

HOUSE COMMITTEE ON WATER

March 28, 2005 Hearing Room 357

1:00 P.M. Tapes 55 - 57

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 2664 – Public Hearing

HB 3038 – 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
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TAPE 55, A		
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006 Chair Jenson Calls the meeting to order at 1:07 p.m. Opens a public hearing on HB 2664.

HB 2664 – PUBLIC HEARING

014 Rep. Mike Schaufler House District 48. Testifies in support of HB 2664 and provides background on the bill.

059 Rep. Brown Questions whether HB 2664 applies to mixing zones in the ocean.

061 Rep. Schaufler Relates that HB 2664 applies to anyone with a mixing zone permit, industries or municipalities. Thanks the chair for hearing HB 2664.

085 Sandy Thiele-Cirka Administrator. Mentions materials submitted for the record without public testimony by Ed Hardt (**EXHIBIT A**).

092 Jim McCauley Legislative Coordinator, Water Quality Division, Department of Environmental Quality (DEQ). Submits written testimony (**EXHIBIT B**) and testifies in support of HB 2664. Addresses issue of un-navigability.

124 Rep. Tomei Questions what Oregon's neighboring states do in this regard.

129 McCauley Describes how Washington and California address mixing zones.

135 John Ledger Associated Oregon Industries (AOI). Submits written testimony (**EXHIBIT C**) and testifies in opposition to HB 2664.

180 Les Helgeson Native Fish Society. Testifies in support of HB 2664. Notes trouble with buoys in the ocean.

195 Rep. Dingfelder Questions who would not be required to post signs and buoys.

202 McCauley Explains which mixing zones would not require posting.

220 Ledger Describes discharge standards and ambient water quality standards.

260 Dave Kelsey Miners Response Team. Testifies in opposition to HB 2664.

- 306 Kathryn VanNatta NW Pulp and Paper Association. Testifies in opposition to HB 2664.
- 346 Tom Quintal Small Scale Miner. Submits written testimony (**EXHIBIT D**) and testifies in opposition to HB 2664.

TAPE 56, A

- 009 Rep. Mary Nolan House District 36. Testifies in support of HB 2664.
- 062 Rep. Nolan Continues to share her experience with business and environmental quality standards.
- 105 Jeff Boatwright Linn County. Testifies to HB 2664.
- 149 Travis Williams Willamette Riverkeeper. Submits written testimony (**EXHIBIT E**) and testifies in support of HB 2664.
- 213 Rep. Dalto Questions how to anchor a buoy in a shallow creek.
- 219 Williams Explains that the chain would need to be shortened.
- 226 Rep. Brown Inquires if his reasoning applies to mixing zones in the Pacific Ocean.
- 235 Williams Suggests that HB 2664 might be amended to exclude certain water depths.
- 240 Rhett Lawrence Oregon State Public Interest Research Group (OSPIRG). Testifies in support of HB 2664. Offers to accept amendments that would eliminate turbidity and temperature.
- 266 Jessica Hamilton Legislative Affairs Director, Oregon League of Conservation Voters. Testifies in support of HB 2664.
- 298 Rep. Barnhart Questions how areas would be designated and questions the sufficiency.
- 313 Williams Believes that proposed designations are sufficient, and that it allows flexibility for businesses.

350 Chair Jenson Closes public hearing on HB 2664. Opens public hearing on HB 3038.

HB 3038 – PUBLIC HEARING

360 Willie Tiffany League of Oregon Cities (LOC). Submits written testimony **(EXHIBIT F)** and testifies in support of HB 3038.

414 Chair Jenson Questions why the process has vastly changed today.

416 Tiffany Explains opinions offered by the Attorney General's office, and the intent of HB 3038 to address the process.

TAPE 55, B

035 Tiffany Commends WaterWatch for their efforts. Explains the -1 amendments **(EXHIBIT G)**. Mentions the Guidebook for the Water Management and Conservation Plans **(EXHIBIT H)**. Submits written testimony on behalf of Larry Rains, Medford Water Commission **(EXHIBIT I)**.

075 Richard M. Glick City of Bend. Submits written testimony **(EXHIBIT J)** and testifies in support of HB 3038.

146 Glick Continues explanation of what HB 3038 accomplishes.

200 Rep. Tomei Questions whether substantive conservation measures with benchmarks are in the bill, and asks if rules are currently in effect.

205 Glick Discusses benchmarks, and confirms that rules are currently in effect.

216 Rep. Barnhart Questions to what extent HB 3038 threatens longstanding water rights that are declared invalid.

227 Glick Describes the rights of junior and senior water right holders. States that the Legislature may adopt retroactive legislation, and describes what legislation will clarify.

266 Rep. Tomei Questions how Adair Village can maintain their permits as they are no longer a municipality, and the improvements HB 3038 will make.

278	Glick	Explains that water rights are issued with the understanding that development will occur. Describes improvements and requirements.
303	Rep. Tomei	Questions how HB 3038 will change the current rule, and inquires how HB 3038 will change the situation for Adair Village.
305	Glick	Relates that HB 3038 will put the current rule in statute. Explains what Adair Village will be required to do under the new statute.
324	Rep. Dingfelder	Clarifies which permits will be affected, and inquires about extensions that are already in existence.
335	Glick	Explains how permitting works for extensions, and confirms that existing water rights and extensions are protected under the statute.
360	Todd Heidgerken	Tualatin Valley Water District. Testifies in support of HB 3038.

TAPE 56, B

042	Heidgerken	Discusses planning and development of water sources.
110	Heidgerken	Continues discussion of water source construction.
160	Brian Posewitz	WaterWatch. Submits written testimony (EXHIBIT K) and testifies in opposition to HB 3038.
230	Posewitz	Describes what happens after someone gets an appropriation permit.
294	Rep. Tomei	Seeks clarification regarding permits dating back to early 20th century.
302	Posewitz	Provides an example to help clarify permit extensions. Continues testimony.
356	Rep. Tomei	Seeks information on Adair Village.
361	Posewitz	Describes the effect on Adair Village.
383	Ed Gowan	

Mayor, City of Lakeside. Submits written testimony (**EXHIBIT L**) and testifies in opposition to HB 3038. Suggests amendments.

TAPE 57, A

025	Chair Jenson	Questions if panel can close or come back Wednesday.
036	Posewitz	Concludes with description of the Coos Bay case.
070	Chair Jenson	Comments on consistency.
087	Posewitz	Responds that WaterWatch believes the current method is outdated, and notes other statutes that have a ten year time period.
098	Chair Jenson	Closes public hearing on HB 3038. Adjourns the meeting at 3:04 p.m.

EXHIBIT SUMMARY

- A. **HB 2664, written testimony of Ed Hardt, staff, 2 pp**
- B. **HB 2664, written testimony, Jim McCauley, 2 pp**
- C. **HB 2664, written testimony, John Ledger, 6 pp**
- D. **HB 2664, written testimony, Tom Quintal, 1 p**
- E. **HB 2664, written testimony, Travis Williams, 2 pp**
- F. **HB 3038, written testimony, Willie Tiffany, 2 pp**
- G. **HB 3038, -1 amendments, staff, 9 pp**
- H. **HB 3038, guidebook, Willie Tiffany, 168 pp**
 - I. **HB 3038, written testimony of Larry Rains, Willie Tiffany, 1 p**
 - J. **HB 3038, written testimony, Richard M. Glick, 3 pp**
 - K. **HB 3038, written testimony, Brian Posewitz, 16 pp**
 - L. **HB 3038, written testimony, Ed Gowan, 2 pp**