

HOUSE COMMITTEE ON STREAM RESTORATION
& SPECIES RECOVERY

March 07, 2001
1:00 P.M.

Hearing Room E
Tapes 52 - 54

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 HEARD:

HB 3038 – Public Hearing
HB 2150 – Work Session
HB 2683 – Public Hearing & Work Session
HB 3002 – Public Hearing
HB 3001 – 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 52, A 006	Chair Jenson	Calls the meeting to order at 1:20 p.m. as a subcommittee and opens public hearing on HB 3038.
<u>PUBLIC HEARING – HB 3038</u>		
012	Rep. Wayne Krieger	House District 48. States that the Oregon Department of Fish & Wildlife (ODFW) is currently developing a new wild fish policy. Comments that HB 3038 will help implement this policy and the conservation hatchery program.
036	Rep. Smith	Questions what statutes would be amended.
050	Bill Moshofsky	Representing Save the Salmon Coalition. Submits (EXHIBIT A) and states that current fish policy focuses on watersheds, ignores predation, and is biased toward hatchery fish.
096	Russ Walker	Representing Citizens for a Sound Economy. Comments and discusses that the current wild fish policy is confusing.
116	Glen Stonebrink	Representing Oregon Cattlemen's Association. Comments on the efforts and expense to recover salmon. Offers conceptual amendment.
154	Jim Lannan	Retired Fisheries Professor, Oregon State University (OSU). Offers observations and the following suggestions: <ul style="list-style-type: none">• HB 3001, recommends that native be clarified as fish that are naturally or artificially propagated;

- HB 3002 notes the language is arbitrary.
- HB 3038, states that the bill is amending Chapter 496 which is the wildlife code, however, in Chapter 506 the commercial fisheries code, the commission is already assigned the duty to propagate fish.

219 Rep. Leonard Express concern that HB 3038 does not recognize how hatchery practices impact fish survivability in the wild.

232 Lannan Replies that the differences in the offspring are a result of hatchery practices that are correctable by improving hatchery methodology.

Chair Jenson Closes the public hearing on HB 3038 and opens the work session on HB 2150.

HB 2150 – WORK SESSION

274 Sandy Thiele-Cirka Administrator. Summarizes the –2 amendments (**EXHIBIT B**).

287 Paul Slyman Administrator, Department of Environmental Quality (DEQ) Clean Up Program. Reviews and outlines five changes contained in the –2 amendments.

327 Rob Douglas Representing the Columbia River Steamship Operators Association (CRSO) and Maritime Fire and Safety Association (MFSA). Testifies in support of the –2 amendments.

339 Liz Wainwright Executive Director, MFSA. Testifies in support of the –2 amendments.

400 Rep. Leonard MOTION: Moves the –2 amendments dated 3/7/01 BE ADOPTED.

403 Chair Jenson Hearing no objections the motion CARRIES.

404 Rep. Leonard MOTION: Moves HB 2150 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.

405 VOTE: 7-0-2

AYE: 7 – Wirth, Knopp, Kruse, Smith P., Tomei, Leonard, Jenson

NAY: 0

EXCUSED: 2 – King, Lee

405 Chair Jenson The motion CARRIES.

419 Chair Jenson Closes the work session on HB 2150 and opens the public hearing on HB 2683.

HB 2683 – PUBLIC HEARING

TAPE 53, A

005 Thiele-Cirka Summarizes HB 2683.

019 Doris Penwell Executive Assistant, Economic and Community Development Department. Submits fact sheet and testifies in support of HB 2683, (**EXHIBIT C**).

045 Rep. Leonard Questions the relationship between lottery bonds and the Columbia River channel-deepening project.

049 Penwell Responds that the estuary restoration is important if a channel - deepening project should develop.

062 Rep. Leonard Questions if the lottery bonds will be paid for by lottery proceeds. Conveys concerns about lottery proceeds being used for this purpose.

072 Penwell Responds that those concerns have been discussed. Comments the bill was drafted at the request of the governor’s office.

075 Rep. Leonard Stresses that the Port of Portland should be responsible this project.
100 Chair Jenson Closes the public hearing on HB 2683 and opens the work session on HB 2683.

HB 2683 – WORK SESSION

135 Rep. Kruse States he will be a no vote and comments that the Port of Portland is well funded and is a direct benefactor of this study.
160 Rep. Wirth Questions the scope of the bill.
165 Brendan McCarthy Deputy Legislative Counsel. Responds that the bonding amounts and purposes are open. Refers to subsections three and four.
187 Rep. Wirth Questions if this bill has the potential to fund more than the feasibility study.
191 McCarthy Responds no; the broader scope is bound by language in 1(c).
195 Rep. Lee Discussion between Rep. Lee and Rep. Leonard.
241 Penwell Comments that the entire Columbia system will benefit. Notes that the funding source be considered by the committee on Ways and Means.
275 Rep. Kruse Questions why there is no application for OWEB funds since this is an estuary and salmon recovery project.
281 Penwell Responds the department is seen as a major user of the lottery backed bonds.
289 Rep. Kruse Questions how the bonds are to be paid back.
295 Penwell Answers it would be a grant rather than a loan.
358 Rep. Wirth Inquires if the study is not funded by lottery backed bonds will the study proceed.
361 Rep. Smith Inquires if the Port of Portland has been asked to pay for it.
378 McCarthy Clarifies he would be more comfortable if section three and four specified where the money is going.

TAPE 52, B

005 Members comment on the impact to the ports on the Columbia River.
019 Chair Jenson Announces that HB 2683 will be held over for amendments.
025 Rep. Leonard Explains the channel-deepening project.
041 Rep. Kruse States concern about lottery bonds being the funding sources.
052 Rep. Tomei Refers to section 1(c) and states support if the study is directed to salmon recovery. Notes that the deepening project requires different discussions.
067 Chair Jenson Clarifies that the deepening project requires this study.
074 Penwell Adds that the feasibility study is to determine the need for the estuary.
089 Karen Tarnow Department of Environmental Quality. Reads an excerpt from the federal bill that appropriated funds to the Army Corps of Engineers for restoration programs.
115 Rep. Kruse Questions if the project classifies for Measure 66 dollars.
116 Tarnow Responds that she is not prepared to answer the question.
118 Chair Jenson Closes the work session on HB 2683 and opens the public hearing on HB 3038.

HB 3038 – PUBLIC HEARING

124 Roy Elicker Legislative Coordinator for Oregon Department of Fish & Wildlife (ODFW). Reads prepared testimony, **(EXHIBIT D)**. States that both hatchery and wild fish are native if indigenous to Oregon, making the proposed language redundant.
198 Jim Myron Representing Oregon Trout. Refers to page one, line 29, regarding the definition of native fish.

224	Rep. Tomei	Clarifies that indigenous fish include fish raised in a hatchery from native stock.
234	Rep. Smith	Questions if this means native fish are being clubbed.
235	Myron	Responds affirmatively.
242	Rep. Tomei	Questions the difference between a native and wild fish.
246	Myron	Responds that according to current administrative rule, a wild fish is a naturally spawning fish from a species indigenous to Oregon.
272	Jim Welsh	Representing Oregon Family Farm Association. Testifies in support of HB 3038. States that the fish are genetically the same and should be counted in the total of returning fish.
311	Rep. Tomei	Questions what will be different if the bill passes.
318	Welsh	Responds an improved hatchery process.
400	Chair Jenson	Provides personal testimony.
TAPE 53, B		
006	John Platt	Special Assistant to the Executive Director of the Columbia River Intertribal Fish Commission (CRIFC). States that changing management practices would lessen the difference in habitat environments. Notes that the tribes are interested in artificial propagation as a tool to restore fish to meet Treaty rights.
038	Chris Beasley	Conservation Scientist CRITFC. Comments from a biologist point of view, highlights concerns: <ul style="list-style-type: none"> • Proposes using the term taxonomic species in the definition language: • Proposes including re-introduced fish in the language: • Proposes widening the language to include other fish.
094	Beasley	Comments on the definition of fish in section 7, 11, and 14 in HB 3001.
128	Rep. Tomei	Notes that the language naturally propagated does not specify from a native species.
137	Rep. Leonard	Articulates that the language native fish is not listed in the statutes.
190	Beasley	Explains the HB 3038 is allowing for utilization of artificial propagation.
205	Platt	Discusses legislation in the state of Washington that would require the federal government to justify any order that modifies a hatchery.
240	Stephen Kafoury	Representing the American Fisheries Society. States that the science community is developing definitions. Comments that HB 3003 does not accomplish the intent of the drafters.
250	Chair Jenson	Closes the public hearing on HB 3038 and opens the public hearing on HB 3002.

HB 3002 – PUBLIC HEARING

253	Terry Thompson	Former State Representative. Comments on concerns regarding the definition of recovery.
259	Geoff Huntington	Executive Director, Oregon Watershed Enhancement Board (OWEB). Submits and reviews concerns with defining recovery (EXHIBIT D) .
264	Rep. Wirth	States that a means of monitoring and evaluation are lacking in this bill. Questions how an evaluation on habitat would be done without a monitoring mechanism.
275	Huntington	Responds there is currently a monitoring plan, which is

		administered by an interdisciplinary team lead by the governor's office.
400	Rep. Kruse	Questions what discussions have taken place that determine a baseline for recovery.
TAPE 54, A		
008	Huntington	Responds that the Oregon Plan monitoring team is working toward establishing benchmarks.
039	Rep. Kruse	Comments that if there are groups working to establish benchmarks, the committee needs to hear from them.
044	Huntington	Concurs that baselines and benchmarks are both science and policy.
055	Chair Jenson	Closes the public hearing on HB 3002.
HB 3001 – PUBLIC HEARING		
057	Chair Jenson	Opens public hearing on HB 3001 and closes public hearing on HB 3001. Adjourns the meeting at 3:15 p.m.

Written testimony submitted by Jim Myron, **(EXHIBIT I)**.

Written testimony submitted by Roy Elicker, **(EXHIBIT J)**.

Submitted By,

Reviewed By,

Linda K. Gatto,
Committee Assistant

Sandy Thiele-Cirka,
Committee Administrator

EXHIBIT SUMMARY

- A. HB 3038 (HB 3001 & HB 3002), prepared testimony, Bill Moshofsky, 3 pp.**
- B. HB 2150, -2 amendments dated 3/7/01, Paul Slyman, 7 pp.**
- C. HB 2683, prepared testimony, Doris Penwell, 2 pp.**
- D. HB 3038, prepared testimony, Roy Elicker, 1 p**
- E. HB 3002, prepared testimony, Geoff Huntington, 2 pp.**
- F. HB 3002, prepared testimony, Roy Elicker, 1 p**
- G. HB 3003, prepared testimony, Jim Myron, 1p**
- H. HB 3001, HB 3002, HB 3038, prepared testimony, Jim Lannan, 2 pp.**
- I. HB 3001, written testimony, Jim Myron, 5 p**
- J. HB 3001, written testimony, Roy Elicker, 2 pp.**