

# HOUSE COMMITTEE ON STREAM RESTORATION & SPECIES RECOVERY

January 17, 2001  
1:00 P.M.

Hearing Room E  
Tapes 8 - 9

**MEMBERS PRESENT:** Rep. Bob Jenson, Chair  
Rep. Jan Lee, Vice-Chair  
Rep. Randy Leonard Vice-Chair  
Rep. Tim Knopp  
Rep. Jeff Kruse  
Rep. Patti Smith  
Rep. Carolyn Tomei  
Rep. Kelley Wirth

**MEMBER EXCUSED:** Rep. Al King

**MEMBER VISITING:** Rep. Wayne Krieger

**STAFF PRESENT:** Sandy Thiele-Cirka, Committee Administrator  
Shannon Relaford, Committee Assistant

**ISSUES HEARD:** Introduction of Committee Bills  
Oregon Plan Overview:  
League of Oregon Cities  
Willamette Restoration Initiative (WRI)  
Greater Salem Area Watershed Council  
Association of Oregon Counties (AOC)  
Soil & Water Conservation Districts

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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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TAPE/#	Speaker	Comments
<b>TAPE 8, A</b>		
005	Chair Jenson	Calls meeting to order at 1:06 p.m. Opens work session.
<b><u>INTRODUCTION OF COMMITTEE BILLS</u></b>		
	Chair Jenson	Explains how the proposed bill provides an avenue for appeal. <b>(EXHIBIT A).</b>
042	Rep Lee	<b>MOTION: Moves to AMEND LC 64 on page 1, line 8, delete "person" and insert "applicant."</b>
048	Chair Jenson	<b>Hearing no objection declares the motion CARRIED.</b>
053	Rep. Kruse	<b>MOTION: Moves LC 64 as amended BE INTRODUCED as a committee bill.</b>
064		<b>VOTE: 8-0</b> <b>AYE: 8 - Knopp, Kruse, Lee, Leonard, Smith P, Tomei, Wirth, Jenson</b> <b>EXCUSED: 1 - King</b>
074	Chair Jenson	<b>The motion CARRIES.</b>
077	Chair Jenson	Closes work session and opens informational meeting.
<b><u>OREGON PLAN OVERVIEW</u></b>		
080	Willie Tiffany	League of Oregon Cities (LOC). Refers to <b>(EXHIBIT B)</b> ,

		provides overview.
125	Tiffany	Refers to page four of <b>(EXHIBIT B)</b> .
219	Tiffany	Clarifies the term “take”.
224	Rep. Tomei	Questions what is meant by Municipal, Residential, Commercial and Industrial (MRCI) limits.
226	Tiffany	Explains that under the 4(d) ruling, if an entity follows a certain procedure or submits a plan that meets specific standards NMFS applies an exception status. States the limits address municipal and industrial development in urban areas.
284	Chair Jenson	States a limit equals exemption.
286	Rep. Lee	States Clackamas County has filed for such an exemption.
287	Rep. Kruse	States the Oregon Plan is suppose to be inclusive. Expresses concern about NMFS and Metro creating separate deals outside the plan.
292	Tiffany	Explains that all communities have liability under the Endangered Species Act.
321	Rep. Kruse	Comments that the State of Oregon did not clarify that anybody operating in good faith under the Oregon Plan will be under the protection of the state against any federal action.
338	Chair Jenson	States for the record that it will be part of this committee’s agenda to work toward that end.
340	Rep. Tomei	Refers to page five, <b>(EXHIBIT B)</b> and questions how are urban areas without sewers addressed.
343	Tiffany	Responds that municipalities are required to file comprehensive plans to entail these issues.
378	Rep. Tomei	Clarifies the reference is to urban areas not located in cities.
381	Tiffany	Explains that county government serves unincorporated areas.
412	Tiffany	Continues with presentation.
434	Rep. Kruse	Questions how cities comply with the Endangered Species Act (ESA) or the Clean Water Act.
435	Tiffany	Explains for cities that discharge into streams, the regulatory impact of the Clean Water Act is immediate but there is a process to follow. In regard to the ESA, the fear for municipalities is there are many uncertainties.
462	Chair Jenson	Inquires how would LOC assess the Oregon Plan.
465	Tiffany	Responds the Oregon Plan has been successful, through OWEB and other grant sources, with involving private landowners in watershed enhancement issues.
<b>TAPE 9, A</b>		
049	Chair Jenson	Inquires, in relation to regulations, if LOC believes the Oregon Plan has been beneficial.
058	Tiffany	Responds affirmatively but notes that the Oregon Plan does not relieve liabilities under federal law and compliance is foremost. Notes the Oregon Plan would be more effective if coordinated with the regulatory structure.
068	Rep. Krieger	Questions at what point will there be recovery.
076	Tiffany	Responds that in general, municipalities are struggling with these issues one on one with NMFS.
086	Rick Bastasch	Executive Director, Willamette Restoration Initiative (WRI). Submits <b>(EXHIBIT C)</b> and reviews.
164	Bastasch	Refers to the recommended actions on page two, <b>(EXHIBIT C)</b> .
273	Rep. Leonard	Notes that Department of Environmental Quality (DEQ) and the City of Portland are represented on the WRI board of directors and questions if sewage issues are being discussed.

306	Bastasch	Responds the board has been informed of the Combined Sewage Overflow (CSO) requirement and requested to review this issue at the February 21 <sup>st</sup> meeting.
336	Rep. Leonard	Notes that smaller cities have been ordered by DEQ to reduce their sewage output by as much as 99.6%, however, the City of Portland has to reduce by only 85%.
364	Rep. Kruse	Questions if there are further details on the strategies.
367	Bastasch	Responds yes there will be.
383	Rep. Kreger	Questions what in ODFW's wild fish policy would allow achievement of item III on page two, <b>(EXHIBIT C)</b> .
407	Bastasch	Responds the proposal is that the policies be peer reviewed and founded on the best available science.
426	Lisa Hemaseth	Watershed Council Coordinator, Greater Salem Area Watershed Council. Reviews the four essential elements of the Oregon Plan and states that watershed councils play a major role in community based actions.
071	Council Members	Wendy Krueger, Pringle Creek Watershed Council; Liz Frances, professional landscape designer; Mark Whiprect, Friends of Mill Creek; Jim Castle, Glen Gibson Creek Watershed Council; provide insight on the reasons why they are personally involved in watershed councils.
170	Rep. Krieger	Comments in support of watershed council members.
177	Rep. Smith	Comments in support of watershed council members.
182	Patricia Gainsforth	Past President, Oregon Association of Conservation Districts, (OACD). Provides historical background of Soil and Water Conservation Districts.
281	Mike Barlow	Past President, OACD. Relates concerns relating to the Oregon Plan.
348	Johnny Sundstrom	Siuslaw Soil and Water Conservation District, 2 <sup>nd</sup> Vice President. Submits <b>(EXHIBIT D)</b> . Offers suggestions for the Oregon Plan: <ul style="list-style-type: none"> <li>• Technical assistance</li> <li>• Financial management</li> <li>• Outreach and education</li> <li>• Allocation of resources</li> </ul>
<b>TAPE 9, B</b>		
054	Rep. Lee	Refers to SB 443, the institutionalization of the Oregon Plan.
072	Barlow	Relates personal observations.
158	Tim Josi	Tillamook County Commissioner, Association of Oregon Counties (AOC) leadership team member. States that the Soil and Water Conservation Districts play an important role because they have the landowners trust. Submits <b>(EXHIBIT E)</b> and reviews.
250	Josi	Discusses the AOC contributions to the Oregon Plan.
287	Josi	Concludes testimony with requests from the 36 counties: <ul style="list-style-type: none"> <li>• Enhance county participation;</li> <li>• Move decision making to the local level;</li> </ul>

