

HOUSE COMMITTEE ON STREAM RESTORATION
& SPECIES RECOVERY

March 12, 2001
1:00 P.M.

Hearing Room E
Tapes 57 - 58

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

MEMBER EXCUSED: **Rep. Tim Knopp**

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

MEASURES/ISSUES HEARD:
 Public Hearing
 HB 3124
 Informational Meeting
 Oregon Department of Fish & Wildlife (ODFW)
 Wild Fish Policy Presentation
 Public Hearing
 HB 3097

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 |
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| TAPE 57, A | | |
| 012 | Chair Jenson | Calls the meeting to order at 1:15 p.m. opens an informational meeting. |
| <u>INFORMATIONAL MEETING</u> | | |
| 024 | Ed Bowles | Fish Division Director, Oregon Department of Fish & Wildlife (ODFW). Submits (EXHIBIT A) . |
| 027 | Chair Jenson | Closes the informational meeting and opens the public hearing on HB 3124. |
| <u>PUBLIC HEARING – HB 3124</u> | | |
| 032 | Rep. Richard Devlin | District 24. Reads prepared testimony, (EXHIBIT B) . Presents concerns relating to the current level of contamination. |
| 057 | Rep. Devlin | Discusses the public hearings held during the 1999 session. States there is evidence of public consumption of contaminated fish. |
| 076 | Rep. Tomei | Questions the fiscal impact. |
| 077 | Rep. Devlin | Responds approximately \$300,000. |
| 101 | Rep. Smith | Notes the bill states pollutants and does not specify mercury. |
| 103 | Rep. Devlin | Responds that the reference to mercury is an example |
| 121 | Rep. Smith | Questions if this is a pilot program. |
| 124 | Rep. Devlin | Responds the goal is broader communication to high risk |

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| 131 | Chair Jenson | populations. |
| 139 | Rep. Devlin | Notes that there is no definition of contaminated. |
| 140 | Rep. Wirth | Responds he will provide this information. |
| | | Expresses the need for adequate information to be provided to the public. |
| 174 | Rep. Devlin | Concurs. States the focus is on mercury because one in ten women have elevated levels of mercury. |
| 205 | Chair Jenson | Questions what the governor's motivation was to not provide the funding. |
| 211 | Devlin | Responds that this would be entirely state funded with no federal match. |
| 234 | Thomas Johnson | Assistant Administrator, Environment and Health Systems, Department of Human Services. Summarizes prepared testimony (EXHIBIT C) . |
| 298 | Johnson | Notes opposition to the bill because it is not in the governor's budget. |
| 303 | Chair Jenson | Questions how the contaminants enter into the food chain. |
| 206 | Johnson | Responds that first the contaminants are in the water then deposit in the sediment and transfer to plant life and on to fish. |
| 341 | Johnson | Comments the key is there are contaminants that cause human health effects. |
| 358 | Rep. Tomei | Questions the current public notification process. |
| 360 | Johnson | Responds the advisories are published in the fishing regulations published by ODFW. |
| 381 | Rep. Tomei | Questions if the advisories are available in other languages. |
| 382 | Johnson | Responds the advisories are in Spanish, Russian, and Chinese. |
| 393 | Rep. King | Questions how many of the advisories are the result of naturally occurring mercury. |

TAPE 58, A

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| 006 | Johnson | Responds that information is not available. |
| 014 | Chair Jenson | Closes public hearing on HB 3124 and opens the informational meeting. |

INFORMATIONAL MEETING

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| 018 | Ed Bowles | Reads prepared testimony. (EXHIBIT A) . |
| 130 | Rep. Smith | Asks where the term wild fish comes from. |
| 132 | Bowles | Responds that the wild fish/hatchery fish definitions are from the Oregon Administrative Rules. |
| 163 | Rep. Kruse | Asks when will the new rules will be available. |
| 180 | Bowles | Explains that the process is a collaborative approach between the state, tribal, and federal governments. |
| 241 | Rep. Tomei | Asks who determines where the bar is and how is the determination made. |
| 246 | Bowles | Responds it will be based on the attributes of the fish. |
| 343 | Chair Jenson | Editorializes about who can afford to have the salmon de-listed. Requests additional information on adaptive management. |
| 360 | Bowles | Responds it is the implementation of a program with an established monitoring system that evaluates the effectiveness and then is adapted. |
| 375 | Chair Jenson | Closes the informational meeting and opens the public hearing on HB 3097. |

TAPE 57, B

PUBLIC HEARING – HB 3097

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| 011 | Sandy Thiele-Cirka | Administrator. Summarizes HB 3097. |
| 028 | Glen Stonebrink | Executive Director, Oregon Cattlemen's Association. Submits |

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| | | (EXHIBIT D) . Testifies in support of the bill and explains the intent. |
| 094 | Chair Jenson | Questions if the bill applies to all dams. |
| 099 | Stonebrink | Responds the intent is to prohibit the state from removing dams without legislative approval. |
| 110 | Rep. Lee | Questions if this applies to dams over ten feet high. |
| 113 | Stonebrink | Responds affirmatively, as currently written. |
| 130 | Pete Test | Associate Director of the Oregon Farm Bureau Federation. Testifies in support of bill's concept. |
| 190 | Rep. Leonard | Asks for clarification about the water that is not being used. |
| 198 | Test | Responds that 90% of the water that comes into the state flows to the ocean. Discusses the potential of building storage facilities. |
| 228 | Rep. Kruse | Notes that structures ten feet or above are engineered. |
| 252 | Stonebrink | Clarifies that any reservoir less than ten feet in height is exempt unless it was built illegally. |
| 270 | Jim Welsh | Representing Oregon Family Farm Association. Testifies in support of HB 3097. |
| 309 | Rep. Tomei | Questions why it would be necessary to convene the legislature rather than have the governor make the decision. |
| 317 | Welsh | Responds the consideration would be one person versus ninety, or one branch of government versus another branch of government. |
| 331 | Stonebrink | Responds that in 1999 the discussion of dam removal involved many people. Notes the preference is because the legislature is closer to the people. |
| 345 | Paul Cleary | Director, Water Resources Department (WRD). Submits (EXHIBIT E) and testifies in opposition to HB 3097. Notes the importance of response time and public safety. |
| TAPE 58, B | | |
| 025 | Cleary | Continues discussion regarding concerns and provides examples of artificial obstructions. |
| 065 | Rep. Lee | Comments on irrigation district dams that were voluntarily removed. |
| 076 | Rep. Tomei | Requests clarification on who is consulted for voluntary dam removal. |
| 081 | Rep. Lee | Responds that in the cases referred to the Bureau of Reclamation, the District's Board of Directors, and WRD are involved. |
| 104 | Kimberley Priestly | Representing WaterWatch. Reads prepared testimony (EXHIBIT F) . |
| 154 | Chair Jenson | Questions the availability of technical expertise to the commission. |
| 168 | Priestly | Responds that the Water Resources Commission is charged with water policy and allocation in Oregon. |
| 211 | Chair Jenson | Summarizes the response issue and the intent of the bill. Closes the public hearing on HB 3097 and adjourns the meeting at 2:50 p.m. |

Submitted By,

Reviewed By,

Linda K. Gatto,
Committee Assistant

Sandy Thiele-Cirka,
Committee Administrator

EXHIBIT SUMMARY

- A. Wild Fish Policy, prepared testimony, Ed Bowles, 2 pp.**
- B. HB 3124, prepared testimony, Rep. Richard Devlin, 1 p**
- C. HB 3124, prepared testimony, Thomas Johnson, 2 pp.**
- D. HB 3097, Governor's veto message (SB 987 1999), Glen Stonebrink, 1 p**
- E. HB 3097, prepared testimony, Paul Cleary, 2 pp.**
- F. HB 3097, prepared testimony, Kimberley Priestley, 1 p**