

HOUSE COMMITTEE ON WATER

March 21, 2005 Hearing Room 357

1:00 P.M. Tapes 50 - 52

MEMBERS PRESENT: Rep. Bob Jenson, Chair

Rep. Jackie Dingfelder, Vice-Chair

Rep. Jerry Krummel, Vice-Chair

Rep. Phil Barnhart

Rep. Alan Brown

Rep. Billy Dalto

Rep. Carolyn Tomei

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Elizabeth Howe, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2881 – Work Session

HB 2082 – Public Hearing

HB 2779 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/# Speaker Comments

TAPE 50, A

003 Chair Jenson Calls the meeting to order at 1:08 p.m. Opens a work session on HB 2881.

HB 2881 – WORK SESSION

010 Rep. Krummel **MOTION: Moves HB 2881 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Agriculture and Natural Resources by prior reference.**

015 Rep. Barnhart Questions what the committee on Agriculture and Natural Resources plans to do with HB 2881.

018 Chair Jenson States that Agriculture has not informed the chair what they plan to do.

VOTE: 5-0-2

EXCUSED: 2 - Dalto, Dingfelder

024 Chair Jenson **Hearing no objection, declares the motion CARRIED.**

025 Chair Jenson Closes work session on HB 2881. Opens public hearing on HB 2082.

HB 2082 – PUBLIC HEARING

030 Sandy Thiele-Cirka Administrator. Provides background on HB 2082.

050 Keith F. Nelson Josephine County. Submits written testimony (**EXHIBIT A**) and testifies in opposition to HB 2082.

081 Rep. Tomei Questions the purpose of HB 2082 to streamline permitting.

087 Nelson Replies that one would still need to get a permit.

090 Rep. Dingfelder Seeks clarification for Mr. Nelson's concern.

097 Nelson States that the 50 cubic yard removal is one of his concerns.

103 Bob Kerivan Josephine County. Testifies in opposition to HB 2082.

170 Kerivan Continues to relate his personal experience with removal-fill permit fees and fines.

244 Kerivan Continues testimony on fees and fines related to removal-fill permits.

295 Ronald Bjork Jackson County Farm Bureau. Testifies in opposition to HB 2082.

358 Chair Jenson Comments that HB 2082 and SB 170 were filed at the same time.

367 Bjork States that SB 172 was in the 2003 session and SB 170 is in this session.

TAPE 51, A

002 Kerivan Reiterates his comments on SB 172 from the 2003 session.

010 Ann Hanus Director, Department of State Lands (DSL). Submits presentation materials (**EXHIBIT B**) and testifies in support of HB 2082.

060 Rep. Dingfelder Inquires if there are full-time staff members working on enforcement and questions how the enforcement process works.

064 Hanus Responds that enforcement is part of the Resource Permit Coordinator's job in each area. States that most enforcement issues are raised by neighbors or members of the public.

112 Rep. Barnhart Questions general authorization on Oregon Department of Transportation (ODOT) bridges, and remarks that HB 2082 is just one segment of a broad streamlining project.

117 Hanus States that ODOT authorization is a separate agreement, and relates that her presentation describes other permit streamlining processes, as well.

159 Rep. Dingfelder Questions whether proceeding before receiving the Governor's Regulatory Streamlining Taskforce recommendation would be wise.

168	Hanus	Responds that Assumption will need more work, and the recommendation from the taskforce will help further the work.
186	Rep. Tomei	Seeks clarification on the meaning of 404 and 401.
190	Hanus	Offers brief explanation of 404.
200	Rep. Dingfelder	Requests detailed clarification for Section 401 and Section 404.
210	Hanus	Discusses 401 and 404 (EXHIBIT B, page 6).
232	Eric Metz	Regulatory Policy Specialist, DSL. Explains Sections 404 and 401.
269	Hanus	Continues presentation and describes results of streamlining.
287	Rep. Barnhart	Inquires about processes involving fewer than 50 cubic yards. Questions equivalency requirement.
292	Hanus	Explains permitting with DSL and the Army Core of Engineers (ACE). Discusses equivalency with the Environmental Protection Agency.
345	Rich Angstrom	Oregon Concrete and Aggregate Producers Association. Testifies in support of HB 2082.
410	Angstrom	Discusses 50 cubic yard exemption. Suggests working with agriculture.

TAPE 50, B

014	Greg Addington	Oregon Farm Bureau Federation (OFB). Submits written testimony (EXHIBIT C) and testifies in opposition to HB 2082.
046	Chair Jenson	States that small print in ORS 196.800 states materials to which Mr. Addington refers.
052	Addington	Continues testimony on removal-fill laws and addresses cost. Submits written testimony for farmer Lynne Vanderlinden

(EXHIBIT D) and Glen Stonebrink, Oregon Cattlemen's Association
(EXHIBIT E).

- 115 Dale Buck Cloverdale, Tillamook County. Submits written testimony **(EXHIBIT F)** and testifies in opposition to HB 2082.
- 166 Addington Expresses support for streamlining, but suggests that landowners be included in the work group.
- 178 Buck Expresses appreciation to DSL for willingness to streamline.
- 186 Rep. Tomei Questions what Mr. Buck does on his farm that requires this permit.
- 190 Buck Explains that he cleans 3000 feet of drainage ditches in pasture lands, which are converted wetlands.
- 219 Bud Gingar Farm Owner. Testifies in opposition to HB 2082.
- 253 Clarence Boquist Tillamook County Dairy Owner. Testifies in opposition to HB 2082.
- 271 Chris Bayham Environmental Coordinator, Association of Oregon Counties (AOC). Submits written testimony **(EXHIBIT G)** and testifies in support of HB 2082.
- 318 Chair Jenson Questions what AOC has done to work with the farm community, and asserts that farmers should be able to work with local governments.
- 328 Bayham Admits that he does not know what counties are doing with farmers.
- 370 Jeff Boatwright Linn County. Submits written testimony **(EXHIBIT H)** and testifies in opposition to HB 2082.

TAPE 51, B

- 040 Mel Stewart Constituent. Testifies in opposition to HB 2082 and addresses the cost of removing the 50 cubic yard limit.
- 071 Chair Jenson Closes public hearing on HB 2082. Opens a public hearing on HB 2779.

HB 2779 – PUBLIC HEARING

- 085 Jim Day Central Oregon Bass Club. Testifies in support of HB 2779.
- 120 Chair Jenson Requests that testimony be brief due to time constraints. Announces that HB 2882 will be carried over to March 23, 2005 agenda.
- 129 Lonnie Johnson Oregon Black Bass Action Committee, Grants Pass. Submits written testimony (**EXHIBIT I**) and testifies in support of HB 2779.
- 162 Charles Lang Oregon Bass Federation. Testifies in support of HB 2779 and provides statistics for warm water angling.
- 231 Bud Hartman Oregon Bass and Panfish Club. Testifies in support of HB 2779.
- 283 Dave Dailey Youth Director, Oregon Bass Federation. Testifies in support of HB 2779. Introduces -1 amendment, which changes fee from \$10 to \$5 and removes license requirement for those under 18 years of age.
- 334 Rep. Dalto Expresses appreciation for testimony, and shares a fishing story from his childhood.
- 351 Dailey Relates that he was not introduced to fishing until 1992 and hopes that other children will have more opportunity than he did.
- 366 Rep. Brown Inquires if warm water fish species are indigenous to Oregon. Questions if these species would all be covered under the one tag.
- 373 Hartman States that only the Sacramento Perch is native to Oregon. States that the one tag will cover all warm water fishing.

TAPE 52, A

- 014 Rep. Krummel Questions if the first section of HB 2779 explains that funds should be allocated to research for warm water fishing.
- 021 Hartman Describes how the funding will help enhance warm water fishing.
- 026 Dailey Relates how Washington discovered warm water fishing numbers.

043	Roy Elicker	Deputy Director, Oregon Department of Fish and Wildlife (ODFW). Submits written testimony (EXHIBIT J) and testifies as neutral on HB 2779.
058	Chair Jenson	Questions whether ODFW plans to propose amendments.
060	Elicker	Believes ODFW may propose amendments.
090	Chair Jenson	Suggests that proponents discuss amendments with ODFW.
120	Art Israelson	Oregon Bass and Panfish Club (OBPC). Submits written testimony (EXHIBIT K) and testifies in support of HB 2779.
160	Chair Jenson	Comments on native Oregonians and fish, and the benefits of fishing to children.
182	Dennis Richey	Executive Director, Oregon Anglers. Submits written testimony (EXHIBIT L) and testifies in support of HB 2779. Emphasizes need for the fee monies to go into dedicated funds.
210	Bill Egan	Information Director, OBPC. Testifies in support of HB 2779. Discusses lack of funds to monitor warm waters.
244	Marcia Hartman	OBPC and Warm Water Working Group (WWWG). Testifies in support of HB 2779.
281	Don Hibdon	Central Valley Bass Club, WWWG. Testifies in support of HB 2779.
302	Donald Baskett	Marion County. Testifies in support of HB 2779. Stresses desire that fees be designated for warm water fishing.
317	Chair Jenson	Extends appreciation for the fishing community's support of funding programs. Closes public hearing on HB 2779. Adjourns the meeting at 3:23 p.m.

EXHIBIT SUMMARY

A. HB 2082, written testimony, Keith Nelsen, 1 p

- B. **HB 2082, presentation materials, Ann Hanus, 7 pp**
- C. **HB 2082, written testimony, Greg Addington, 4 pp**
- D. **HB 2082, written testimony of Lynne Vanderlinden, Greg Addington, 3 pp**
- E. **HB 2082, written testimony of Glen Stonebrink, Greg Addington, 1 p**
- F. **HB 2082, written testimony, Dale Buck, 1 p**
- G. **HB 2082, written testimony, Chris Bayham, 5 pp**
- H. **HB 2082, written testimony, Jeff Boatwright, 3 pp**
- I. **HB 2779, written testimony, Lonnie Johnson, 1 p**
- J. **HB 2779, written testimony, Roy Elicker, 32 pp**
- K. **HB 2779, written testimony, Art Israelson, 11 pp**
- L. **HB 2779, written testimony, Dennis Richey, 1 p**