

**HOUSE COMMITTEE ON STREAM RESTORATION &  
SPECIES RECOVERY**

January 15, 2001  
1:00 P.M.

Hearing Room E  
Tapes 6 - 7

**MEMBERS PRESENT:**     **Rep. Bob Jenson, Chair**  
                                  **Rep. Jan Lee, Vice-Chair**  
                                  **Rep. Tim Knopp**  
                                  **Rep. Jeff Kruse**  
                                  **Rep. Patti Smith**  
                                  **Rep. Al King**  
                                  **Rep. Carolyn Tomei**

**MEMBER EXCUSED:**     **Rep. Randy Leonard Vice-Chair**  
                                  **Rep. Kelley Wirth**

**VISTING MEMBER:**             **Rep. Wayne Krieger**

**STAFF PRESENT:**           **Sandy Thiele-Cirka, Committee Administrator**  
                                  **Linda K. Gatto, Committee Assistant**

**MEASURE/ISSUES HEARD:**     **Informational Meeting:**  
                                  **Department of Agriculture (ODA)**  
                                  **Healthy Streams Partnership (HSP)**  
                                  **Oregon Coastal Zone Management Association (OCZMA)**  
                                  **HB 2184**  
                                  **HB 2183**

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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 6, A</b>		
003	Chair Lee	Calls the meeting to order at 1:07 p.m. as a subcommittee for the purpose of continued discussion on the Oregon Plan overview. Opens informational meeting.
<b><u>INFORMATIONAL MEETING – OREGON PLAN OVERVIEW</u></b>		
020	Phil Ward	Director, Oregon Department of Agriculture, (ODA). Submits <b>(EXHIBIT A)</b> and provides overview.
072	Ward	Refers to page four, discusses processes.
113	Chair Lee	Inquires about the plans that have been adopted.
116	Ward	Refers to the map on page five, <b>(EXHIBIT A)</b> .
140	Ward	Refers to page six, <b>(EXHIBIT A)</b> noting that if it appears rules are in violation, a water quality advisory letter is sent to the landowner. Notes that at this point there have not been civil penalties levied under SB 1010.
200	Ward	Comments that the outcome based approach of SB 1010 is a critical piece of the Oregon Plan.
218	Rep. Smith	Questions what information is provided to ODA that results in a water advisory letter being sent to a landowner.

221	Ward	Answers that routinely local soil and water districts send a heads up.
230	Rep. Smith	Inquires what federal agencies have expressed reservations.
237	Ward	Answers the Environmental Protection Agency (EPA) and National Marine Fisheries Service (NMFS).
249	Rep. King	Questions if the standards are the same for eastern and western Oregon and how flexible can the state be with SB 1010.
258	Ward	Responds the geographic differences have to be taken into account. Notes this is the basis for ODA to develop strategies that are site specific.
276	Rep. King	Questions whether the EPA and NMFS are responding with some flexibility.
283	Ward	Answers the EPA and NMFS recognize the geography dictates a different approach.
313	Rep. Krieger	Questions what role does ODA staff have in the local planning process under SB 1010.
320	Ward	Responds there are seven planners working with the advisory committees.
350	Rep. Krieger	Comments on the 64-degree temperature standard and questions if this will be re-examined.
355	Ward	Suggest that the temperature issue be discussed with Department of Environmental Quality.
385	Richard Angstrom	Chair and Managing Director, Healthy Streams Partnership, (HSP). Explains the role of the HSP relative to the Oregon Plan.

**TAPE 7, A**

040	Angstrom	Defines the term 404 assumption and explains the purpose.
102	Angstrom	Discusses the monitoring component of salmon recovery.
156	Onno Husing	Director, Oregon Coastal Zone Management Association, (OCZMA). Provides a background on the task force.
222	Husing	Submits <b>(EXHIBIT B)</b> .
249	Rep. Lee	Questions if OCZMA has a definition for wild fish.
256	Husing	Responds that according to state and federal definitions, a fish, hatchery or not, spawns in the wild, produces offspring, and if the offspring return to the wild then it is a wild fish.
352	Chair Jenson	Closes the informational meeting and opens a public hearing on HB 2184.

**PUBLIC HEARING – HB 2184**

391	Sandy Thiele-Cirka	Provides overview of HB 2184.
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**TAPE 6, B**

018	Paul Cleary	Director, Water Resources Department, submits <b>(EXHIBIT C)</b> . Provides an overview of what water mitigation is and how the revolving fund would be utilized.
085	Cleary	Continues with testimony.
108	Rep. Lee	Questions if there are proposals like this in other western states.
115	Cleary	Responds there are water banks used as a brokerage.
128	Rep. Kruse	Questions the procedure for allocating water supplies to meet future demands.
136	Cleary	Answers by providing storage.
151	Chair Jenson	Inquires about current population and economic growth conditions.
160	Cleary	Explains, to meet the demands for water there needs to be a way to help people meet mitigation requirements.
167	Rep. Kruse	Questions what is the reference to activities.
171	Tom Byler	Senior Policy Coordinator, Water Resources Department.

190	Rep. Kruse	Answers this refers to the water right application, and the permitting and transfer process.
192	Byler	Questions the types of monitoring. Responds the monitoring is to determine if the mitigation is effective.
207	Rep. Krieger	Questions if Oregon has a long-term plan to identify and develop sites.
219	Blyer	Responds Oregon has basin plans that need to be updated.
238	Rep. King	Questions if brokerage is an intended outcome.
240	Blyer	Responds a brokerage is the transfer of water from user to user, rather than offsetting the impacts of water development.
290	Chair Jenson	Questions what WRD intends to do for funding.
298	Cleary	Responds there is a request for \$1 from the legislature to establish the fund.
340	Christina McNitt	Water Resources Congress. Provides a historical overview and reads from <b>(EXHIBIT D)</b> .
376	Chair Jenson	Closes the public hearing on HB 2184 and opens public hearing on HB 2183.

**PUBLIC HEARING - HB 2183**

400	Byler	Submits <b>(EXHIBIT E)</b> and explains what the bill does.
<b>TAPE 7, B</b>		
034	Byler	Provides a background on the issue. Explains the process to obtain a water right certificate.
087	Rep. Lee	Questions if an emergency clause would helpful for those permits that are pending extension requests.
098	Byler	Responds there would be value in that.
091	Rep. Krieger	Questions what has to be completed to get a certificate finalized by the Water Resources Department.
101	Byler	Responds there is no timeline to return requests and roughly 10,000 water rights request are waiting for certification decisions.
126	Chair Jenson	Closes the public hearing and opens a work session on HB 2183.

**WORK SESSION – HB 2183**

	<b>Rep. Kruse</b>	<b>MOTION: Moves to amend HB 2183 by adding an emergency clause on line 23 page 2.</b>
<b>134</b>	<b>Chair Jenson</b>	<b>Hearing no objections so ordered.</b>
142	Chair Jenson	Closes work session on HB 2183 and adjourns meeting at 2:40 p.m.

Submitted By,

Reviewed By,

Linda K. Gatto,  
Committee Assistant

Sandy Thiele-Cirka,  
Committee Administrator

**EXHIBIT SUMMARY**

**A – Oregon Plan Overview, written materials, Phil Ward, 7 pp.**

- B – CHIP, draft white paper, Onno Husing, 9 pp.**
- C – HB 2184, written testimony, Paul Cleary, 3 pp.**
- D – HB 2184, written testimony, Christina McNitt, 1 p**
- E – HB 2183, written testimony, Tom Byler, 2 pp.**