

## HOUSE COMMITTEE ON WATER

February 25, 2003 Hearing Room B  
8:30 A.M. Tapes 26 - 27

**MEMBERS PRESENT:**        **Rep. Bob Jenson, Chair**  
                                     **Rep. Jackie Dingfelder, Vice-Chair**  
                                     **Rep. Jeff Kropf, Vice-Chair**  
                                     **Rep. Linda Flores**  
                                     **Rep. Jeff Kruse**  
                                     **Rep. Mike Schaufler**  
                                     **Rep. Carolyn Tomei**

**STAFF PRESENT:**         **Pete Test, Committee Administrator**  
                                     **Mike Reiley, Committee Assistant**

**MEASURE/ISSUES HEARD:**        **HB 2138 – Public Hearing**  
   **HB 2366 – Public Hearing**  
   **HB 2138 – Public Hearing**  
   **HB 2366 – Public Hearing**  
   **HB 2456 – Public Hearing**  
   **HB 2268 – Public Hearing**

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 26, A</b>		
003	Chair Jenson	Calls meeting to order at 8:37 a.m. Opens public hearing on HB 2138.
<b><u>HB 2138 – PUBLIC HEARING</u></b>		
021	Bob Jacobson	Chair, Salmon Recovery Task Force. Explains work done by task force.
080	Ed Bowles	Fish Division Director, Oregon Department of Fish and Wildlife. Submits and summarizes prepared testimony in support of HB 2138 ( <b>EXHIBIT A</b> ).
180	Chair Jenson	Asks about hatchery and naturally produced fish.
188	Bowles	Explains hatchery and naturally produced fish.
220	Rep. Schaufler	Asks for clarification of abundance figures in prepared testimony.
224	Bowles	Explains figures. Continues presentation and explanation of Productivity/Persistence.
241	Chair Jenson	Asks about lower Columbia Coho and de-listing.
250	Bowles	Explains de-listing process.
261	Chair Jenson	Asks for clarification of research data and fish populations.
268	Bowles	Explains data.
272	Rep. Flores	Asks for clarification for self-sustaining populations.
274	Bowles	Offers clarification.
278	Rep. Schaufler	Asks about de-listing criteria.
282	Bowles	Explains de-listing criteria. Continues presentation.
342	Rep. Kruse	Asks about data to support assumptions about de-listing and recovery.

353	Bowles	Explains and clarifies data.
400	Rep. Kruse	Asks about nature of obstructions of fish passage.
405	Bowles	Answers that they are dams.
410	Rep. Schaufler	Asks about time spent on definition of recovery.
415	Jacobson	Explains work done on definition of recovery.
<b>TAPE 27, A</b>		
008	Rep. Tomei	Asks how fish would get above dams.
010	Bowles	Explains how fish would get above dams.
015	Chair Jenson	Discusses work done on Oregon Plan and enters written testimony into record submitted by Stan Gregory ( <b>EXHIBIT B</b> ).
057	Rep. Tomei	Asks about federal regulations regarding de-listing and recovery.
061	Bowles	Explains relationship to federal agencies regarding goal of recovery.
069	Jacobson	Explains work done with federal agencies.
070	Rep. Tomei	Asks about federal definition regarding recovery.
072	Bowles	Explains definition of recovery.
078	Rep. Tomei	Asks if federal definition of recovery is necessary.
080	Bowles	Explains federally sought standards.
090	Chair Jenson	Closes public hearing on HB 2138. Opens public hearing on HB 2366.

**HB 2366 – PUBLIC HEARING**

098	Sen. Ken Messerle	Senate District 5. Testifies in support of HB 2366.
127	Rep. Kruse	Asks about nature of inventory.
133	Sen. Messerle	Responds that it is off-stream.
136	Rep. Kruse	Asks about funding.
140	Sen. Messerle	Responds that he is working to secure funding.
152	Chair Jenson	Closes public hearing on HB 2366.
170	<b>Rep. Jenson</b>	<b>MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. FLORES and REP. KROPF to BE RECORDED as voting AYE on the motion to move HB 2247 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.</b>
180	Chair Jenson	Opens public hearing on HB 2138.

**HB 2138 – PUBLIC HEARING**

186	Bill Moshofsky	Oregonians in Action, Save the Salmon Coalition. Testifies in opposition to HB 2138.
269	Rep. Flores	Asks about availability of report mentioned by Mr. Moshofsky.
271	Moshofsky	Answers that it will be available soon.
280	Chair Jenson	Comments on concerns about HB 2138.
325	Moshofsky	Expresses concerns about vagueness of definition of recovery.
366	Chair Jenson	Closes public hearing on HB 2138. Opens public hearing on HB 2366.

**HB 2366 – PUBLIC HEARING**

370	Pete Test	Committee Administrator. Summarizes HB 2366.
389	Rich Angstrom	President, Oregon Concrete and Aggregate Producers Association. Testifies in support of HB 2366.

**TAPE 26, B**

017	Rep. Tomei	Asks for clarification of benefits of HB 2366.
019	Angstrom	Explains benefits of HB 2366.
035	Rep. Schaufler	Asks if reclaimed quarries and mines are not allowed to be used for water storage for industry.
037	Angstrom	Answers yes.

040	Paul Cleary	Director, Water Resources Department (WRD). Submits and summarizes prepared testimony in support of HB 2366 <b>(EXHIBIT C)</b> .
091	Rep. Tomei	Expresses hope that funding can be obtained for HB 2366.
098	Cleary	Explains funding possibilities.
104	Rep. Tomei	Asks about legislative process and funding of HB 2366.
110	Chair Jenson	Explains potentials for HB 2366.
120	Rep. Kruse	Expresses support for concept of HB 2366.
127	Rep. Dingfelder	Asks about nature of water inventory.
130	Cleary	Clarifies nature of water inventory.
140	Rep. Dingfelder	Expresses importance of data collection and assessment.
161	Aubrey Russell	Oregon Trout. Testifies in support of HB 2366.
185	Richard Koesan	Water For Life. Testifies in opposition to HB 2366.
250	Chair Jenson	Notes that funding is not addressed in statute. Comments on potentials for HB 2366.
263	Rep. Kruse	Asks about statutes cited by Mr. Koesan.
279	Cleary	Responds that consolidation of law in the future may be appropriate.
293	Rep. Schaufler	Clarifies nature of HB 2366.
300	Cleary	Responds.
304	Chair Jenson	Further clarifies. Closes public hearing on HB 2366. Opens public hearing on HB 2456.

**HB 2456 – PUBLIC HEARING**

307	Pete Test	Committee Administrator. Summarizes HB 2456.
315	Doug Myers	WaterWatch. Submits and summarizes prepared testimony in support of HB 2456 <b>(EXHIBIT D)</b> .
379	Brendan McCarthy	Legislative Counsel. Explains legal considerations regarding HB 2456.
419	Chair Jenson	Asks for clarification of “shall” and “may” language changes.
<b>TAPE 27, B</b>		
005	McCarthy	Clarifies changes in language.
017	Chair Jenson	Requests that amendment be made clarifying language in HB 2456.
041	McCarthy	Acknowledges request.
055	Paul Cleary	Director, Water Resources Department (WRD). Submits and summarizes prepared testimony in support of HB 2456 <b>(EXHIBIT E)</b> .
128	Rep. Kruse	Clarifies nature of support and opposition to HB 2456.
140	Roger Martin	Confederated Tribes of Umatilla Indian Reservation. Submits and summarizes prepared testimony regarding HB 2456 <b>(EXHIBIT F)</b> .
181	Rep. Kruse	Asks about groundwater recharge dynamics.
196	Cleary	Responds process for managing water distribution.
216	Rep. Kruse	Expresses concern that once water system is in place, even if not natural, it may be disrupted.
228	Cleary	Explains role of WRD in water management.
239	Rep. Kruse	Asks about issues raised by tribes’ concerns.
253	Cleary	Explains issues raised.
264	Rep. Schaufler	Asks about impact on fisheries.
269	Cleary	Explains impact on fisheries.
280	Chair Jenson	Discusses issues with Oregon water law.
297	Cleary	Clarifies statutes that will sunset.
306	Chair Jenson	Explains disjointed nature of statutes.
337	Cleary	Explains relationship of statutes to HB 2456.

368

Chair Jenson

Closes public hearing on HB 2456. Opens public hearing on HB 2268.

**HB 2268 – PUBLIC HEARING**

374

Chair Jenson

Enters written testimony from WaterWatch submitted by Kimberly Priestley (**EXHIBIT G**) and Ed Henricks (**EXHIBIT H**) into record. Closes public hearing on HB 2268. Adjourns meeting at 10:28 a.m.

**EXHIBIT SUMMARY**

**A – HB 2138, written testimony and presentation, Ed Bowles, 7 pp**

**B – HB 2138, written testimony, Stan Gregory, 1 p**

**C – HB 2366, written testimony, Paul Cleary, 3 pp**

**D – HB 2456, written testimony, Doug Myers, 1 p**

**E – HB 2456, written testimony, Paul Cleary, 4 pp**

**F – HB 2456, written information, Roger Martin, 2 pp**

**G – HB 2268, written testimony, Kimberly Priestley, 2 pp**

**H – HB 2268, written testimony, Ed Henricks, 1 p**