

HOUSE COMMITTEE ON STREAM RESTORATION
& SPECIES RECOVERY

April 16, 2001
1:00 P.M.

Hearing Room E
Tapes 92 - 95

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 3579 – Public Hearing
HB 3818 – Public Hearing
HB 3091 – Public Hearing
HB 2605 – 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 92, A		
005	Chair Jenson	Calls the meeting to order at 1:10 p.m., opens the public hearing on HB 3579.
<u>HB 3579 – PUBLIC HEARING</u>		
006	Chair Jenson	Closes the public hearing on HB 3579 and opens the public hearing on HB 3818.
<u>HB 3818 – PUBLIC HEARING</u>		
007	Chair Jenson	Closes the public hearing on HB 3818 and opens the public hearing on HB 3091.
<u>HB 3091 – PUBLIC HEARING</u>		
018	Rep. Randy Leonard	House District 21. Provides a history of the inhabitants in the lower Willamette River. States that upon the arrival of settlers, the Portland Harbor and Ross Island areas became dumping grounds for raw sewage and contaminated waste. Testifies that the issue now is whether toxic contaminated sediments should be placed in the lagoon as fill and clean fill placed on top in order to create a park.
104	Brent Canode	Intern, Rep. Leonard. Submits and reads (EXHIBIT A) in support of HB 3091.
184	Canode	Refers to the map, (EXHIBIT B) .
274	Matt Blevins	Legislative Affairs Director, Oregon Environmental Council (OEC). Submits and reads (EXHIBIT CB) in support of HB

		3091.
291	Dick Springer	Representing Oregon Chapter Sierra club. Submits and reads (EXHIBIT D) in support of HB 3091.
360	Rep. Lee	Refers to the letter from the Environmental Protection Agency, (EPA) (EXHIBIT E) . Questions how long EPA's proposed process take.
373	Springer	Responds in agreement to the need for more public participation.
421	Rep. Lee	Questions Rep. Leonard on the timing of the process.
389	Rep. Leonard	Responds by comparing the outcome to the harbor in Tacoma. Refers to the letter submitted by the Division of State Lands (DSL). (EXHIBIT F) .
TAPE 93, A		
038	Keith Leavitt	Port of Portland. Testifies in opposition to HB 3091.
032	Cheryl Koshuta	Port of Portland Corporate Environmental Manager. Submits (EXHIBIT G) . Outlines the three options available to handle contaminated waste. Explains in detail the schedule for clean up being negotiated with all responsible parties and agencies.
120	Rep. King	Comments on migration of the toxins.
132	Rep. Tomei	Questions Ms. Koshuta's background with similar projects.
140	Koshuta	Responds there have not been a lot of superfund sites that have dealt with extensive sediment contamination.
147	Rep. Leonard	Questions her familiarity with other in-water disposal sites and asks if it is appropriate for the state to have input.
162	Koshuta	Responds it is important to keep all options on the table.
245	Len Bernstein	Representing Ross Island Sand & Gravel Company. States that the fault line is identified as not an active fault according to the US Geological Map (EXHIBIT H) .
264	Rep. Leonard	Clarifies that the map he (Rep. Leonard) references is the State Department of Geology and Mineral Industries (EXHIBIT B) .
270	Jim Rue	Ross Island Sand & Gravel Company. States they oppose Portland Harbor material coming to Ross Island but oppose HB 3091 as currently written.
316	Rue	Discusses definitional issues noted in (EXHIBIT I) .
393	Rep. Leonard	Explains the intent of the -1 amendments dated 4/2/01 (EXHIBIT J) .
436	Rue	Notes the concern is that it is site specific.
411	Rep. Lee	States that subsection 1 in (EXHIBIT J) does not specify unusable sediments.
458	Rue	States the concern is the materials properly coming to Ross Island.
TAPE 92, B		
037	Paul Slyman	Administrator of Department of Environmental Quality, (DEQ) Clean Up Division. Submits (EXHIBIT K) . States that as written HB 3091 limits options and circumvents the existing process. Comments on subsection 1 (EXHIBIT J) .
107	Rep. Lee	Questions if there is a way the bill could be written to meet the needs of everyone.
110	Slyman	Responds DEQ is not supportive of Ross Island being taken away as a potential disposal site.
120	Rep. Tomei	Refers to (EXHIBIT K) and asks for examples of far reaching effects.
130	Slyman	Responds it refers to any type of removal or remedial action.
135	Chair Jenson	Clarifies and discusses the unintended consequences of the original bill not the -1 amendments.

152 Rep. Leonard Comments that the language for the –1 amendments was developed with DEQ and the Ross Island issues were not raised before today’s hearing.

154 Chair Jenson Notes concern that this is not the first time that agencies have not done their homework before the hearing.

180 Travis Williams Willamette Riverkeepers. Reads prepared testimony in support of HB 3091, **(EXHIBIT L)**.

316 Chair Jenson Closes the public hearing on HB 3091 and states that HB 3091 will be scheduled on Friday. Opens the work session on HB 2605.

Written testimony submitted by David Welsh, Northwest Environmental Business Council **(EXHIBIT M)** and by Michael Hammond, Oregon Center for Environmental Health **(EXHIBIT N)**.

HB 2605 – WORK SESSION

365 Rod Harder Executive Director, Oregon Sportsman Defense Fund. Refers to the letter from Department of Justice to ODFW regarding advertising in hunting and angling regulation booklets. **(EXHIBIT O)**. States that the –1 amendments **(EXHIBIT P)** establishes a new subsection 18 in ORS 496.146.

422 Rep. Kruse **MOTION: Moves to ADOPT HB 2605-1 amendments dated 4/12/01.**

430 Chair Jenson **Hearing no objection, declares the motion CARRIED.**

431 Rep. Kruse **MOTION: Moves HB 2605 to the floor with a DO PASS AS AMENDED recommendation.**

471 **VOTE: 7-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 2 - Wirth, Leonard

488 Chair Jenson **The motion CARRIES.**
Rep. King **MOTION: Moves HB 2605 be placed on the CONSENT CALENDAR.**
VOTE: 7-0
Hearing no objection, declares the motion CARRIED.

499 Chair Jenson **Hearing no objection, declares the motion CARRIED.**
(TAPE 93, B – Blank)
TAPE 94, A

029 Chair Jenson Closes the work session on HB 2605 and opens the public hearing on HB 3477.

HB 3477 – PUBLIC HEARING

044 Rep. Leonard House District 21. Explains the intent of HB 3477 and notes that the –1 amendments **(EXHIBIT Q)** clarify that the environmental concerns not override the economic development.

078 Rep. Lee Questions if this statute refers only to the Port of Portland.

080 Rep. Leonard Responds affirmatively.

106 Rep. King Discussion with Rep. Leonard about the intent being a best effort to develop pollution mitigation.

135 Leavitt Explains the structure of the Port of Portland. Refers to **(EXHIBIT G)**. Comments on language and notes concerns with the bill and the –1 amendments.

226 Chair Jenson Questions if the Port is currently required to conduct an Environmental Impact Statement (EIS).

229 Leavitt Responds affirmative. Notes the current EIS is for channel deepening or the expansion of terminal four.

239 Koshuta Describes the activities of the Port of Portland.

339 Koshuta Continues describing activities.

431 Rep. Leonard Refers to **(EXHIBIT G)** noting that minimize is not synonymous

515	Rep. Smith	with minimum. Questions if there is concern about what the administrative rules are relative to the language and are the EIS a consideration.
TAPE 95, A		
040	Leavitt	Responds that since Port of Portland is not a state agency, they would seek guidance from the commission.
058	Roger Martin	Representing Alaska Airlines. Comments on the concern with defining minimize.
140	Martin	Discusses noise pollution and the de-icing process.
169	Chair Jenson	Closes the public hearing on HB 3477 and opens the work session on HB 3637.

HB 3637 – WORK SESSION

185	Sandy Thiele-Cirka	Administrator. Reviews –6 through –9 amendments (EXHIBIT R).
200	Rep. Kruse	Questions if all the amendments are workable.
201	Thiele-Cirka	Explains the status of the amendments.
220	Chair Jenson	Closes the work session on HB 3637 and adjourns the meeting at 3:15.

Submitted By,

Reviewed By,

Linda K. Gatto,
Committee Assistant

Sandy Thiele-Cirka,
Committee Administrator

EXHIBIT SUMMARY

- A. HB 3091, prepared testimony, Brent Canode, 4 pp.**
- B. HB 3091, Map, Rep. Randy Leonard, 1 p**
- C. HB 3091, prepared testimony, Matt Blevins, 2 pp.**
- D. HB 3091, prepared testimony, Richard Springer, 1 p**
- E. HB 3091, Correspondence, Rep. Randy Leonard, 3 pp.**
- F. HB 3091, written testimony, Ann Hanus, 1 p.**
- G. HB 3091/HB 3477, published materials, Keith Leavitt, 19 pp.**
- H. HB 3091, map, Len Bernstein, 4 pp.**
- I. HB 3091, prepared testimony, Jim Rue, 2 pp.**
- J. HB 3091, -1 amendments dated 4/2/01, Rep. Randy Leonard, 1 p**
- K. HB 3091, prepared statement, Paul Slyman, 1 p**
- L. HB 3091, prepared testimony, Travis Williams, 3 pp.**
- M. HB 3091, written testimony, David Welsh, 2 pp.**
- N. HB 3091, written testimony, Michael Hammond, 1 p**
- O. HB 2605, correspondence to Jim Greer, Rod Harder, 1 p**
- P. HB 2605, -1 amendments dated 4/12/01, staff, 4 pp.**
- Q. HB 3477, fact sheet and the -1 amendments dated 4/16/01, Rep. Randy Leonard, 2 pp.**
- R. HB 3637, -6 through -9 amendments dated 4/16/01, staff, 4 pp.**