

SENATE COMMITTEE ON ENVIRONMENT & LAND USE

March 28, 2005
3:00 P.M.

Hearing Room B
Tapes 59 - 60

MEMBERS PRESENT: Sen. Charlie Ringo, Chair
Sen. Roger Beyer
Sen. Frank Shields

MEMBER EXCUSED: Sen. Jason Atkinson, Vice-Chair
Sen. Ginny Burdick

STAFF PRESENT: Matt Shields, Committee Administrator
Katie Lowry, Committee Assistant

MEASURES/ISSUES HEARD:

SB 594 – Public Hearing and Work Session
SB 694 – Public Hearing and Work Session
SB 805 – Public Hearing
SB 346 – Public Hearing
SB 351 – 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 59, A | | |
| 005 | Chair Ringo | Calls meeting to order at 3:10 p.m. and opens public hearing on SB 594. |
| <u>SB 594 – PUBLIC HEARING</u> | | |
| 015 | Roy Elicker | Deputy Director for Fish and Wildlife Programs, Oregon Department of Fish and Wildlife. Testifies in support of SB 594. Submits written testimony (EXHIBIT A). |
| 030 | Dave Cleery | Lieutenant for Fisheries, Oregon State Police. Testifies in support of SB 594. |
| 040 | Sen. Shields | Asks clarification question about bag limits. |
| 045 | Cleery | Responds. |
| 050 | Chair Ringo | Asks clarification question about what SB 594 does. |
| 055 | Cleery | Explains. |
| 060 | Chair Ringo | Asks about fee for crabbing. |
| 063 | Cleery | Explains. |
| 073 | Phil Donovan | Northwest Sportfishing Industry Association. Testifies in support of SB 594. |
| 085 | Dennis Richey | Oregon Anglers. Testifies in support of SB 594. Submits written testimony (EXHIBIT B). |
| 098 | Sen. Shields | Asks if there is any additional testimony on SB 594. |
| 099 | Chair Ringo | Replies no. |
| 100 | Sen. Shields | Suggests that Sen. Johnson does not need to testify if the committee is in favor of SB 594. |
| 103 | Chair Ringo | Closes public hearing on SB 594 and opens work session on SB 594. |
| <u>SB 594 – WORK SESSION</u> | | |

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| 105 | Sen. Shields | MOTION: Moves SB 594 to the floor with a DO PASS recommendation. |
| | | VOTE: 3-0-2 |
| | | EXCUSED: 2 - Atkinson, Burdick |
| 107 | Chair Ringo | Hearing no objection, declares the motion CARRIED. |
| | | SEN. JOHNSON will lead discussion on the floor. |
| 110 | Chair Ringo | Closes work session on SB 594 and opens public hearing on SB 694. |
| <u>SB 694 – PUBLIC HEARING</u> | | |
| 112 | Sen. Beyer | Gives background information on SB 694. |
| 122 | Roy Elicker | Deputy Director for Fish and Wildlife Programs, Oregon Department of Fish and Wildlife (ODFW). Testifies on SB 694. Submits written testimony (EXHIBIT C) . |
| 135 | Ron Anglin | Wildlife Division Administrator, ODFW. States that he does not have anything to add at this time. |
| 142 | Al Elkins | Oregon Hunters Association. Testifies in support of SB 694. |
| 150 | Danny Benson | Ambassador, Oregon Chapter, Hunt Of A Lifetime. Testifies in support of SB 694. Submits written testimony (EXHIBIT D) . |
| 184 | Greg Peabody | Resident, Tigard. Testifies in support of SB 694. |
| 218 | Chair Ringo | Thanks witness for his testimony. |
| 223 | Jerod Broadfoot | Oregon Chapter, Safari Club International. Testifies in support of SB 694. |
| 234 | Chair Ringo | Closes public hearing on SB 694 and opens work session on SB 694. |
| <u>SB 694 – WORK SESSION</u> | | |
| 235 | Sen. Beyer | MOTION: Moves SB 694 to the floor with a DO PASS recommendation. |
| | | VOTE: 3-0-2 |
| | | EXCUSED: 2 - Atkinson, Burdick |
| 237 | Chair Ringo | Hearing no objection, declares the motion CARRIED. |
| | | SEN. BEYER will lead discussion on the floor. |
| 244 | Chair Ringo | Closes work session on SB 694 and opens public hearing on SB 805. |
| <u>SB 805 – PUBLIC HEARING</u> | | |
| 250 | Roy Elicker | Deputy Director for Fish and Wildlife Programs, Oregon Department of Fish and Wildlife (ODFW). Testifies in opposition to SB 805. Submits written testimony (EXHIBIT E) . |
| 325 | Patty Burke | Marine Program Manager, ODFW. Explains reporting and collection of data procedures. Submits an example webpage (EXHIBIT F) . Submits contact information for the ODFW Marine Sport Groundfish Advisory Committee (EXHIBIT G) . |
| <u>TAPE 60, A</u> | | |
| 007 | Chair Ringo | Asks how much notice was given to the closure of the mentioned fishery. |
| 008 | Burke | Responds. |
| 014 | Chair Ringo | Verifies date. |
| 015 | Burke | Confirms date and explains that four days notice was given. |
| 016 | Chair Ringo | Asks what information was received that initiated the response of the ODFW. |
| 017 | Burke | Explains tracking data. |
| 024 | Chair Ringo | Asks about weekly tracking. |
| 027 | Burke | Discusses tracking process. |
| 041 | Chair Ringo | Discusses fiscal impact statement. Asks what the fiscal impact |

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| | | would be if tracking was done twice a month instead of once a month. |
| 046 | Burke | States that the tracking is done every day, seven days a week. |
| 047 | Chair Ringo | Replies yes, but points out that it isn't being reported that often. |
| 048 | Burke | States that it is being reported and that SB 805 would provide more people to process the data. States that it is a human workload issue as opposed to a technology issue. |
| 054 | Sen. Gary George | Represents Senate District 12. Gives background information on SB 805. States that the ODFW did not notify his office of problems with SB 805. Discusses models. Discusses fiscal impact. |
| 085 | Chair Ringo | Discusses fiscal analysis. |
| 091 | Sen. George | Makes comment. |
| 106 | Dennis Richey | Executive Director, Oregon Anglers. Testifies in opposition to SB 805. Submits written testimony (EXHIBIT H) . |
| 137 | Chair Ringo | Asks how the ODFW could have closed the fishery sooner if they didn't have the necessary information. |
| 138 | Richey | Explains. |
| 155 | Tony Meeker | President, Oregon Anglers. Testifies in opposition to SB 805. States that he appreciates the spirit of SB 805 and supports the idea. Mentions the fiscal impact of SB 805. |
| 187 | Chair Ringo | Makes comment about procedures. |
| 188 | Meeker | Responds. |
| 190 | Chair Ringo | States that if there is a fiscal impact then the committee will work with it. |
| 191 | Meeker | Makes comment. |
| 196 | Elicker | Apologizes to Sen. George for not notifying him of problems with SB 694. |
| 207 | Chair Ringo | Makes comment about the process for the collection of data. |
| 212 | Burke | Responds. |
| 217 | Chair Ringo | Asks if it is possible to post the data closer to the time it is received. |
| 220 | Burke | Discusses accuracy. |
| 224 | Chair Ringo | Asks if there is a way to address issued raised by Sen. George without a 3.5 million dollar fiscal impact. |
| 230 | Burke | Gives suggestions. |
| 246 | Chair Ringo | Encourages witnesses to work with Sen. George. |
| 250 | Elicker | Responds. |
| 254 | Chair Ringo | Closes public hearing on SB 805. Announces SB 389 will not be heard today. Opens public hearing on SB 346. |

SB 346 – PUBLIC HEARING

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| | Matt Shields | Committee Administrator. Submits 346-1 (EXHIBIT I) and 346-2 (EXHIBIT J) amendments for the record. |
| 272 | Roy Elicker | Deputy Director for Fish and Wildlife Programs, Oregon Department of Fish and Wildlife (ODFW). Introduces John Thorpe, Program Manager, Hatchery Propagation. Discusses SB 346. States that the ODFW has no other issues with SB 346 with the -2 amendments. Submits written testimony (EXHIBIT K) . |
| 288 | Chair Ringo | Asks witness for reference in the -2 amendments. |
| 290 | Elicker | Gives reference. |
| 300 | Chair Ringo | Asks about fiscal impact statement. |
| 302 | Elicker | States that he is not aware of any fiscal impact from the ODFW. |
| 308 | Sen. Beyer | States that the fiscal impact statement comes from the Department of Land Conservation and Development. |

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| 310 | Sen. Beyer | Asks witness to comment on the -1 amendments. Makes comments about the -1 amendments. |
| 320 | Elicker | Responds. |
| 345 | Clint Bentz | President, Oregon Aquaculture Association (OAA). Explains 346-1 amendments. Submits written testimony in support of SB 346 (EXHIBIT L) . |
| 380 | Joe Rohleder | Lobbyist, OAA. Explains 346-1 amendments and 346-2 amendments. Supports the 346-1 amendments. |
| TAPE 59, B | | |
| 015 | Chair Ringo | Verifies that witness wants SB 346 to be passed with the -1 amendments. |
| 016 | Rohleder | Replies yes. |
| 020 | Anne Rystrom | Clear Creek Rainbow Ranch. Testifies in support of SB 346. Submits written testimony (EXHIBIT M) . |
| 025 | Sen. Beyer | States that it is his understanding that the fiscal impact would go away if the -1 amendments were adopted. |
| 031 | Shields | States that is his understanding as well, but that the Legislative Fiscal Office has not yet confirmed that. |
| 034 | Chair Ringo | Announces that SB 346 will be carried over until tomorrow. |
| 039 | Chair Ringo | Closes public hearing on SB 346 and opens public hearing on SB 351. |
| <u>SB 351 – PUBLIC HEARING</u> | | |
| | Matt Shields | Committee Administrator. Submits SB 351-1 amendments (EXHIBIT N) , SB 351-2 amendments (EXHIBIT O) , SB 351-3 amendments (EXHIBIT P) , SB 351-4 amendments (EXHIBIT Q) , and SB 351-5 amendments. (EXHIBIT R) . |
| 049 | Clint Bentz | Oregon Aquaculture Association (OAA). Explains SB 351, -4 and -5 amendments. |
| 078 | Chair Ringo | Verifies that witness supports the -4 amendments. |
| 079 | Bentz | Replies yes. States that the OAA supports the -4 and -5 amendments. Explains opposition to the -2 amendments. States that -1 amendments are the same as the -4 amendments. Explains the -3 amendments and discusses fiscal impact. Requests to hold the -3 amendments. |
| 118 | Sen. Shields | Asks about fiscal impact and the -3 amendments. |
| 119 | Bentz | Responds. |
| 120 | Sen. Shields | Asks what the projected fiscal impact is. |
| 121 | Bentz | Replies \$80,000 per year. |
| 122 | Sen. Shields | Verifies that the -3 amendments get within 90 percent of that figure. |
| 123 | Bentz | Replies yes. |
| 124 | Sen. Shields | Verifies that is not enough. |
| 125 | Bentz | Replies that if it wasn't 100 percent then it wasn't enough. |
| 126 | Sen. Shields | Discusses expenditures from the Oregon Department of Fish and Wildlife (ODFW). States that he doesn't understand the discrepancy. |
| 129 | Bentz | Explains discrepancy. |
| 133 | Sen. Shields | States that witness used a different number previously. |
| 134 | Bentz | Replies \$80,000 per calendar year. |
| 135 | Sen. Shields | Verifies that the -3 amendments will make \$65,000 per year and SB 351 will cost \$80,000 per year. |
| 136 | Bentz | Replies yes. |
| 137 | Sen. Shields | Verifies that isn't enough. |
| 138 | Bentz | Replies apparently not. |

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| 139 | Sen. Shields | Remarks that it is only \$15,000 difference per calendar year. |
| 140 | Bentz | Urges committee to adopt the -4 and -5 amendments and send SB 351 to the floor with a do pass as amended recommendation. |
| | | Makes closing remarks. |
| 148 | Anne Rystrom | Clear Creek Rainbow Ranch. Adds that the current sturgeon propagation is adding to the economy of Oregon by stocking fish into the Columbia River. Comments on existing resources and fiscal impact. Submits written testimony (EXHIBIT M) . |
| 152 | Joe Rohleder | OAA. Discusses intention of SB 351. Explains the -5 amendments. |
| 171 | Chair Ringo | Verifies that the intention of the -5 amendments is to grandfather the three current holders of the sturgeon permits. |
| 172 | Bentz | Adds that the -5 amendments will grandfather the permit holders under the current conditions. |
| 175 | Rohleder | Explains chosen percentage for the fee in the -3 amendments. |
| 181 | Chair Ringo | Verifies that witnesses do not want the -3 amendments moved. |
| 182 | Bentz | Replies no. |
| 188 | Roy Elicker | Deputy Director for Fish and Wildlife Programs, ODFW. States that the -2 amendments were requested by the ODFW. Explains the -2 amendments. States that the ODFW does not have opposition to commercial sturgeon aquaculture. Discusses hiring an employee to work directly with the aquaculture business. |
| | | Submits written testimony (EXHIBIT S) . |
| 217 | Chair Ringo | Verifies that the fiscal referred to by the witness is for management of the hatchery advisory committee. |
| 222 | Elicker | States that the ODFW has provided a revised fiscal. |
| 224 | Chair Ringo | Asks if the date of the revised fiscal is March 24. |
| 225 | Elicker | Replies yes. Refers to page 2 of revised fiscal. |
| 230 | Chair Ringo | Lists duties of employee. States that the previous witnesses pointed out that the ODFW is already carrying out these activities for the three sturgeon hatcheries currently in operation. |
| 235 | Elicker | Responds. |
| 245 | John Thorpe | Fish Propagation Program Manager, ODFW. Discusses the sturgeon hatcheries currently in operation. States that the ODFW will need to evaluate the existing sturgeon management rules and aquaculture rules that apply to sturgeon. |
| 264 | Chair Ringo | Comments that SB 351 does not require the ODFW to do that evaluation. |
| 270 | Elicker | Responds. States that SB 351 states that the commission will make decisions. |
| 274 | Chair Ringo | Asks if witness is talking about the advisory committee. |
| 275 | Elicker | Replies the commission. Comments about staff work needed for the commission. |
| 287 | Sen. Beyer | Remarks that, under current law, there are certain things that have to be managed by the ODFW even if SB 351 is not passed. |
| 292 | Elicker | Replies yes, and explains that the ODFW is currently performing these activities for one hatchery. |
| 294 | Sen. Beyer | Asks question about the process of issuing and/or denying a permit for a sturgeon hatchery. |
| 298 | Elicker | Responds. |
| 318 | Sen. Beyer | Comments on the fiscal impact and the -3 amendments which cover 90 percent of the fiscal impact. Remarks about the other 10 percent. |
| 323 | Elicker | Responds. |

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| 329 | Sen. Beyer | Asks if there are two other hatcheries. |
| 330 | Elicker | Explains. |
| 334 | Sen. Beyer | Verifies that one of the issues is using sportsman's dollars for non-sportsman activities. |
| 340 | Elicker | Replies yes. |
| 342 | Sen. Beyer | Asks how much it costs the Oregon Department of Agriculture (ODA) to administer the shellfish program for the sportfishing industry. |
| 346 | Elicker | Responds that he does not have those figures in front of him. |
| 347 | Sen. Beyer | Replies \$200,000 by the fiscal last legislative session. Asks how much money was given to the ODA for the regulation of the shellfish industry from the shellfish licensing. |
| 354 | Sen. Beyer | States \$300,000 by the fiscal last session. States that the additional \$100,000 was for the regulation of the commercial oyster industry. Comments that was sportsman's dollars being used for non-sportsman purpose. Asks why that situation was acceptable. |
| 360 | Elicker | Discusses shellfish licenses. |
| 362 | Sen. Beyer | Asks if, constitutionally, it would be the same problem in both situations. |
| 364 | Elicker | Responds. |
| 365 | Sen. Beyer | Makes comments. |
| 371 | Elicker | Responds. |
| 398 | Sen. Beyer | Wants to adopt the -4 and -5 amendments and move SB 351 to Ways and Means. Makes remarks about anticipated fiscal impact. |
| 418 | Sen. Shields | Appreciates Sen. Beyer's line of questioning of the ODFW. |
| 426 | Chair Ringo | Concurs with adopting the -4 and -5 amendments. Verifies that the fiscal impact provided by the ODFW is based on hiring someone to manage the sturgeon program in a way that the ODFW thinks it should be managed, not in a way that the law currently requires. |
| TAPE 60, B | | |
| 004 | Elicker | Discusses the fiscal impact anticipated by the ODFW. |
| 017 | Chair Ringo | Wants to check about moving a bill with a fiscal impact of this nature. Verifies amendments. |
| 028 | Lynnia Woods | Pelfrey Sturgeon Hatchery. Wants legislative intent of SB 351 to be clear that their permit is for taking sturgeon out of the wild. Discusses specific language of SB 351-5 amendments. Discusses permit renewal. |
| 061 | Sen. Beyer | Asks if there is anything in current law that requires the ODFW to renew witness' permit in the same condition it was when witness was grandfathered. |
| 064 | Woods | Responds. |
| 068 | Sen. Beyer | States that witness' suggestion would require the ODFW to always continue witness' permit as it is today. Explains that this would not allow the ODFW to modify the permit in any way. Asks if that is witness' intent. |
| 072 | Woods | States that is not her intent. Explains intent. |
| 076 | Brendan McCarthy | Legislative Counsel. Discusses language of SB 351. |
| 102 | Sen. Beyer | States that SB 351 was drafted at the request of his office. Verifies that it was not a request of his office to remove ORS 497.330. |
| 105 | McCarthy | Replies yes and explains. |
| 110 | Sen. Beyer | States that there was no intent to change the permit for Pelfrey |

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| | | Sturgeon Hatchery. States that it seems like it would alleviate some concerns if the section of SB 351 that repealed ORS 497.330 were removed. |
| 122 | Chair Ringo | Asks if Sen. Beyer is suggesting further amendments. |
| 123 | Sen. Beyer | Responds. |
| 125 | Woods | Discusses intent of SB 351. |
| 130 | Chair Ringo | Asks Sen. Beyer if he wants SB 351 to be moved out of committee. |
| 134 | Sen. Beyer | Responds. |
| 135 | Chair Ringo | States that SB 351 will not be moved today. |
| 136 | Sen. Beyer | Makes comments. |
| 138 | Chair Ringo | Asks Sen. Beyer to work with Legislative Counsel to alleviate witness' concern. |
| 140 | Henry Pelfrey | Pelfrey's Sturgeon Hatchery. Discusses sturgeon aquaculture industry. |
| 151 | Woods | Makes closing remarks. |
| 158 | Pelfrey | States that there are only five sturgeon hatcheries in the United States. |
| 162 | Roger Martin | Confederated Tribes of Umatilla. Discusses SB 351. |
| 170 | Phil Donovan | Northwest Sportfishing Industry Association (NSIA). Discusses concerns of the NSIA with regards to SB 351. |
| 190 | Chair Ringo | Closes public hearing on SB 351. Adjourns meeting at 4:50 p.m. |

EXHIBIT SUMMARY

- A. SB 594, written testimony, Roy Elicker, 2 pp**
- B. SB 594, written testimony, Dennis Richey, 1 p**
- C. SB 694, written testimony, Roy Elicker, 1 p**
- D. SB 694, written testimony, Danny Benson, 6 pp**
- E. SB 805, written testimony, Roy Elicker, 3 pp**
- F. SB 805, example webpage, Patty Burke, 5 pp**
- G. SB 805, contact information, Patty Burke, 1 p**
- H. SB 805, written testimony, Dennis Richey, 1 p**
- I. SB 346, -1 amendments, Staff, 37 pp**
- J. SB 346, -2 amendments, Staff, 35 pp**
- K. SB 346, written testimony, Roy Elicker, 1 p**
- L. SB 346, written testimony, Clint Bentz, 1 p**
- M. SB 346 and SB 351, written testimony, Anne Rystrom, 2 pp**
- N. SB 351, -1 amendments, Staff, 1 p**
- O. SB 351, -2 amendments, Staff, 1 p**
- P. SB 351, -3 amendments, Staff, 6 pp**
- Q. SB 351, -4 amendments, Staff, 1 p**
- R. SB 351, -5 amendments, Staff, 1 p**
- S. SB 351, written testimony, Roy Elicker, 2 pp**