

# HOUSE COMMITTEE ON STREAM RESTORATION & SPECIES RECOVERY

January 22, 2001  
1:00 P.M.

Hearing Room E  
Tapes 14 - 15

**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. Al King  
Rep. Carolyn Tomei  
Rep. Kelley Wirth

**STAFF PRESENT:** Sandy Thiele-Cirka, Administrator  
Linda K. Gatto, Administrative Support

**MEASURES/ISSUES HEARD:**  
Informational Meeting  
Oregon Environmental Council  
Oregon Cattlemen's Association  
WaterWatch  
Public Hearing  
HB 2163  
HB 2236

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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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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 14, A</b>		
007	Chair Jenson	Calls the meeting to order at 1:00 p.m. and opens as a subcommittee.
<b><u>INFORMATIONAL MEETING</u></b>		
015	Matt Blevins	Legislative Affairs Director, Oregon Environmental Council (OEC). Provides an overview of the OEC. Submits and reads <b>(EXHIBIT A)</b> .
036	Chair Jenson	Closes subcommittee and opens full committee.
040	Blevins	Continues testimony.
075	Rep. Kruse	Questions flood plain definition.
079	Blevins	Defines flood plain and explains how testimony relates. Resumes presentation.
098	Chair Jenson	Requests a definition for wild fish.
100	Blevins	Answers that the OEC does not define wild fish.
112	Rep. Kruse	Questions if statistical data is available to prove that the major source of pollution is non-point.
115	Blevins	Responds that he does not have that information, but will provide it to the committee. Continues presentation.
148	Rep. Lee	Questions if there is a range for total maximum daily load (TMDL) levels.

151	Blevins	Answers that he will provide that information for the committee.
154	Rep. Lee	Asks about pollution trading credits.
158	Blevins	Answers that the OEC has looked into this. Notes there are some concerns and that OEC is interested in pursuing it further.
162	Rep. King	Questions if domestic products would be hurt by foreign competition due to pollution fees.
190	Blevins	Answers that the current fee program is not covering the program's expense.
204	Rep. King	Comments that the OEC suggested that polluters pay for pollution, when it would be the consumers paying the fee.
218	Rep. Kruse	Questions the measurement for salmon recovery.
223	Blevins	Responds that OEC does not have a measurement. Conveys OEC's support in working with other groups towards recovery.
260	Rep. Wirth	Discusses the Governor's Task Force on Tax Review. Questions if OEC supports the sunset.
264	Blevins	Answers affirmatively. Contends that there are better ways to spend tax dollars for reducing pollution.
267	Rep. Wirth	Asks Mr. Blevins if he is familiar with reform suggestions.
269	Blevins	Responds somewhat, but he does not have specifics relating to the pollution control tax credit.
273	Chair Jenson	Expresses concern that the plan outlined in Mr. Blevins's testimony is difficult to assess without definition of terms that would assist in developing a full understanding. Suggests that a Superfund designation of the Willamette River in the Portland area is not entirely due to upstream activity, but rather what is occurring at the actual problem site. Asks if there are any new water rights on the Willamette River.
335	Blevins	Answers that he is not aware of any, but WaterWatch may be able to answer later when they testify.
400	Glen Stonebrink	Executive Director, Oregon Cattlemen's Association (OCA). Submits OCA's testimony regarding the Oregon Plan <b>(EXHIBIT B)</b> . Provides history with the Oregon Plan and notes issues of concern.
<b>TAPE 15, A</b>		
007	Stonebrink	Discusses implications of SB 1010 and animal feeding operations (AFO) and confined animal feeding operations (CAFO).
056	Stonebrink	Provides example of rancher who was fined by Environmental Protection Agency without knowing he was in violation of existing law.
112	Rep. King	Asks if there are the same levels of concerns about SB 1010 standards in eastern Oregon as western Oregon.
123	Stonebrink	Answers that concerns are similar throughout the state. Points out differences in temperature standards.
151	Rep. King	Repeats question, if SB 1010 is of equal concern on both sides of the state.
156	Stonebrink	Responds that concerns are just as strong on both sides, even though the specifics details may be different.
183	Rep. Lee	Discusses provisions of SB 1010, expresses concern about making major changes to it. Requests additional SB 1010 clarification.
200	Stonebrink	Clarifies and suggests stakeholder participation in provision implementation and full compliance.
225	Rep. Leonard	Expresses concern about terms and language used relating to

270	Stonebrink	land use. Asks about the positive impacts of property rights. Answers that property rights are very important for the streamside property owners, and notes their level of cooperation. Acknowledges that OCA will support Oregon State University (OSU) scientific research and contends that cattle and salmon can coexist.
349 377	Rep. Leonard Stonebrink	Requests clarification regarding pesticides. Responds that the concern is with water quality. Expresses concern about implementing restrictions on chemical use before knowing the cause of the problem.
414	Rep. Jenson	Expresses displeasure about how AFO/CAFO issues have been handled and maintains that the issue will be revisited later.
<b>TAPE 14, B</b>		
037	Kimberly Priestly	WaterWatch of Oregon. Submits and presents prepared testimony ( <b>EXHIBIT C</b> ).
083	Priestly	Concludes and notes that the Oregon Plan is not being fully implemented.
098 104	Chair Jenson Priestly	Asks, how many teachers do you want to spend to do this? Answers that it is not a matter of teachers or streams. Argues that the state has the laws and personnel to do more.
108	Chair Jenson	Argues that suggestions outlined in the testimony require funding. Questions whether or not the state can afford to implement them.
116	Doug Myers	WaterWatch of Oregon. Suggests that priorities may need to be rearranged to provide funding.
121 138 141	Chair Jenson Rep. Tomei Priestly	Agrees that there is work to be done to arrive at a solution. Questions water measurement. Answers that Department of Water Resources has authority to require the measurement of water use. Suggests that it is a common sense management tool. Notes that the state can improve how much water people are using under their current water rights. Argues that it is also an educational tool since users who measure water will be more aware of their usage.
156 160 167	Rep. Tomei Priestly Myers	Questions the reasons for opposition. Responds that the reluctance is primarily funding. Adds that there is already measurement going on, but it is important for management to know how much water is being used.
176	Rep. Kruse	Asks what the water measurement is used for. Suggests that if state wants to know how much water is being used, they should be responsible for the monitors.
196 215	Rep. Jenson Myers	Comments on the effectiveness of irrigators in his district. Concurs that Oregon farmers are very efficient with their water use.
226	Rep. Kruse	Expresses concerns regarding the lack of evaluating the entire system.
236	Myers	Urges members to read report submitted by WaterWatch to provide a sense of the water issue.
255 261	Rep. Wirth Priestly	Asks what the short and long term benefits of the data. Answers that in the short term benefit is educational and the long term benefit is the information will may result in an improvement in managing the system.
272	Rep. Wirth	Asks if report determines who is using water efficiently and how they accomplished it.

276	Priestly	Responds that it would ensure that users are using an amount of water that is within their right. Notes that this would allow staff greater ability to implement other measures.
289	Rep. Wirth	Asks if there is currently adequate staff to conduct inspections.
291	Priestly	Responds no.
288	Chair Jenson	Closes informational meeting and opens public hearing on HB 2163.

**PUBLIC HEARING - HB 2163**

325	Ted Lorenson	Forest Practices Program Director, Oregon Department of Forestry (DOF). Submits and presents testimony in support of HB 2163 ( <b>EXHIBIT D</b> ).
363	Rep. King	Requests clarification of type 2 and 3 units.
368	Lorenson	Answers that they are designations in terms of types of harvest where specific management practices are prescribed.
381	Rep. King	Requests additional clarification.
401	Lorenson	Answers that it is based on the number of trees retained, size of trees, and how much regeneration already exists.
413	Lorenson	Offers further clarification about specifics of unit types.
426	Rep. Lee	Asks who was on Forest Practices Advisory Committee and if the proposal received consensus.
433	Lorenson	Responds with composition of membership. States that there was strong agreement, but not consensus.

**TAPE 15, B**

025	Ray Wilkeson	Oregon Forest Industries Council (OFIC). Testifies in support of HB 2163. Discusses provisions of the Oregon Plan.
057	Rep. Kruse	Asks if OFIC supports the amendments.
060	Wilkeson	Answers affirmatively.
066	Rep. King	Questions if HB 2163 is a landslide enhancement or landslide prevention measure.
070	Wilkeson	Clarifies that they have discovered that landslides are not necessarily a negative event.
076	Chair Jenson	Closes public hearing on HB 2163. Opens public hearing on HB 2236.

**PUBLIC HEARING - HB 2236**

084	Mike Burton	Assistant Director, Oregon Economic and Community Development Department. Points out that there is an error in the relating clause.
101	Chair Jenson	Confirms that there is an error, which will be corrected before the bill moves on.
114	Burton	Reviews and explains the feasibility study proposal for the Columbia River Estuary. States support for HB 2236 as amended.
145	Keith Leavitt	Port of Portland. Explains that legislation is an outgrowth of the Lower Columbia River estuary program that resulted in a management plan. Points out that recently there has been more activity around the estuaries. Discusses government's role in restoration.
183	Rep. Leonard	Questions the lottery bonds repayment.
188	Burton	Answers that the lottery bonds will be paid by lottery proceeds.
215	Rep. Leonard	Asks if that is money that would also be available for K-12 education.
224	Burton	Responds that governor wants to see programs that will last as long as the bonds and therefore would support projects like

		restoration and infrastructure development.
229	Rep. Leonard	Asks if it would be appropriate to use money for something else such as education or infrastructure.
234	Burton	Answers that lottery proceeds are eligible to be used for economic development and education.
239	Rep. Leonard	Questions what portion of the \$45 million in current statute is dedicated to this project.
243	Burton	Answers that the money is a portion of lottery bonds sold this biennium with a small amount remaining to be sold. The money was allocated to the department for infrastructure investments.
248	Rep. Leonard	Asks how much money is going to the project.
250	Burton	Answers that it is about \$750,000.
252	Rep. Leonard	Clarifies if the legislation refers to the channel-deepening project.
245	Burton	Answers that HB 2236 is essentially an amendment to existing statute.
249	Rep. Leonard	Asks why the state is paying for the project instead of the affected ports along the Columbia River, which includes the Port of Portland.
253	Burton	Answers that in situations such as this, the state generally steps in to provide funding.
258	Rep. Leonard	Questions if the ports would pay for the project if the state does not provide funding.
263	Leavitt	Answers that if the state does not provide funding the project probably would not happen. Further explains the estuary program.
267	Rep. Leonard	Questions estuary creation.
272	Leavitt	Answers that project would provide answers.
286	Rep. Kruse	Asks if the State of Washington has committed any funds.
288	Burton	Answers no.
300	Chair Jenson	Asks if there is any expectation that Washington will be involved.
303	Burton	Answers affirmatively.
308	Chair Jenson	Asks what happens if they are not involved.
310	Burton	Answers that without their support, the program will not move forward.
314	Chair Jenson	Closes public hearing on HB 2236. Adjourns meeting at 2:45 p.m..

Submitted By,

Reviewed By,

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## **EXHIBIT SUMMARY**

- A – Restoring the Willamette River, A Citizens’ Plan, Mike Blevins, 5 pp**
- B – Oregon Cattlemen’s Association, written testimony, Glen Stonebrink, 7 pp**
- C – WaterWatch, written testimony, Kimberly Priestly, 13 pp**
- D – HB 2163, written testimony, Ted Lorenson, 37 pp**