

HOUSE COMMITTEE ON STREAM RESTORATION
& SPECIES RECOVERY

March 19, 2001
1:00 P.M.

Hearing Room E
Tapes 61 - 63

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, Committee Administrator**
 Shannon Relaford, Committee Assistant

MEASURES HEARD:
 HB 3451 – Public Hearing
 HB 2683 – Work Session

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 61, A		
004	Chair Jenson	Calls the meeting to order at 1:10 p.m. and opens the public hearing on HB 3451.
<u>HB 3451 – PUBLIC HEARING</u>		
008	Sandy Thiele-Cirka	Administrator. Summarizes HB 3451.
018	Rep. Elaine Hopson	House District 2. Introduces Tillamook County commissioners. Provides background.
045	Tim Josi	Commissioner, Tillamook County. Introduces the panel members. Submits testimony (EXHIBIT A).
079	Paul Hanneman	Commissioner, Tillamook County. Submits (EXHIBIT B) in support of HB 3451. Notes the need for flexibility in the statewide goal process.
101	Josi	Refers to page 29 of (EXHIBIT A). Comments on the 1996 flood impacts and reviews the programs that have been implemented.
223	Leo Kuntz	Provides a slide presentation. Testifies that the estuary has been immobilized by the current infrastructure.
TAPE 62, A		
010	Kuntz	Describes a gravel removal project.
041	Clarence Boquist	Retired Dairy Farmer, Tillamook County. Describes the impediments that were encountered when an application for a gravel permit was made.
111	Boquist	Describes the cattle loss and states that Goal 16 is too restrictive.
118	Doug Rosenberg	Discusses environmental concerns and flood control projects.

245	Bill McNeil, Ph.D	Retired Fisheries Professor, Oregon State University. Submits (EXHIBIT C) . Discusses the quality of the estuary habitat.
323	Rosenberg	Submits letters in support of the HB 3451, (EXHIBIT D) .
349	Bob McPhelters	Mayor, City of Tillamook. Describes the layout of Tillamook City and post flood clean up efforts.
TAPE 61, B		
065	Josi	Reviews the permitting process for above tide water.
097	Chair Jenson	Questions which agencies the impediments are generated by.
101	Josi	Answers the land use and environmental agencies. Reviews the three planning zones in Goal 16, estuary natural, estuary conservation and estuary development.
199	Josi	Reviews proposed language.
245	Rep. King	Suggests language to focus on problematic flooding.
274	Chair Jenson	Questions who is accountable for the take of Coho that are located in problem estuaries.
280	Josi	Responds that is unknown.
282	Chair Jenson	Questions if the Oregon Department of Fish & Wildlife's habitat division assessed the habitats after the flooding.
288	Josi	Responds affirmatively.
334	Richard Stanfill	Tillamook resident. Comments on what the plight of the smolt would be if a flood happened at this time.
360	Vern Scovell	Nehalem resident. States that Goal 16 needs to be compatible with the new criteria.
393	Shawn Doer	Resident, states he was involved with SB 1010. Notes that Goal 16 blankets the state where SB 1010 has a basin by basin approach.
405	Wendell Hesseltine	Administrator of Tillamook Hospital. Discusses the problem of the streets flooding.
449	Kenneth Jenck	Resident of the Trask River. Comments on the water temperature.
460	Don Oswalt	Department of Land Conservation and Development (DLCD). Presents testimony in opposition to HB 3451 (EXHIBIT E) .
TAPE 62, B		
122	Rep. Leonard	Questions what has been done to develop a plan with Tillamook County that addresses the uniqueness of the situation.
132	Oswalt	Responds that discussions have been about individual permits not land use planning solutions.
148	Rep. Leonard	Notes an adversarial undertone.
158	Oswalt	Responds affirmatively and states that this is the reason for the dispute resolution recommendation.
183	Rep. King	States that DLCD needs to help the county with solving the SB 1010 planning.
202	Bob Rindy	Clarifies that DLCD is prepared to help the county through the exception process.
212	Rep. King	Notes that the salmon issue did not exist at the inception of Goal 16.
223	Rep. Smith	Questions the timeline for the exception process.
229	Oswalt	Responds that it is dependent on the completion of the feasibility study.
232	Josi	States that DLCD should focus on the land use issues. Explains why Goal 16 needs to be amended.
281	Chair Jenson	Closes the public hearing at HB 3451 and opens the work session on HB 2683.

HB 2683 – WORK SESSION

285	Chair Jenson	Responds to Rep. Kruse's question whether the Oregon Watershed Enhancement Board (OWEB) could have provided the funding. Explains that it is not outside the jurisdiction of OWEB but it was not initially part of the governor's budget.
300	Rep. Leonard	Explains how OWEB funds would be appropriate for this use and states he will be a no vote.
	Rep. Kruse	States if the bill is sent to the Ways and Means Subcommittee without recommendation but with a note to look for available means to include as part of OWEB's funding, then he could support HB 2683.
TAPE 63, A		
001	Rep. Lee	Notes concerns with Rep. Kruse's suggestion.
002	Rep. Knopp	MOTION: Moves to ADOPT HB 2683 –3 amendments dated 3/15/01 (EXHIBIT F).
004	Chair Jenson	Hearing no objection so ADOPTED.
006	Rep. Knopp	MOTION: Moves HB 2683 AS AMENDED without recommendation to the committee on WAYS and MEANS.
011	Rep. Kruse	MOTION: Moves to AMEND the MOTION to include that the committee on WAYS and MEANS explore other funding through such things as OWEB.
		VOTE: 2-7
		AYE: 2 – Kruse, Leonard
		NAY: 7 – King, Knopp, Lee, Smith P, Tomei, Wirth,
	Chair Jenson	The motion FAILS.
059	Rep. Knopp	States he will send a personal note.
065	Rep. Lee	States her objection is not to other funds but to OWEB funds.
066		VOTE: 6-3
		AYE: 6 – Knopp, Lee, Smith P, Tomei, Wirth, Jenson
		NAY: 3 - King, Kruse, Leonard
	Chair Jenson	The motion CARRIES.
078	Chair Jenson	Closes work session on HB 2683 and adjourns the meeting at 3:15 p.m.

Submitted By,

Reviewed By,

Shannon Relaford,
Committee Assistant

Sandy Thiele-Cirka,
Committee Administrator

Transcribed By,

Linda K. Gatto,
Committee Assistant

EXHIBIT SUMMARY

- A. HB 3451, writtent testimony, Tim Josi, 22 pp.**
- B. HB 3451, page 207 of Title 19, Paul Hanneman, 1p.**
- C. HB 3451, written testimony, Dr. William McNeil, 18 pp.**
- D. HB 3451, letters of support, Doug Rosenburg, 5 pp.**
- E. HB 3451, written testimony, Don Oswald, 3 pp.**
- F. HB 2683 –3 amendment dated 3/15/01, staff, 2 pp.**