

**HOUSE COMMITTEE ON STREAM RESTORATION**  
**& SPECIES RECOVERY**

April 18, 2001  
1:00 P.M.

Hearing Room E  
Tapes 96 - 99

**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**

**MEMBER EXCUSED:**      **Rep. Kelley Wirth**

**VISTING MEMBER:**              **Rep. Jackie Dingfelder**

**STAFF PRESENT:**

**Sandy Thiele-Cirka, Committee Administrator**  
**Linda K. Gatto, Committee Assistant**

**MEASURES HEARD:**

**HB 2999 – Public Hearing**  
**HB 3826 – Public Hearing**  
**HB 3854 – Public Hearing**  
**HB 3827 – Public Hearing**  
**HB 3828 – Public Hearing**

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 96, A</b>		
004	Chair Jenson	Calls the meeting to order at 1:05 p.m. and opens the public hearing on HB 2999.
<b><u>HB 2999 – PUBLIC HEARING</u></b>		
005	Chair Jenson	Closes the public hearing on HB 2999 and opens the public hearing on HB 3826.
<b><u>HB 3826 – PUBLIC HEARING</u></b>		
022	Rep. Charlie Ringo	House District 6. Reviews background of HB 3826, 3827 and 3828, the Willamette Restoration Act bills. Comments on the positive and negative impacts of the Willamette River to the region ( <b>EXHIBIT A</b> ).
061	Rep. Ringo	Provides and reviews Willamette Restoration Initiative (WRI) goals and objectives. Reviews components of the three bills and provides testimony in support.
101	Rep. Smith	Questions the intent of the conservation easement language, Section 1.
106	Rep. Ringo	Responds that he believes it refers to the riparian area of the Willamette River.

110	Rep. Smith	Questions intent and clarification of Section 3.
114	Rep. Ringo	Responds that the language is directed to construction sites less than one acre.
120	Rep. Mark Hass	House District 8. Provides personal experience relating to the Willamette River. States the reason he is this building is because of the environmental condition of the Willamette River.
166	Jeff Allen	Executive Director, Oregon Environmental Council (OEC). Submits <b>(EXHIBIT B)</b> . Provides testimony in support of HB 3826, HB 3827, and HB 3828. Reviews the need for cleaner water, more water and improved habitat.
243	Karen Lewotsky, Ph.D., J.D.	Director of Water Programs, OEC. Testifies in support of HB 3826, 3827 and 3828.
247	Rep. Lee	Questions the goal of “ no net increases in impervious surfaces”.
251	Allen	Responds that to the best of his knowledge this language does not exist in statute. Notes that this section may require some refinement.
271	Travis Williams	Executive Director, Willamette Riverkeeper. Provides background of the organization. Testifies in support of HB 3826, 3827 and 3828. Submits <b>(EXHIBIT C)</b> .
396	Rep. Tomei	Questions if there has been any assessment of the current water level of the Willamette and how that will impact the fish.
403	Williams	Responds affirmatively. States that the Army Corps of Engineers have developed a plan on the water release for this season.
436	Rhett Lawrence	Environmental Advocate on Clean Water and Toxics, Oregon State Public Interest Research Group (OSPIRG). Testifies in support of HB 3826, 3827 and 3828 and submits testimony <b>(EXHIBIT D)</b> .
481	Lawrence	Continues testimony.
<b><u>TAPE 97, A</u></b>		
054	Audrey Simmons	Citizen of Oregon. Testifies in support of HB 3826.
085	Rep. Lee	Acknowledges and thanks Ms. Simmons for testimony.
096	Philip Schary	Citizen of Oregon. Testifies in support of HB 3826 and submits <b>(EXHIBIT E)</b> .
111	Ramona Rex	Reads prepared testimony in support of HB 3826, 3827 and 3828 <b>(EXHIBIT F)</b> .
161	Walt Gorman	Washington County. Testifies in support of HB 3826, 3827 and 3828 <b>(EXHIBIT G)</b> .
213	Rep. Lee	Questions if USA has conducted a reclaimed water program has that been implemented.
215	Gorman	Responds affirmatively with test sites. Notes the high cost of implementation.
228	Dennis Cone	Citizen of Oregon. Testifies in support of HB 3826, 3827 and 3828. Submits <b>(EXHIBIT H)</b> .
257	Michael McGuire	Citizen of Oregon. Testifies in support of HB 3826, 3827 and 3828.
318	Rep. Leonard	Acknowledges witnesses testimony.
342	Geoff Huntington	Executive Director, Oregon Watershed Enhancement Board (OWEB) Comments on Section 1 and 6 of HB 3826. Submits <b>(EXHIBIT I)</b> .
382	Rep. Tomei	Questions if amendments to Section 1 and 6 could address concerns.
384	Huntington	Responds affirmatively.
401	Patricia Benner	Citizen of Oregon. Testifies in support of HB 3826, 3827 and 3828 and submits <b>(EXHIBIT J)</b> . Describes the current changes

460	Benner	occurring in the river. Continues testimony.
<b>TAPE 96, B</b>		
010	Benner	Continues testimony reviewing the river's alteration.
071	Michael Wilder	Citizen of Oregon. Testifies in support of HB 3826, 3827 and 3828. Speaks to the tanks located at Minto Brown Island.
131	Sen. Susan Castillo	Senate District 20. Testifies in support on HB 3826, 3827, and 3828.
157	Rep. Jackie Dingfelder	House District 19. Testifies in support of HB 3826, 3827 and 3828. Notes the importance of the hundreds of volunteers working to restore watersheds statewide.
181	Sen. Peter Courtney	Senate District 17. Testifies in support of HB 3826, 3827 and 3828. Provides legislative background on the Willamette River. States that clean water is an important factor to all Oregonians.
245	Sen. Courtney	Continues testimony. Refers to 1991 press conference showing the debris in the river.
300	Sen. Courtney	Continues presentation on status of Oregon's water.
308	Chair Jenson	Acknowledges testimony from Senator Castillo, Senator Courtney and Rep. Dingfelder.
316	Rep. Kruse	Acknowledges testimony.
321	Rep. Leonard	Comments on the recent reactions to the condition of the Willamette River and the dilemma of making tough choices..
357	Chair Jenson	Closes public hearing on HB 3826 and opens public hearing on HB 3854.

(Written testimony submitted by Randy Tucker for HB 3826 (EXHIBIT S)).

**HB 3854 – PUBLIC HEARING**

372	Rep. Jeff Merkley	House District 16. Testifies in support of HB 3854. Provides background on 2-stroke carbureted engines ( <b>EXHIBIT K</b> ).
435	Rep. Merkley	Continues testimony describing 2-stroke engine operations.
480	Rep. Merkley	Continues testimony.
<b>TAPE 97, B</b>		
030	Rep. Merkley	Continues testimony reviewing the pollution generated by a 2-stroke carbureted engine.
139	Rep. Lee	Questions the fiscal impact.
142	Rep. Merkley	Responds that he has not reviewed the fiscal impact statement.
150	Rep. Tomei	Questions the effective date of the rebate program.
154	Rep. Merkley	Responds that the effective date would be the normal timeline after the Governor signs the bill.
160	Rep. Dingfelder	Testifies in support of HB 3854. Reviews and submits written testimony ( <b>EXHIBIT L</b> ).
196	Rep. Smith	Questions the amount of personnel being outlined in the fiscal statement.
202	Rep. Merkley	Responds that the Marine Board does not support the bill and the figures on the fiscal have been submitted by the department.
218	Chair Jenson	Closes public hearing on HB 3854 and open public hearing on HB 3827.

**HB 3827 – PUBLIC HEARING**

230	Tom Byler	Senior Policy Coordinator, Water Resources Department (WRD). Comments and notes concerns with HB 3827. Supports objective of the bill but the current language pose potential impacts to the department ( <b>EXHIBIT M</b> ).
251	Chair Jenson	Questions the impact of water measurement.
255	Byler	Responds that the scope of the language is enormous and the fiscal impact would be considerable.

282	Chair Jenson	Requests an approximate dollar figure.
286	Tom Paul	WRD. Reviews the types of measurement devices and states that the cost may range from \$100 to thousands.
302	Chair Jenson	Comments on the potential economic impact.
318	Rep. Tomei	Questions the ground water use exemptions.
321	Byler	Responds that exemptions do not require applications for water right permits or certificates. Identifies domestic wells, commercial activities of less than 5,000 gallons per day, stock watering and others.
339	Chair Jenson	Notes Dick Springer, Sierra Club supports HB 3826, 3827, and 3828.
353	Karen Russell	Senior Staff Attorney for WaterWatch of Oregon. Testifies in support of HB 3827. Submits <b>(EXHIBIT N)</b> .
414	Russell	Continues testimony.
491	Chair Jenson	Closes public hearing on HB 3827 and opens public hearing on HB 3828.

**HB 3828 – PUBLIC HEARING**  
**Tape 98, A**

042	Ann Jacks	Citizen of Oregon. Testifies in support of HB 3828 <b>(EXHIBIT O)</b> .
102	Jacks	Continues and summarizes testimony.
105	Rep. Smith	Questions if Round-Up is a pesticide or herbicide.
110	Rep. Lee	Comments that herbicides and pesticides are synonymous.
114	Chair Jenson	Closes public hearing on HB 3828 and opens public hearing on HB 3854.

**HB 3854 – PUBLIC HEARING**

123	Nina DeConcini	Manager, Air Quality Public Education, Department of Environmental Quality (DEQ). Provides information relating to DEQ's educational efforts with the Marine Board in the outreach efforts on marine engine pollution <b>(EXHIBIT P)</b> .
160	Rep. Tomei	Questions the status of the survey.
162	DeConcini	Responds that it will be a statewide survey and are anticipating a high degree of response.
168	Rep. Tomei	Questions if the survey will be distributed to boat owners or all residents.
170	DeConcini	Responds that it will go to engine owners.
174	Rep. Lee	Questions if legislation is necessary if the program is voluntary and requests a copy of the New Hampshire's program.
176	DeConcini	Responds affirmatively.
185	Shane Jackson	Member of Skippers for Clean Oregon Waters (SCOW). Testifies in support of HB 3854. Displays a jar of polluted water. Reads and submits written testimony <b>(EXHIBIT Q)</b> .
235	Jackson	Continues and summarizes testimony.
258	Peater Wilcox	SCOW. Testifies in support of HB 3854.
300	Wilcox	Continues testimony.
321	Trey Carskadon	Marketing director for Oregon based boat manufacturers. Testifies in opposition to HB 3854. Submits written testimony <b>(EXHIBIT R)</b> .
380	Carskadon	Continues testimony.
435	Chuck Meeker	Retail owner. Testifies in opposition to HB 3854.
034	Chair Jenson	Closes public hearing on HB 3854 and adjourns the meeting at 3:30 p.m.

Submitted By,

Linda K. Gatto,  
Committee Assistant

Reviewed By,

Sandy Thiele-Cirka,  
Committee Administrator

**EXHIBIT SUMMARY**

- A - HB 3826, Written testimony, Rep. Ringo, 4 pp**
- B – HB 3826, Written testimony, J. Allen, 4 pp**
- C – HB 3826, Written testimony, T. Williams, 28 pp**
- D – HB 3826, Written testimony R. Lawrence, 4 pp**
- E – HB 3826, Written testimony, P. Schary, 1 pp**
- F – HB 3826, Written testimony, R. Rex, 1 pp**
- G – HB 3826, Written testimony, W. Gorman, 1 pp**
- H – HB 3826, Written testimony, D. Cone, 1 pp**
- I – HB 3826, Written testimony, G. Huntington, 1 pp**
- J – HB 3826, Written testimony, P. Benner, 2 pp**
- K – HB 3854, Written testimony, Rep. Merkley, 4 pp**
- L – HB 3854, Written testimony, Rep. Dingfelder, 1 pp**
- M – HB 3827, Written testimony, T. Byler, 3 pp**
- N – HB 3827, Written testimony, K. Russell, 5 pp**
- O – HB 3827, Written testimony, A. Jacks, 8 pp**
- P – HB 3854, Written testimony, N. DeConcini, 1 pp**
- Q – HB 3854, Written testimony, S. Jackson, 8 pp**
- R – HB 3854, Written testimony, T. Carskadon, 8 pp**
- S. – HB 3826, Written testimony, Randy Tucker, 1 p**