

HOUSE COMMITTEE ON STREAM RESTORATION
& SPECIES RECOVERY

March 14, 2001
1:00 P.M.

Hearing Room E
Tapes 59 - 60

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

MEMBER EXCUSED: **Rep. Patti Smith**

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

MEASURES/ISSUES HEARD:
 PUBLIC HEARING
 HB 3013
 HB 3014
 INFORMATIONAL MEETING
 Oregon Department of Fish and Wildlife
 Endangered Species Act (ESA)
 Oregon/Federal Comparison

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 59, A		
007	Chair Jenson	Calls the meeting to order at 1:10 p.m. and opens a public hearing on HB 3013.
<u>PUBLIC HEARING HB 3013</u>		
017	Rep. Kruse	House District 45. Provides background stating that if hatchery practices are improved the fish population can be restored. Explains that HB 3013 is a referral to the people and HB 3014 is not.
073	Sandy Thiele-Cirka	Administrator, references the fiscal impact statement.
080	Rep. Tomei	Presents questions to Rep. Kruse from a constituent. Rep. Kruse responds.
107	Chair Jenson	Comments on the legislative role in developing public policy.
117	Rep. Wirth	Comments on Section 1, and questions if the wild fish would be fin clipped.
118	Rep. Kruse	Responds that any fish bred in a hatchery would be fin clipped. Clarifies that currently hatchery fish are not allowed to spawn.
142	Ed. Bowles	Director Fish Division, Oregon Department of Fish & Wildlife

		(ODFW). Reads prepared testimony (EXHIBIT A). Reviews the impact of these measures to the department's current Wild Fish Management Policy.
200	Chair Jenson	Clarifies that the testimony is applicable to HB 3014.
229	Dale Blanchard	Citizen. Testifies in opposition to HB 3013 and 3014 (EXHIBIT B).
281	Rep. Wirth	Questions his distinction between wild and hatchery fish.
287	Blanchard	Responds that in his opinion many hatchery fish have spawned naturally it would be difficult to distinguish the difference.
299	Jim Myron	Representing Oregon Trout. Testifies in opposition to HB 3013 and 3014 (EXHIBIT C)
323	Rep. Kruse	Questions if NMFS supported a state policy would Oregon Trout be supportive.
328	Myron	Responds affirmatively.
348	Stephen Kafoury	Representing the American Fisheries Society. Notes neutrality on the bills. Comments that the bill may not represent the stated intentions of Rep. Kruse. Notes that the concept of supplementation may be premature.
378	Rep. Kruse	Comments and discusses the successes of supplementation programs.
398	Kafoury	Comments on the value of experiments. Notes the importance of scientific data. Discusses the impact of the Forest Practices Act.
430	Chair Jenson	Comments and provides an illustration.
448	Kafoury	Reiterates the concept is premature.
455	Rep. Kruse	Responds.
TAPE 60, A		
023	Phil Donovan	Representing Northwest Fishing Industry. Testifies in support of broodstock programs and the importance of conversions (EXHIBIT D). Notes concerns and states opposition.
057	Rep. Kruse	Expresses position on current funding levels. Addresses the strengths of these measures.
074	Donovan	Responds in agreement.
089	John Platt	Special Assistant to the Executive Director, Columbia River Intertribal Fish Commission (EXHIBIT E). Testifies the measures are consistent with the commission's current policy.
140	Platt	Continues presentation. Reviews pending Washington state legislation. Notes concerns with mass markings in selective fisheries.
175	Platt	Continues review of experimentation and the success of supplemented fish populations.
202	Rep. Kruse	Comments that native corn in America is extinct.
209	Platt	Responds that the tribes are interested in diverse stocks of salmon. Notes that the stocks will differ depending on the habitat.
231	Rep. Tomei	Questions if all hatchery fish are reared from wild stock.
238	Platt	Comments that all hatchery fish come from wild stock, not necessarily that river's wild stock. Explains Snake River fall chinook. The tribes support using the nearest available stock.
272	Rep. Lee	Questions if Washington's HB 1286 and SB 5463 have been passed and signed by the governor.
276	Platt	Responds that HB 1286 passed one chamber and SB 5463 has not had hearings.

288 Jim Welsh Representing Oregon Family Farm Association (OFFA). Comments that the OFFA position is that hatchery fish and wild fish stock should be utilized to augment the fish runs. Notes that language in the bill is too restrictive.

322 Chair Jenson Notes the measures are to direct discussions.

337 Glen Stonebrink Representing the Oregon Cattlemen's Association. Comments on the testimony from Ed Bowles. States that the testimony was unclear as to the direction of the fish policy.

364 Stonebrink Proposes that the state should not club salmon. The fish should be available to the anglers. Discusses the recovery industry.

424 Ken Evans Representing Fisheries Restoration & Enhancement Coalition. Discusses concerns with current hatchery practices and their lack in ability to adapt to scientific changes.

TAPE 59, B

013 Evans Discusses support for HB 3013 and 3014. Explains that one of the challenges with hatcheries is how the wild population should be sampled.

050 Evans Discusses current sampling practices.

074 Chair Jenson Closes the public hearing on HB 3013 and opens informational meeting.

INFORMATIONAL MEETING

090 Charlie Bruce Wildlife Diversity Program, ODFW. Provides historical background regarding Oregon's endangered species issue. Begins presentation comparing the Oregon Endangered Species Act and the Federal Endangered Species Act. (ESA) (**EXHIBIT F**).

125 Bruce Explains current process for species listing (**EXHIBIT F**). Continues presentation explaining current definitions.

175 Bruce Continues testimony with review of the implementation process (**EXHIBIT F**).

201 Rep. Tomei Requests clarification on the federal de-listing criteria.

206 Bruce Responds that the federal de-listing criterion is the reversal of the listing criteria. Notes the importance of established conservation programs to adequately protect the habitat of the endangered species.

215 Rep. Tomei Questions if the criterion is well established at the federal level.

218 Martin Nugent Manager, Wildlife Diversity Program, ODFW. Explains the process is not outlined. States that the federal recovery plans contain recovery goals which assist agencies to attain de-listing.

235 Rep. Tomei Questions if the recovery plans are available for endangered species.

239 Nugent Responds that the recovery plans are specific to particular species. Continues that biological and scientific data is used to determine the plans.

250 Rep. Tomei Questions if there are specific goals established for the recovery of the coastal Coho.

253 Nugent Responds that he is not sure if a specific plan has been finalized. However, goals were established in the plan to facilitate the de-listing process.

274 Bruce Resumes presentation. Continues explanation of the implementation process. Reviews the established exceptions.

322 Chair Jenson Comments on the gap between the state ESA and the federal ESA regarding existing exceptions.

331 Bruce Responds with clarification of the relationship between state

		agencies and the federal agencies regarding incidental take and exceptions. Refers to the incidental take permit process for the state ESA.
380	Bruce	Continues review of the five-year review process and international responsibilities. Concludes and summarizes presentation.
392	Chair Jenson	Comments on the current discrepancies between the two types of state leases.
424	Bruce	States that the implementation and management of endangered species in the state is a partnership between all stakeholders. Concludes and summarizes the state ESA creates leverage for additional federal funding to assist with recovery efforts.
448	Chair Jenson	Acknowledges appreciation of the department's presentation.
TAPE 60, B		
020	Nugent	Provides additional information regarding administrative rules that exist which contain criteria for de-listing.
025	Rep. Tomei	Clarifies that is for the state de-listing not the federal de-listing. Comments on the uncertainty of this type of process.
027	Nugent	Responds that when the ESA plans are evaluated the scientific data is evaluated to help determine a quantitative measure.
045	Chair Jenson	Closes informational meeting and opens a public hearing on HB 3014.
<u>PUBLIC HEARING – HB 3014</u>		
050	Chair Jenson	Closes public hearing on HB 3014 and adjourns the meeting at 2:35 p.m.

Submitted By,

Reviewed By,

Linda K. Gatto,
Committee Assistant

Sandy Thiele-Cirka,
Committee Administrator

EXHIBIT SUMMARY

A – HB 3013, ODFW, written testimony, Ed Bowles, 2 pp

B - HB 3013, written testimony, Dale Blanchard, 1 pp

C – HB 3013, Oregon Trout, written testimony, 1pp

D – HB 3013, Northwest Fishing Industry, written testimony, Phil Donovan, 1 pp

E – HB 3013, Columbia River Intertribal Fish Commission, written testimony, John Platt, 6 pp

F – Comparison of the Oregon and Federal Endangered Species Act. written materials, Charlie Bruce, 8 pp