

**HOUSE COMMITTEE ON**  
**ENVIRONMENT AND LAND USE**

June 27, 2003 Hearing Room HR C  
10:00 AM Tapes 79 - 80

**MEMBERS PRESENT:**        **Rep. Bill Garrard, Chair**  
                                 **Rep. Dennis Richardson, Vice-Chair**  
                                 **Rep. Cliff Zauner, Vice-Chair**  
                                 **Rep. Robert Ackerman**  
                                 **Rep. Dan Doyle**  
                                 **Rep. Mitch Greenlick**  
                                 **Rep. Diane Rosenbaum**

**STAFF PRESENT:**        **Ray Kelly, Committee Administrator**  
                                 **David Peffley, Committee Assistant**

**MEASURES HEARD:**        **HB 2458 – Work Session**

---

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.

---

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 79, A</b>		
003	Chair Garrard	Calls the meeting to order at 10:07 and opens a work session on HB 2458.
<b><u>HB 2458 – WORK SESSION</u></b>		
008	Ray Kelly	Committee Administrator. Addresses the changes in HB 2458 from the original bill to the present form as evidenced in the -2 amendments ( <b>EXHIBIT A</b> ).
047	Rep. Bob Jenson	HD 58. Testifies with support for HB 2458. Addresses the -2 amendments which significantly changed the original bill with a great degree of input from Oregon Department of Fish and Wildlife (ODFW) and the Governor's office.
083	Roy Elicker	Deputy Director, ODFW. Testifies in favor of the -2 amendments to HB 2458 and summarizes the effects of the bill. Highlights the four main implications of the bill.
103	Rep. Rosenbaum	Asks the significance of changing the goal of the state Endangered Species Act (ESA) from conservation to recovery.
110	Elicker	States that it makes Oregon's ESA more consistent with the Federal ESA.
133	Rep. Rosenbaum	Asks for clarification on the restoration of delisted species.
140	Elicker	Continues with the criteria for listing and delisting species. Readdresses the third and fourth implications of HB 2458.
166	Rep. Greenlick	Asks if ODFW originally supported HB 2458.
169	Elicker	States that ODFW supported HB 2468, but not HB 2458.
172	Rep. Greenlick	Asks what in the -2 amendments came about as a result of the concerns raised during the original discussions on the bill.

182	Elicker	Replies that this bill is essentially HB 2468 after the gut and stuff provisions.
188	Rep. Greenlick	Asks Elicker to address the work group sessions.
191	Elicker	Defers to Rep. Jenson.
200	Rep. Jenson	Addresses the process in which the bill was amended and the work group in which neither he nor his staff were present.
246	Rep. Greenlick	Asks if we're just sending the same bill under a different number.
254	Rep. Jenson	Notes that it is essentially the same, since HB 2468 is buried in the Sentate committee which is presently closed. Notes that there was only one significant amendment and that is Section 2, 1 sub E.
300	Stephen Kafoury	States that the Wildlife Society is not necessarily against HB 2468, but feels that certain concerns need to be addressed. Responds to Rep. Greenlick's concerns about the Senate negotiations.
347	Jay Ward	Conservation Director, Oregon Natural Resources Council. Submits <b>(EXHIBIT B)</b> and addresses concerns with Section 2, especially Section 2 sub 1, B. Asserts that <i>take</i> should be the last resort, and not the first. Expresses concern about tying the Oregon ESA to the 4(d) rules. Continues by addressing other concerns.
<b>TAPE 80, A</b>		
001	Rep. Rosenbaum	Asks Ward to address the Modoc Sucker and the Grey Wolf.
006	Ward	Acknowledges that he can't speak to the modoc sucker, but asserts that the this legislation seems aimed at the grey wolf.
015	Rep Greenlick	Refers to Page 6, Subsection 9 and asks about removing protection for a species due to other recovery efforts.
033	Ward	Addresses Rep. Greenlick's concerns and continues by addressing concerns surrounding delisting criteria.
074	Chair Garrard	Recesses the meeting.
075	Chair Garrard	Reconvenes the meeting.
077	<b>Rep. Zauner</b>	<b>MOTION: Moves to ADOPT HB 2458-2 amendments dated 6/25/03.</b>
<b>081</b>		<b>VOTE: 4-3</b> <b>AYE: 4 - Doyle, Richardson, Zauner, Garrard</b> <b>NAY: 3 - Ackerman, Greenlick, Rosenbaum</b>
<b>082</b>	<b>Chair Garrard</b>	<b>The motion CARRIES.</b>
<b>086</b>	<b>Rep. Zauner</b>	<b>MOTION: Moves HB 2458 to the floor with a DO PASS AS AMENDED recommendation.</b>
090	Rep. Rosenbaum	State that she will vote nay as she has significant reservations. Asserts that it the bill is too limiting to the authority of the department.
111	Rep. Greenlick	States that he will also vote nay, but expresses hope that the bill can move toward a consensus.
122	Rep. Ackerman	Expresses concern over the possibility of waiving the permit process.
<b>134</b>		<b>VOTE: 4-3</b> <b>AYE: 4 - Doyle, Richardson, Zauner, Garrard</b> <b>NAY: 3 - Ackerman, Greenlick, Rosenbaum</b>
<b>139</b>	<b>Chair Garrard</b>	<b>The motion CARRIES.</b>
145	Chair Garrard	Closes the work session on HB 2458 and adjourns the meeting at 10:49 A.M.
The following prepared testimony has been submitted for the record without public testimony for HB 2458.		
	Jim Myron	Submits <b>(EXHIBIT C)</b> .

## **EXHIBIT SUMMARY**

**A – HB 2458, -2 amendments, staff, 12 pp.**

**B – HB 2458, written testimony, Jay Ward, 5 pp.**

**C – HB 2458, written testimony, Jim Myron, 1 p.**