

HOUSE COMMITTEE ON STREAM RESTORATION
& SPECIES RECOVERY

February 12, 2001
1:00 P.M.

Hearing Room E
Tapes 31 - 33

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
 Rep. Kelley Wirth

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

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

MEASURES/ISSUES HEARD:
 Work Session
 Introduction of Committee Bills
 Public Hearing
 HB 2150
 HB 2605
 HB 2675
 Public Hearing and Work Session
 HB 2455
 Informational Meeting
 Diamond Lake Fisheries Overview

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.

TAPE/#	Speaker	Comments
TAPE 31, A		
009	Chair Jenson	Calls the meeting to order at 1:11 p.m. as a subcommittee and opens a work session for the introduction of committee bills.
<u>INTRODUCTION OF COMMITTEE BILLS</u>		
015	Rep. Lee	MOTION: Moves LC 1679 draft dated 02/05/01 BE INTRODUCED as a committee bill (EXHIBIT A).
017	Chair Jenson	Hearing no objection the motion CARRIES.
018	Chair Jenson	Closes introduction of committee bills and opens the public hearing on HB 2150.
<u>HB 2150 – PUBLIC HEARING</u>		
035	Sandy Thiele-Cirka	Administrator. Summarizes HB 2150.
041	Chair Jenson	Closes full committee and opens sub-committee.
042	Stephanie Hallack	Director, Department of Environmental Quality (DEQ). States support for HB 2150.

057	Vice Chair Lee	Closes sub-committee and opens full committee.
059	Paul Slyman	Administrator of DEQ Cleanup Division. Reads prepared testimony (EXHIBIT B) .
111	Rob Douglas	Representing Maritime Fire & Safety Association (MFSA), Columbia River Steamship Operators Association (CRSOA). Submits (EXHIBIT C) . Testifies in support.
124	Liz Wainwright	Executive Director, MFSA. Offers an overview on the history of the MFSA.
198	Rep. Lee	Questions the projected future revenue.
200	Wainwright	Responds \$150,000 a year.
209	Jim Tomely	Executive Director, CRSOA. Testifies that the oil ships pay the fees.
244	Kathryn VanNatta	Governmental Affairs Manager, Northwest Pulp and Paper Association. States there is a concern about the scope and nature of the proposed task force.
274	Rep. Lee	Questions if the association is interested in being represented in a work group.
276	VanNatta	Responds they would like to work with the department.
286	Vice Chair Lee	Closes the public hearing on HB 2150 and opens the public hearing on HB 2605.

HB 2605 PUBLIC HEARING

296	Sandy Thiele-Cirka	Administrator. Summarizes HB 2605.
306	Roy Elicker	Legislative Coordinator Oregon Department of Fish & Wildlife (ODFW). Reads prepared testimony, (EXHIBIT D) .
369	Rep. Kruse	Comments in support of the bill stating the Endangered Species Act (ESA) is duplicative of the federal ESA.
388	Bruce Taylor	Representing Defenders of Wildlife. Testifies that if adding a species to the state ESA is difficult, it may encourage a listing request to the federal ESA.

TAPE 32, A

023	Rep. Tomei	Questions how often a species is declared endangered by the state before being listed by the federal ESA.
025	Martin Nugent	Wildlife Diversity Program Leader and Supervisor responsible for the state ESA within ODFW. Responds the petition processes are independent.
030	Rep. Tomei	Questions if there is an advantage in the state process over the federal process.
045	Nugent	Responds the federal act is more complicated, federally managed, and the fines are significant.
057	Rep. Lee	Question if the state process is faster.
065	Nugent	Responds it is relatively quick.
073	Rep. Kruse	Questions if a state listing prevented a federal listing.
078	Nugent	Responds the federal government at this time has not listed the Washington Ground Squirrel.
087	Chair Jenson	Comments on the Washington Ground Squirrel.
107	Jim Myron	Representing Oregon Trout. Submits (EXHIBIT E) . States the terms adversely affected or aggrieved are not defined. Describes the scenario of Oregon Trout petitioning the state ESA and the resulting consideration by the federal government.
132	Rep. Kruse	Clarifies that without the state listing the federal ESA would not have considered listing the lower Columbia Coho.
143	Myron	Summarizes opposition to the bill.
155	Doug Myers	Representing WaterWatch. Testifies in support and illustrates how the state ESA listing of the Washington Ground Squirrel

191	Rep. Tomei	opened communications.
195	Myers	Questions how the state ESA helped to develop communication.
		Responds that the listing clarified for the developers that agreements are necessary.
210	Rep. Wirth	Requests an example of how a person or group proves being adversely affected or aggrieved.
212	Myers	Responds that Karen Russell could provide more information.
248	Glen Stonebrink	Representing Oregon Cattlemen's Association. Testifies in support of the bill and notes the bill would require the petitioners to substantiate petitions.
301	Rep. Wirth	Inquires if the current requirements are inefficient.
303	Stonebrink	Responds the federal listing is more difficult.
345	Rep. Smith	Asks for clarification on restrictions that develop by a listing.
347	Stonebrink	Notes that many listings are in rural areas where food is produced and the restrictions fall onto the producers.
352	Pete Test	Associate Director of Governmental Affairs for the Oregon Farm Bureau. Testifies in support of the bill noting that this change will require the petitioners to show adverse affects in the beginning of the process.
381	Rep. Wirth	Questions how a private entity shows being adversely affected or aggrieved.
391	Test	Answers that any reason can be used.
412	Rep. Wirth	Questions what is the impact to plants.
418	Test	Responds that endangered plants fall under the Oregon Department of Agriculture (ODA).

TAPE 31, B

019	Chair Jenson	Requests additional information on the specific differences between the state ESA and the federal ESA.
020	Elicker	Responds the information will be provided.
024	Chair Jenson	Closes the public hearing on HB 2605 and opens the public hearing on HB 2455.

PUBLIC HEARING - HB 2455

039	Thiele-Cirka	Summarizes HB 2455.
044	Terry Thompson	Former State Representative. Provides background of fleet development. Explains how this bill will change current law regarding the permit lottery.
069	Kay Brown	ODFW Submits (EXHIBIT F) in support of HB 2455.
094	Onno Husing	Oregon Coastal Zone Management Association, (OCZMA). Testifies in support of HB 2455 noting that there are too many vessels to create a soft landing for the industry.
153	Rep. Tomei	Clarifies that this means there will be fewer boats.
156	Husing	Explains that fishermen may hold a number of limited entry permits. Describes the process as a collateral benefit to the groundfish fisheries which allows the fishermen to offer the entire package and leave the industry with a return on their investment.
176	Thompson	Comments on buy back programs.
202	Chair Jenson	Closes the public hearing and opens the work session on HB 2455.

WORK SESSION – HB 2455

205	Rep. King	MOTION: Moves HB 2455 to the floor with a DO PASS recommendation.
215	Rep. Tomei	States potential conflict of interest.
217		VOTE: 7-0

AYE: 7 - King, Kruse, Lee, Smith P, Tomei, Wirth, Jenson
EXCUSED: 2 - Knopp, Leonard

218 Chair Jenson

The motion CARRIES.

REP. WIRTH will lead discussion on the floor.

INFORMATIONAL MEETING

220 Steve Koch President & General Manager of Diamond Lake Resort. Describes how the Tui Chub, since 1992, have impacted the habitat of Diamond Lake.

305 Chair Jenson Questions if the planting of trout in the past biennium has had an effect on the chub.

310 Koch Responds no.

315 Chair Jenson Questions what needs to be done.

317 Koch Responds that rotenone worked for 40-years.

321 Rep. Kruse Requests an update on the mechanical means used in Diamond Lake.

324 Dave Loomis District Fisheries Biologist for the Umpqua Basin, ODFW. Responds that nets can be beneficial.

377 Rep. Kruse Notes that the nets can get the big chubs and inquires about smaller screens.

412 Loomis Responds there are an estimated 30 million chubs ranging up to ten inches, 90 percent are less than two inches living in weed beds.

415 Rep. King Clarifies that this is an introduced species that is eliminating bio-diversity in the food chain.

TAPE 32, B

008 Koch Responds affirmatively.

019 Rep. King Notes concern about the loss of an affordable recreation opportunity for generations of families.

030 Koch Comments in agreement.

040 Rep. Lee Questions if the use of the chemical will result in the fish being endangered.

046 Loomis Responds the chubb are not native to Diamond Lake.

056 Rep. Kruse Questions what species are native to Diamond Lake.

059 Loomis Responds that when the lake was discovered in the late 1800's it was fishless.

092 Chair Jenson Closes information meeting and opens the public hearing on HB 2675.

PUBLIC HEARING - HB 2675

095 Thiele-Cirka Summarizes HB 2675

118 Elicker Testifies in opposition to HB 2675 and reads prepared testimony **(EXHIBIT G)**.

154 Dave McAllister Habitat Division Director, ODFW. States that ODFW has provided technical support to Oregon Water Resources Department (WRD).

168 Chair Jenson Questions if WRD could have done this if habitat personnel were available.

170 McAllister Responds this is a coordinated effort using the ODFW biologists.

207 Chair Jenson Suggests that if other state agencies had habitat personnel the same goal could be accomplished.

212	Rep. Smith	Refers to the transfer of funds to other state agencies and questions what is legally possible.
225	Elicker	Responds that some funds are from the Fish and Wildlife Service designed to be utilized by other fish and wildlife agencies.
238	Rep. Wirth	Inquires about the history of the division.
240	McAllister	Responds that over time the habitat programs evolved into one area.
254	Rep. Lee	Questions the standards in other western states.
259	Elicker	Responds that the state of Washington has a much larger division.
275	Loomis	Notes that California, Montana, and Nevada come to mind.
288	Bruce Taylor	Representing Defenders of Wildlife. Concurs with previous testimony. States concern about the long-term effectiveness of ODFW if the habitat division is dismantled.
326	Chair Jenson	Comments that habitat is critical to the restoration of species. Notes the concern is if there is a more effective way preserve the habitat.
375	Myron	Submits prepared testimony (EXHIBIT H) and comments on alternatives.
TAPE 33, A		
001	Myers	Testifies in opposition to the proposal as written and provides alternatives.
039	Phil Donovan	Representing the Sportfishing Industry. Testifies that one concern is removing the habitat division from ODFW may hinder consistent decisions from state biologists.
063	Rep. Kruse	Comments on the cross jurisdictions of habitat.
105	Kelly Peterson	Representing the Humane Society of the United States. Testifies in opposition of HB 2675 noting that ODFW is charged with managing all wildlife not just game species.
129	Bob Rindy	Representing the Department of Land Conservation and Development (DLCD). Summarizes prepared testimony, (EXHIBIT I). Notes how the habitat division interacts with other agencies and expresses concern of how the services would be replaced.
226	Chair Jenson	Closes the public hearing on HB 2675, and adjourns the meeting at 3:15 p.m.

Written testimony submitted by Charlie Stone, (**EXHIBIT J**).

Submitted By,

Reviewed By,

Linda K. Gatto,
Committee Assistant

Sandy Thiele-Cirka,
Committee Administrator

EXHIBIT SUMMARY

- A. LC 1679 draft dated 02/05/01, staff, 2 pp.**
- B. HB 2150, prepared testimony, Paul Slyman, 2 pp.**
- C. HB 2150, conceptual amendments, Rob Douglas, 2 pp.**
- D. HB 2605, prepared testimony, Roy Elicker, 1 p**

- E. HB 2605, prepared testimony, Jim Myron, 1 p**
- F. HB 2455, prepared testimony, Kay Brown, 1 p**
- G. HB 2675, prepared testimony, Roy Elicker, 2 pp.**
- H. HB 2675, prepared testimony, Jim Myron, 1 p**
- I. HB 2675, prepared testimony, Bob Rindy, 1 p**
- J. HB 2675, prepared testimony, Charlie Stone, 2 pp.**