

HOUSE COMMITTEE ON STREAM RESTORATION
& SPECIES RECOVERY

March 05, 2001
1:00 P.M.

Hearing Room E
Tapes 50 - 51

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**
 Linda K. Gatto, Committee Assistant

MEASURES/ISSUES HEARD:
 Informational Meeting
 The Impact of the 4(d) Rules on Oregon Land Use
 Public Hearing and Work Session
 HB 2224
 HB 2862
 Work Session
 HB 2163

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 50, A		
004	Vice-Chair Lee	Calls the meeting to order at 1:01 p.m. as a subcommittee and opens the informational meeting.
<u>INFORMATIONAL MEETING</u>		
008	Harland Levy	Government Affairs, Oregon Association of Realtors. Submits (EXHIBIT A) and reviews the outline.
100	Levy	Continues testimony, refers to page five, article regarding the Clackamas County bridge project.
110	Chair Jenson	Questions the bridge construction time line.
115	Levy	States it was approximately eight to ten months.
125	Chair Jenson	Comments that there is confusion about the authorizations that were issued and the outcomes.
132	Levy	Clarifies that National Marine Fisheries Service (NMFS) gave approval for one type of construction and the county engaged in another.
167	Levy	Continues testimony, explains section seven and nine.
201	Levy	Continues explanation of section 11.
286	Levy	Notes the territory included in the 4(d) rule.
331	Levy	Provides clarification and explanation regarding Evolutionary Significant Units (ESU).

403	Levy	Discusses take and refers to page eight of the citizen's guide.
TAPE 51, A		
008	Levy	Continues presentation, refers to page 14 of the citizen's guide.
072	Levy	Continues overview of the citizen's guide.
121	Levy	Addresses local government liabilities.
154	Rep. Leonard	Comments that unregulated activities have resulted in superfund sites.
211	Rep. Smith	Questions if under the 4(d) rules a county is liable for developing bicycle paths next to riparian zones.
217	Levy	Answers affirmatively.
223	Rep. Smith	Notes an example of a bicycle path that was built within the designated stream buffer zone.
231	Rep. Lee	Notes that if a stream contains endangered species, constructing a bicycle path is illegal.
240	Levy	Explains the permit process and the impact on developers.
257	Rep. Lee	Questions if counties and other local governments provide notice when issuing permits to limit liabilities.
262	Levy	Responds that he does not have that information.
291	Chair Jenson	Convenes as a full committee and opens the public hearing on HB 2224.

HB 2224 – PUBLIC HEARING

302	Sandy Thiele-Cirka	Administrator. Summarizes HB 2224.
310	Roy Elicker	Legislative Coordinator, Oregon Department of Fish & Wildlife (ODFW). Reads prepared testimony in support of HB 2224, (EXHIBIT B) .
324	Chair Jenson	Questions when the law was enacted.
329	Elicker	Responds 1973.
351	Rep. Lee	Questions how many preserves would be developed.
358	Elicker	Responds that currently there are 59 shooting preserves registered in western Oregon but he does not know how many could be added.
378	Chair Jenson	Expresses concern that land may be purchased in eastern Oregon for a game preserve which would take that land out of production.
396	Elicker	Notes that hunting issues have been a concern but he is not aware of agricultural conflicts.
412	Chair Jenson	Notes there seems to be an increase in acreage owned by individuals for private hunting preserves.
465	Chair Jenson	Closes the public hearing on HB 2224 and opens the work session on HB 2224.

TAPE 50, B

HB 2224 – WORK SESSION

037	Rep. Kruse	MOTION: Moves HB 2224 to the floor with a DO PASS recommendation.
		VOTE: 7-0-2
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 2 - Knopp, Tomei
048	Chair Jenson	The motion CARRIES.
		REP. MORGAN will lead discussion on the floor.
074	Chair Jenson	Closes the work session on HB 2224 and opens the public hearing on HB 2862.

HB 2862 – PUBLIC HEARING

077	Thiele-Cirka	Summarizes HB 2862.
085	Terry Thompson	Representing the Fisherman's Market Association and testifies in support of HB 2862.
106	Chair Jenson	Questions how long the buy back program has been discussed.
108	Thompson	Answers that the concept began four years ago as caps on the ground fish started to reduce. Explains the funding.
121	Chair Jenson	Questions if there are other bills that prevent new permits being issued to license new boats.
124	Thompson	Answers affirmatively. Explains that the bill would reduce the number of boats and the permit lottery would not rebuild the fleet numbers.
140	Chair Jenson	Notes that the sponsors of the bill represent the Oregon coast.
147	Thompson	States this bill will affect all commercial fisheries on the coast and notes that that similar bills are proposed in Washington and California.
154	Chair Jenson	Questions the status of those bills.
155	Thompson	Responds that the bills have not moved as far as HB 2862 in Oregon. Comments that Washington's bill is still in draft form and he is unsure of what progress California has made.
157	Chair Jenson	Questions the consequences if Oregon passes HB 2862 and the other states do not pass similar bills.
158	Thompson	Responds that ideally all the money would flow into Oregon.
162	Chair Jenson	Questions if Oregon would be negatively impacted if the other states did not pass similar legislation.
156	Thompson	Notes that the bulk of the ground fish fishery is in Oregon.
165	Elicker	Legislative Coordinator, ODFW. Testifies in support of HB 2862.
192	Chair Jenson	Closes the public hearing on HB 2862 and opens the work session on HB 2862.

HB 2862 – WORK SESSION

194 Rep. Kruse

MOTION: Moves HB 2862 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.

VOTE: 7-0-2

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Knopp, Tomei

The motion CARRIES.

206 Chair Jenson
209 Chair Jenson

Closes the work session on HB 2862 and opens the work session on HB 2163.

HB 2163 – WORK SESSION

211 Thiele-Cirka

Summarizes HB 2163 and the -1 amendments dated 2/16/01 (EXHIBIT C).

245 Rep. Kruse

MOTION: Moves to ADOPT HB 2163-1 amendments dated 2/16/01.

VOTE: 7-0-2

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Knopp, Leonard

The motion CARRIES.

263 Chair Jenson

265 Rep. Kruse

MOTION: Moves HB 2163 to the floor with a DO PASS AS AMENDED recommendation.

270 Rep. Tomei

Asks if an analysis has been completed. Refers to (EXHIBIT D) submitted by Mary Scurlock.

285	Ray Wilkeson	Oregon Forest Industries Council. States that HB 2163 is a recommendation from the Forest Practices Advisory Committee. Clarifies and explains the purpose of the advisory committee.
308	Rep. Lee	Questions if the governor's office was aware of the outcome of the committee.
307	Wilkeson	Responds affirmatively. Notes that the governor participated in the committee process.
320	Chair Jenson	References Mr. Wilkeson's previous testimony that HB 2163 was an illustration of the Oregon Plan at work. Asks for elaboration.
325	Wilkeson	Describes the relationship between HB 2163 and the Oregon Plan.
340	Chair Jenson	Explains that Rep. Morgan had concerns about HB 2163 and small woodland owners. States that she contacted the landowners and they found the legislation acceptable.
		VOTE: 7-0-2
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 2 - Knopp, Leonard
364	Chair Jenson	The motion CARRIES.
		REP. KING will lead discussion on the floor.
376	Chair Jenson	Closes work session on HB 2163 and adjourns the meeting at 2:45 p.m.

Submitted By,

Reviewed By,

Linda K. Gatto,
Committee Assistant

Sandy Thiele-Cirka
Committee Administrator

Transcribed By,

Michael Reiley,
Committee Assistant

EXHIBIT SUMMARY

- A – Overview of the Endangered Species Act and Citizen's Guide, Harlan E. Levy, 38 pp.**
- B – HB 2224, written testimony, Roy Elicker, 1 p.**
- C – HB 2163, -1 amendments, staff, 3 pp.**
- D – HB 2163, written information, Mary Scurlock, 2 pp.**