

HOUSE COMMITTEE ON STREAM RESTORATION
& SPECIES RECOVERY

March 21, 2001
1:00 P.M.

Hearing Room E
Tapes 64 - 66

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 HEARD:

HB 3586 – Public Hearing
HB 2341 – Work Session
HB 2788 – Work Session
HB 3341 – Public Hearing
HB 3587 – Public Hearing
HB 3484 – Public Hearing

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 64, A		
005	Vice-Chair Lee	Calls the meeting to order at 1:10 p.m. and opens the public hearing on HB 3586.
<u>PUBLIC HEARING – HB 3586</u>		
012	Frank Taggart	Resident from LaGrande. States that under current law, the Oregon Department of Fish & Wildlife (ODFW) does not honor the veterans' disability classification under the statutory classification of other disabilities. Submits (EXHIBIT A) and states concerns.
025	Vice-Chair Lee	Clarifies the proposal is for no fee on licenses for individuals with disabling injuries of 65% or more.
044	Taggart	Continues testimony regarding current residency requirement for hunting licenses is six months and the residency requirement for veterans is one year.
055	Kay Brown	Fish Division Policy Coordinator, ODFW. Submits (EXHIBIT B) . States that ODFW is not taking a position on HB 3586. Comments that current law allows veterans who are a resident for at least one-year and are 25% disabled to receive a free license. States that HB 3586 would allow veterans with disabilities of 65 % and without residency requirements to obtain

068	Rep. Leonard	a free license. Clarifies there is a six month residency requirement for anybody except disabled veterans.
082	Brown	Responds affirmatively. Notes the residency requirement is relative to hunting and fishing licenses.
084	Rep. Kruse	Explains the two standards between the old and new sections.
113	Duane Bales	Representing the Speakers Office. States that if an individual is 65% disabled or more there is no one-year wait.
154	Bales	Comments that amendments are being drafted to allow veterans' records for documenting disability status.
184	Chair Jenson	Questions if ODFW accepts a Washington doctor's certificate.
186	Brown	Responds she was not aware that doctor statements from out of state were not allowed and she will check further.
188	Rep. Kruse	Notes that the language states the department shall accept the records.
224	Brendan McCarthy	Deputy Legislative Counsel. Responds that ODFW should be accepting proof provided by the US Department of Veterans Affairs.
256	Rep. Kruse	Clarifies there are two classifications of disability, regular disabled and disabled veterans. Discusses the differences.
340	Chair Jenson	Closes the public hearing on HB 3586 and opens a work session on HB 2341. Submitted testimony (EXHIBIT C).

HB 2341 – WORK SESSION

346	Sandy Thiele-Cirka	Administrator. Summarizes HB 2341.
377	Chair Jenson	Clarifies that at this time the appointment does not require Senate confirmation. Proposes that an amendment be drafted to be included in the bill.
382	McCarthy	Responds that it is his understanding that the legislature may require senate confirmation of any officer appointed in the state.
448	Chair Jenson	Closes the work session on HB 2341 and opens the work session on HB 2788.

TAPE 65, A

HB 2788 – WORK SESSION

005	Thiele-Cirka	Summarizes HB 2788 and the –1 amendments dated 2/28/01 (EXHIBIT D).
016	Brad Harper	Representing Water for Life. Testifies from a neutral position and updates the committee on the judicial outcome of the Cyrus's (EXHIBIT E).
051	Keith Cyrus	Provides background and history of the Cyrus family property.
200	Cyrus	Continues testimony and describes recent interactions with the irrigation district.
219	Matt Cyrus	Refers to (EXHIBIT D) and the 1940 agreement. Explains why the definition of piping as maintenance is a concern.
304	M. Cyrus	Proposes eliminating condemnation powers.
316	Rep. Lee	Explains that irrigation districts do not customarily condemn past the point of delivery. States the situation is not what normally happens in a district.
368	K. Cyrus	Clarifies they did not farm the land where the golf course is, there was an interest as it is adjacent to the farm. Explains past litigation cases.
400	M. Cyrus	Reiterates the concern regarding irrigation districts needing or having condemnation powers.

TAPE 64, B

034	Rep. Wirth	Questions if the 1940 agreement provides the district with the
-----	------------	----------------------------------------------------------------

		right to operate and maintain the ditch.
040	M. Cyrus	Responds affirmatively. Refers to (EXHIBIT E) .
074	Ron Nelson	Secretary Manager, Central Oregon Irrigation District. Testifies in support of HB 2788 and the proposed amendment.
125	Rep. Knopp	Questions how this situation could have been avoided.
134	Nelson	Responds it is based on a contract.
140	Rep. Leonard	Asks for additional information on the refusal of delivering water.
159	Nelson	Responds it was the district's interpretation of the law.
179	Kristina McNitt	Representing Oregon Water Resources Congress. Submits testimony dated February 28 th , (EXHIBIT F) and states the situation is a contract dispute that is outside statutory authority.
212	Rep. Leonard	Questions why piping was added to maintenance.
220	McNitt	Responds and explains that current law was established before pipelines were used.
253	Rep. Leonard	Questions if this is to maintain existing piping or install piping.
256	McNitt	Responds to maintain existing piping.
242	Chair Jenson	Clarifies that structural repair would be pipeline repair.
302	Rep. Tomei	States that the –1 amendment implies preserve or improve existing pipes but not lay new pipes.
316	Rep. Wirth	Questions if the district has the authority to install pipes.
318	McNitt	Responds with explanation of current language. Refers to Mr. Ganong's testimony from February 28 th .
350	Rep. Lee	Discusses court certification of federal projects.
409	M. Cyrus	Comments that changing a ditch to a pipe is changing the nature of the use of the easement.

TAPE 65, B

033	Rep. Leonard	Clarifies that the district has been using the ditch under contract as a water delivery system. Questions if the objective of the piping is to conserve water.
039	M. Cyrus	Explains the water recharge issue. Summarizes that owners of property where ditches run through should have some input on the impact to the property.
067	Harrison Conley	Deputy Legislative Counsel. States the language ditches and pipelines were added as clarification for language in the original bill. Comments on the amendment and contract rights.
104	Chair Jenson	Closes the work session on HB 2788 and opens the public hearing on HB 3341.

HB 3341 – PUBLIC HEARING

120	Thiele-Cirka	Summarizes HB 3341.
125	Robin Brown	Wildlife Division, ODFW, agency specialist on marine mammal biology. Paraphrases prepared testimony, (EXHIBIT G) .
174	Rep. Kruse	States that optimum population for a protected species and an endangered species was not considered in the Marine Mammal Protection Act (MMPA).
180	Brown	Responds the state is required to proceed under the MMPA.
317	Brown	Continues testimony and notes that non-lethal methods have not proven successful.
338	Rep. Kruse	Comments on the impact pinnipeds are having on the salmon populations.
346	Brown	Notes that the state of Alaska has been the only state in 28 years to seek the return of management. Due to difficulties of management under the law, Alaska returned it to the federal

380	Glen Stonebrink	government. Representing the Oregon Cattlemen’s Association. Provides background on predation management. Notes this is a request for management in the waters of the state.
TAPE 66, A		
424	Chair Jenson	Closes the public hearing on HB 3341 and opens the public hearing on HB 3587.
<u>HB 3587 – PUBLIC HEARING</u>		
045	Chair Jenson	Closes the public hearing on HB 3587 and opens the public hearing on HB 3484.
<u>HB 3484 – PUBLIC HEARING</u>		
062	Kay Brown	Fish Division Policy Coordinator, ODFW. Paraphrases prepared testimony regarding development of a task force (EXHIBIT H).
079	Phil Donovan	Representing Oregon Guides and Packers. Submits testimony noting concerns with ODFW current revenue and expenditure (EXHIBIT I). Discusses funding sources of ODFW.
155	Chair Jenson	Questions if ODFW should be doing what the task force is being asked to do.
171	Donovan	Responds that the issue is why are 800,000 Oregonians are paying for the management of ODFW.
184	Chair Jenson	Closes the public hearing on HB 3484 and adjourns the meeting at 2:15 p.m.

Submitted By,

Reviewed By,

Linda K. Gatto,
Committee Assistant

Sandy Thiele-Cirka,
Committee Administrator

EXHIBIT SUMMARY

- A. HB 3586, correspondence, Frank Taggart, 2 pp.**
- B. HB 3586, prepared testimony, Kay Brown, 1 p**
- C. HB 3586, prepared testimony, Stephen Donnell, 2 pp.**
- D. HB 2788, -1 draft amendment dated 2/28/01, 2 pp.**
- E. HB 2788, judgement, Brad Harper, 22 pp.**
- F. HB 2788, prepared testimony, Kristina McNitt, 2 pp.**
- G. HB 3341, prepared testimony, Robin Brown, 2 pp.**
- H. HB 3484, prepared testimony, Kay Brown, 1 p**
- I. HB 3484, prepared testimony, Phil Donovan, 2 pp.**