.

105 BARROWS: No objection to the motion as presented.

VOTE: Hearing no objection, the motion is adopted.

115 BECK: There is a Ways and Means referral. There is about a \$13,000 general fund impact and the rest is from Other Funds.

MOTION: SEN. SMITH moves the bill to the floor with a do pass recommendation, requesting leadership rescind the referral to Ways and Means.

130 VOTE: In a roll call vote, the motion passes with all members voting AYE.

HB 2575 Specifies qualification of an additional member of board of directors of regional air quality authority.

LINDA LYNCH, CITY OF EUGENE: Supports the bill, submits a letter in support of the bill (EXHIBIT H).

DON ARKELL, LANE REGIONAL AIR POLLUTION AUTHORITY: Submits and summarizes written testimony in favor of the bill (EXHIBIT 1).

180 REP. BELL, DISTRICT 41: Testifies in favor of the bill.

200 MOTION: SEN. BRENNEMAN moves HB 2575 to the floor with a do pass recommendation.

VOTE: In a roll call vote the motion passes with all members present voting AYE. Senators Gold and Timms are absent.

Recess at 10:45.

235 The committee reconvenes at 3:00.

HB 2785 Directs State Fish and Wildlife Commission to study system for issuing special hunting permits for deer and elk in units where permits are limited by quota.

238 REP DWYER, DISTRICT 42: Explains the history of the bill. Urges adoption of -A5 amendments (EXHIBIT J). 290 REP. BAUM, DISTRICT 58: Explains the bill. Urges adoption of -A7 amendments (EXHIBIT K). ~ tte Committee on Agriculture and Natural Resources June 14, 1991 - Page 9

350 REP. SOWA: Recommends adoption of the bill with -A5 amendments.

445 Submitted for the record, advertisement (EXHIBIT L).

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035 DWYER: Continues testimony.

10.0 Discussion of comparison between the -A5 & -A7 amendments.

120 Discussion of studies.

135 SEN. TIMMS: The process has changed due to limited entry.

170 SEN. TIMMS: Prefers -A7 amendments.

220 Discussion of reports.

260 JEFF CURTIS, OREGON DEPARTMENT OF FISH AND WILDLIFE: Wildlife management is an oxymoron. Limited entry in Eastern Oregon is the problem. Recommends alternative system. Discussion of private landowners. Answers questions from members of the committee.

335 CURTIS: No objection to study. No objection to the printed bill.

380 SEN. SMITH: Questions meaning of section 2.

410 CURTIS: Supports alternatives. Supports-A7 amendment. The -A8 amendment has a fiscal impact, it is somewhat broader.

TAPE 246 SIDE B

025 SEN. TIMMS: Likes the bill the way it is.

030 CHAIR SPRINGER: Rep. Dwyer has requested that action be deferred. The bill will be carried over until Monday.

HB 2150 Changes periodic review procedures for land use planning.

040 BECK: Refers to -A9 amendment (EXHIBIT M).

042 GREG WOLF, DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT: There is a high degree of consensus on the bill. Senate Committee on Agriculture and Natural Resources June 14, 1991- P - e 10

Discusses -A9 amendment. Replacement language developed. Answers questions from members of the committee. 070 MOTION: SEN. COHEN moves the -A9 amendment. 075 VOTE: Hearing no objection, the motion is adopted. 078 MOTION: SEN. COHEN moves HB 2150 to the floor with a do pass recommendation. 080 VOTE: In a roll call vote, the motion passes with all members present voting AYE. Senators Brenneman and Gold are absent.

090 CHAIR SPRINGER: HB 2795 will be dealt with in the secondary lands bill. 100 The meeting is adjourned at 4: 10 p.m.

EXHIBIT LOG: A -Proposed amendments to HB 2261 - staff- 49 pages B
- Proposed amendments to HB 2261 - staff- 1 page C - Proposed amendments to HB 2261 - staff- 1 page D - Proposed amendments to HB 2244 - staff- 1 page E -Proposed amendments to HB 3361 - staff- 2 pages F - Proposed amendments to HB 3361 - staff- 4 pages G
- Proposed amendments to HB 3361 - Sen. Gold - 2 pages H
- Testimony on HB 2575 - Linda Lynch - 1 page I - Testimony on HB 2575 - Don Arkell - 3 pages J - Proposed amendments to HB 2785 - Rep. Dwyer - 2 pages K - Proposed amendments to HB 2785 - Rep. Baum - 1 page um - 1 page L - Advertisement - Rep. Dwyer - 1 page L
- Advertisement - Rep. Dwyer - 1 page M - Proposed amendments to HB 2150 - Greg Wolf, DLCD - 1 page Submitted by: Reviewed by:
Barbara Porter Peter Green Assistant
Administrator