

HOUSE COMMITTEE ON WATER

May 13, 2003 Hearing Room B
8:30 AM Tape 87 - 88

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
 Ryan Sherlock, Committee Assistant

MEASURE/ISSUES HEARD: HB 3281 – Work Session
 SB 590A – Public Hearing and Work Session
 SB 576 – Public Hearing
 Informational Meeting – Current and Future Uses of Water from the Columbia
 River

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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 87, A		
003	Chair Jenson	Calls meeting to order at 8:39 a.m. and opens a work session on HB 3281.
<u>HB 3281 – WORK SESSION</u>		
005	Pete Test	Committee Administrator. Introduces the proposed -3 amendments (EXHIBIT A).
010	Kristina McNitt	Oregon Water Resources Congress. Indicates her groups support for the -3 amendments to HB 3281.
020	Rep. Tomei	MOTION: Moves to ADOPT HB 3281-3 amendments dated 05/09/03.
		VOTE: 4-0
		EXCUSED: 3 - Dingfelder, Kropf, Kruse
	Chair Jenson	Hearing no objection, declares the motion CARRIED.
025	Rep. Tomei	MOTION: Moves HB 3281 to the floor with a DO PASS AS AMENDED recommendation.
030		VOTE: 4-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 3 - Dingfelder, Kropf, Kruse
	Chair Jenson	The motion CARRIES.
035	Rep. Tomei	MOTION: Moves HB 3281 be placed on the CONSENT CALENDAR.
		VOTE: 4-0
		EXCUSED: 3 - Dingfelder, Kropf, Kruse
	Chair Jenson	Hearing no objection, declares the motion CARRIED.

040	Chair Jenson	Closes the work session on HB 3281, and opens a public hearing on SB 590A.
<u>SB 590A – PUBLIC HEARING</u>		
045	Pete Test	Committee Administrator. Offers a description of SB 590A, with reference to the issued fiscal impact statement (EXHIBIT B).
055	Brad Harper	Water For Life, Executive Director. Offers written testimony (EXHIBIT C) in support of SB 590A.
075	Rep. Flores	Clarifies the original timeframe request of Water for Life.
080	Harper	Discusses the time issues and related negotiations with the Department.
085	Chair Jenson	Asks whether, in Mr. Harper’s estimation, forty five days would be sufficient.
090	Harper	Indicates that he think forty five days is a good enough timeframe to start the process.
105	Paul Cleary	Oregon Water Resources Department, Director. Offers written testimony (EXHIBIT D) regarding SB 590A.
155	Chair Jenson	Points out his wish to amend the bill to have a 180 day timeframe.
165	Cleary	Acknowledges. Discusses what time the department needs for the process.
175	Harper	Comments on the time needed to initiate the process.
180	Cleary	Further offers his interpretation of the bill and its proposed timeframe.
190	Rep. Flores	Asks about specific wording in Mr. Cleary’s testimony. Asks how written notice is supplied during the process of notification.
195	Cleary	Explains that he is not certain, but discusses the issue.
200	Rep. Tomei	Clarifies the workload involved in the cancellation process.
210	Cleary	Acknowledges, further expressing the concerns of the department for their ability to deliver under the proposed time limit.
220	Chair Jenson	Closes the public hearing on SB 590A, and opens a work session on SB 590A.
<u>SB 590A – WORK SESSION</u>		
240	Rep. Kropf	MOTION: Moves to AMEND SB 590A on page 1, in line 7, delete "270," and insert "180".
245	Rep. Schaufler	Indicates his support for the bill and the amendments, and expresses concern for the legislature placing additional mandates on the departments without any thought given to funding.
255	Chair Jenson	Recognizes Rep. Schaufler concerns and addresses the issue.
275	Rep. Tomei	Offers her concerns with the conceptual amendment and intent to vote No on the conceptual amendment, pointing out that this issue was already dealt with on the Senate side.
295	Rep. Dingfelder	Expresses her support for the conceptual amendment and further discusses the issue, asking that the department offer the committee an update on the program next session.
320	Chair Jenson	Thanks the Representative for her input, and concurs with the need for an update.
330		VOTE: 5-1
		AYE: 5 - Dingfelder, Flores, Kropf, Schaufler, Jenson
		NAY: 1 - Tomei
		EXCUSED: 1 - Kruse
	Chair Jenson	The motion CARRIES.
340	Rep. Kropf	MOTION: Moves SB 590A to the floor with a DO PASS AS

350	Rep. Tomei	AMENDED recommendation.
360		Expresses her intent to vote No on the motion.
		VOTE: 5-1
		AYE: 5 - Dingfelder, Flores, Kropf, Schaufler, Jensen
		NAY: 1 - Tomei
		EXCUSED: 1 - Kruse
	Chair Jensen	The motion CARRIES.
		REP. KROPF will lead discussion on the floor.
375	Chair Jensen	Closes the work session on SB 590A, and opens a public hearing on SB 576.
<u>SB 576 – PUBLIC HEARING</u>		
380	Pete Test	Committee Administrator. Offers a description of SB 576. Enters into the record submitted testimony from Stan Gregory of the Independent, Multidisciplinary Science Team (EXHIBIT E), and enters into the record the Independent, Multidisciplinary Science Team (IMST): Charter and Operating Procedures (EXHIBIT F).
390	Rich Angstrom	Oregon Concrete and Aggregate Producers Assn. (OCAPA). Offers testimony in support of SB 576, with reference to submitted letter (EXHIBIT G) from Brendan McCarthy of Legislative Counsel, submitted record (EXHIBIT H), and submitted letter (EXHIBIT I) from the IMST.
TAPE 88, A		
105	Rep. Dingfelder	Clarifies specific wording in the Charter and Operating Procedures.
120	Angstrom	Comments on the section in question.
135	Rep. Dingfelder	Questions whether this legislation addresses the problem in question. Further comments on how the process could be fixed without changes to statute.
145	Angstrom	Points out that while the IMST is supposed to advise on policy, it often operates as a policy creating entity. Further comments on the role of the IMST in deciding policy.
210	Rep. Dingfelder	Clarifies that OCAPA would rather have the IMST not make any policy suggestions.
220	Angstrom	Further comments on his perception that the IMST needs to opens its process to outside input.
240	Rep. Schaufler	Offers his interpretation of Mr. Angstrom’s concerns.
245	Angstrom	Acknowledges the interpretation.
255	Ray Wilkeson	Oregon Forest Industries Council. Offers testimony regarding SB 576. Offers wording for a possible conceptual amendment.
330	Rep. Kruse	Thanks Mr. Wilkeson and asks for his comment on specific wording in the bill.
350	Wilkeson	Comments on the section of the bill in question.
355	Rep. Kruse	Comments on limiting the IMST’s ability to recommend policy.
365	Wilkeson	Discusses the ability of scientists to recommend policy.
380	Rep. Schaufler	Points out his belief that there should be no limit on those who recommend policy.
390	Rep. Dingfelder	Points out that the concerns is with who makes the final policy decision.
TAPE 87, B		
001	Wilkeson	Responds, indicating the Board of Forestry makes the final decision and further discusses the issue.

010 Rep. Kruse Discusses the possible ill effects of the bill.
 015 Chair Jenson Closes the public hearing on SB 576, and opens an informational meeting on Current and Future Uses of Water from the Columbia River.

INFORMATIONAL MEETING

020 Paul Cleary Oregon Water Resources Department. Offers informational written testimony (**EXHIBIT J**) regarding the current and future uses of water from the Columbia River.

055 Chair Jenson Asks what the total flow of the Columbia River is.
 060 Cleary Discusses the total flow, and continues with testimony.
 095 Chair Jenson Clarifies whether the amount mentioned is the appropriated or actually used amount.

100 Cleary Identifies the figure as the appropriated amount.
 115 Chair Jenson Asks for a clarification of appropriation differences from the Columbia and the Colorado Rivers.

120 Cleary Discusses the difference between the Columbia and Colorado. Further discusses the allocation formula used for the Colorado River. Concludes informational testimony.

200 Chair Jenson Reminds the Committee that this is an informational meeting, so the Committee can ask questions of the witnesses.

210 Rep. Dingfelder Asks about wording in testimony which indicates the Washington State moratorium on water rights issuance for the Columbia and Snake river has lapsed.

215 Cleary Explains that this was a legislative moratorium with a sunset clause, and further discusses the issue.

230 Martha Pagel Eastern Oregon Irrigation Association (EOIA). Identifies the make-up of the EOIA, and offers written informational testimony (**EXHIBIT K**) regarding the current and future uses of water from the Columbia River.

340 Rep. Kropf Clarifies specific wording in Ms. Pagel's testimony, and asks why the legislature has not adopted any more reservation of water since given that authority.

350 Cleary Points out that no legislation has been sent to the legislature regarding this issue.

360 Rep. Kropf Clarifies Mr. Cleary's answer.
 380 Pagel Further comments on Rep. Kropf's answer.
 415 Rep. Schaufler Asks how large Washington State's reservation is.

TAPE 88, B

005 Cleary Estimates the Washington State reservation at 1.36 million acre feet, and discusses the history of the Oregon and Washington reservations.

015 Rep. Kruse Clarifies that the state of Washington recently increased its allocation, and Oregon needs an allocation for another reservation.

020 Cleary Points out there are no limitations against allocations, and further comments on the future issuance of water rights.

035 Rep. Kruse Clarifies the amounts of water being diverted for irrigation in Washington and in Oregon.

040 Cleary Points out that Oregon diverts about 0.3% of the total flow while Washington diverts about 2.7%, and Idaho diverts 4% all from the Snake river.

050 Pagel Refers to her submitted written testimony which discusses this issue.

060 Rep. Kruse Remarks that one percent flow does not seem like it would have

		that great affect on any body of water.
065	Chair Jenson	Points out there would be an impact on the amount of agricultural product which could be raised by diverting that flow.
067	Rep. Kruse	Acknowledges.
070	Rep. Dingfelder	Asks how the Department works with the Environmental Protection Agency (EPA) on setting flows for hydro and fish migration.
075	Cleary	Points out the constraints on the Federal Power System, and refers to his submitted testimony. Refers to Rep. Kruse's concerns for the lack of effect of diverting one percent, pointing out that this effect increases and compounds at low flow points.
095	Pagel	Comments on the federal water rights for hydro projects.
110	Rep. Schaufler	Points out the need for wind energy.
115	Rep. Jenson	Comments on the affects of species protection on such projects.
125	Rep. Kropf	Clarifies specific information from Mr. Cleary's testimony.
126	Cleary	Acknowledges the clarification.
127	Rep. Kropf	Clarifies specific information form Ms. Pagel's testimony.
128	Pagel	Discusses the perceived disparity in the numbers.
150	Cleary	Comments on the numbers in question.
160	Rep. Tomei	Asks Ms. Pagel to explain the chart at the back of her testimony.
165	Pagel	Offers an explanation of the chart in question.
170	Cleary	Helps explain the chart.
185	Chair Jenson	Points out there could be difficulty in achieving some numbers on the chart.
195	Cleary	Explains that from a soil and climate standpoint, there could be irrigation use, but there are economic restraints.
205	Chair Jenson	Points out that the area in question is the largest food producing county in the state.
215	Pagel	Points out the efficient production of the area in question.
230	Chair Jenson	Concurs with Ms. Pagel and discusses the efficiency in the area in question.
250	Rep. Schaufler	Discusses recent legislation passed by the committee.
255	Chair Jenson	Points out the role of Washington State in this matter.
260	Rep. Kropf	Comments on the make-up of the federal and state endangered species lists.
265	Chair Jenson	Concurs, and further comments.
275	Cleary	Points out the use of water for power production in Oregon.
280	Chair Jenson	Comments on use of coal for power production. Closes the informational meeting, and adjourns the meeting at 10:23 a.m.
	The following informational testimony was submitted for the record without public testimony.	
	Staff	Submitted informational testimony from the Confederated Tribes of the Umatilla Indian Reservation (EXHIBIT L).

EXHIBIT SUMMARY

A – HB 3281, -3 amendments, Staff, 15 pp.

B – SB 590A, Fiscal Impact Statement, Staff, 1 p.

C – SB 590A, written testimony, Brad Harper, 2 pp.

D – SB 590A, written testimony, Paul Cleary, 2 pp.

E – SB 576, submitted letter, Staff, 1 p.

F – SB 576, Independent, Multidisciplinary Science Team: Charter and Operating Procedures, Staff, 5 pp.

- G – SB 576, submitted letter from Brendan McCarthy, Rich Angstrom, 2 pp.**
- H – SB 576, submitted record, Rich Angstrom, 1 p.**
- I – SB 576, submitted letter from Stan Gregory, Rich Angstrom, 18 pp.**
- J – Informational Meeting, written testimony, Paul Cleary, 6 pp.**
- K – Informational Meeting, written testimony, Martha Pagel, 6 pp.**
- L – Informational Meeting, submitted written testimony, Staff, 4 pp.**