

HOUSE COMMITTEE ON STREAM RESTORATION
& SPECIES RECOVERY

April 20, 2001
2:00 P.M.

Hearing Room 343
Tapes 100 - 101

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 3854 - Public Hearing
HB 3451 - Work Session
HB 3016 - Public Hearing
HJM 19 - Work Session
HB 3091 - Work Session
HB 3477 - 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 100, A		
007	Vice-Chair Lee	Calls the meeting to order at 2:12 p.m. and open the public hearing on HB 3854.
<u>HB 3854 – PUBLIC HEARING</u>		
012	Sandy Thiele-Cirka	Administrator. Reviews the status of HB 3854 and refers to the New Hampshire Clean Marine program, (EXHIBIT A) .
020	Rep. Jeff Merkley	HD 16. Announces there is an effort being made to find a workable rebate program. Explains the concept.
064	Paul Donhefner	Director, Oregon State Marine Board. Testifies in support of Rep. Merkley's proposal.
074	Vice-Chair Lee	Questions the work group participants.
075	Rep. Merkley	Identifies the, Steelheaders, Oregon Environmental Council, Skippers for Clean Oregon Waters, and other stakeholders.
090	Chair Jenson	Closes the public hearing on HB 3854 and opens the work session on HB 3451.
<u>HB 3451 – WORK SESSION</u>		
085	Thiele-Cirka	Administrator. Summarizes HB 3451 and the –9 amendments (EXHIBIT B) .
106	Rep. Elaine Hopson	HD 2. Comments on (EXHIBIT B) .
119	Tim Josi	Tillamook County Commissioner. States the purpose of HB 3451 is to provide a long-term solution for Tillamook County.

139	Rep. Wirth	Questions the need for additional study.
150	Josi	Responds the goal exception process provides proof that Goal 16 should be amended.
159	Rep. Hopson	Comments that it adds credibility and the opportunity to move forward.
172	Josi	Notes that HB 3451 bridges the gap between the goal exception process which addresses short term problems and the amendment process that is two or three years ahead.
178	Rep. Wirth	Requests clarification that the goal for the exception process is different from the additional study.
182	Rep. Hopson	Concurs there is nothing binding, the purpose is to begin discussions.
185	Josi	Adds that there is no connection with this bill to a goal exception.
193	Rep. Smith	Asks if the Department of Land Conservation and Development (DLCD) has responded to the time issue.
203	Dick Bennet	Director, (DLCD). States that a letter has been sent to the county board yesterday that responds to questions about the exception process.
237	Rep. Wirth	Questions how the study in HB 3451 differs from what is analyzed during the exception process.
238	Bennett	Responds the exception process will address proposed extraction of aggregate in particular places. The study would address the question at large, as flood mitigation.
288	Rep. Kruse	MOTION: Moves to ADOPT HB 3451 -9 amendments dated 4/10/01.
300	Chair Jenson	Hearing no objection, declares the motion CARRIED.
302	Rep. Kruse	MOTION: Moves HB 3451 to the floor with at DO PASS AS AMENDED recommendation.
		VOTE: 9-0
		AYE: In a roll call vote, all members present vote Aye.
315	Chair Jenson	The motion CARRIES.
323	Rep. Kruse	MOTION: Moves HB 3451 to the Consent Calendar.
329		VOTE: 9-0
		AYE: In a roll call vote, all members present vote Aye.
	Chair Jenson	The motion CARRIES.
340	Chair Jenson	Closes the work session on HB 3451 and opens the public hearing on HB 3016.
<u>HB 3016 – PUBLIC HEARING</u>		
340	Thiele-Cirka	Summarizes HB 3016, submits prepared testimony from Rep. Betsy Close (EXHIBIT C).
353	Rep. Al King	HD 44. Provides historical background and explains the current condition of Diamond Lake and the impact of the tui chub.
TAPE 101, A		
013	Rep. Wirth	Questions if the federal authorities will allow the use rotenone in Diamond Lake.
014	Rep. King	Responds he is optimistic that with the completion of the Environmental Impact Statement (EIS) there will be a positive result.
022	Rep. Wirth	Questions the completion date of the EIS.
023	Rep. King	Responds approximately three years.
038	Rep. Knopp	Questions if there was legislation last session on the tui chub.
040	Rep. King	Responds the appropriations dedicated last session were not

		consumed.
054	Rep. Wirth	Questions if this is accommodated for in the governor's budget.
051	Rep. King	Responds that he believes it is not.
067	Roy Elicker	Legislative Coordinator, Oregon Department of Fish & Wildlife (ODFW). Reads prepared testimony, (EXHIBIT D) .
107	Chair Jenson	Questions if there is any possibility of a trout fishery at Diamond Lake given present management.
113	Dave Loomis	District Fisheries Biologist, Southwest Region, ODFW. Details the number of trout fingerlings stocked and notes that the survival rate with the tui chub has been reduced from 70 percent to less than 1 percent. Summarizes this method is non-productive.
156	Chair Jenson	Clarifies that the option would be to plant only larger fish.
151	Elicker	Testifies that the EIS needs to be completed and opened for public comment. States that ODFW is planning options to the rotenone treatment for a commission meeting next month.
178	Rep. King	Comments on sustainable populations.
196	Rep. Tomei	Questions if there are sport fish that would eat the tui chub.
200	Elicker	Responds affirmatively. Explains there are other species being considered but notes that as long as the tui chub is present in the lake, attaining the large former catch quotas is not possible.
252	Rep. King	States his primary objective is to support the funding to continue the EIS process.
268	Rep. Kruse	Concurs with Rep. King and states the big issue is the United States Forest Service and the lengthy process.
300	Rep. Tomei	Questions if the commission recommended a plan to stock a species that prey on the tui chub.
308	Rep. King	Responds that this lake is unique. Predicts this lake would not become the resort fishery it once was.
310	Rep. Kruse	Notes that the long-term expenditures would not result in the optimum condition being sought. Notes that everything in the lake has been planted.
320	Rep. Wirth	Questions the fiscal impact of the bill.
329	Bennett	Responds \$200,000 has been expended to get approximately 70 to 80 percent of the EIS drafted. It is estimated that another \$50,000 is needed to complete the draft EIS. After the public review, the final statement best estimate is another \$100,000 to \$150,000 range and approximately three years out.
356	Chair Jenson	Closes the public hearing on HB 3016. Directs ODFW to have answers regarding the use of predatory fish and whether the management of a managed stock, restock fishery, or a renewable fishery are options. Opens the work session on HJM 19.

TAPE 100, B

HJM 19 – WORK SESSION

006	Thiele-Cirka	Summarizes HJM 19 and the –2 amendments.
020	Rep. Smith	MOTION: Move HJM 19 – 2 amendments dated 4/16/01 BE ADOPTED.
023	Chair Jenson	Hearing no objection, the motion carries.
024	Thiele-Cirka	Summarizes the –1 dated amendments dated 4/16/01.
040	Rep. Smith	MOTION: Moves HJM 19 –1 amendments dated 4/16/01 BE ADOPTED.
045	Chair Jenson	Hearing no objection, the motion carries.
047	Rep. Smith	MOTION: Moves HJM 19 to the floor with a DO PASS AS AMENDED recommendation.

050 **VOTE: 8-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Knopp
The motion CARRIES.

057 **Chair Jenson**
Rep. Smith **MOTION: Moves HJM 19 be placed on the CONSENT CALENDAR.**

063 **VOTE: 8-0**
EXCUSED: 1 - Knopp
Hearing no objection, declares the motion CARRIED.

066 Chair Jenson Closes the work session on HJM 19 and opens the work session on HB 3091.

068 Rep. Leonard Introduces HB 3091 -3 amendments (**EXHIBIT F**).

HB 3091 – WORK SESSION

085 Paul Slyman Administrator, Department of Environmental Quality (DEQ) Clean-Up Division. States support for the –3 amendments.

095 **Rep. Leonard** **MOTION: Moves HB 3091 –3 amendments dated 4/20/01.**
109 Chair Jenson Asks if Mr. Bergstein has reviewed the –3 amendments.
111 Len Bergstein Representing Ross Island Sand and Gravel. Responds affirmatively. Submits proposed revisions to HB 3091 that are time and site specific, (**EXHIBIT G**).

191 Rep. Leonard Responds that the proposed amendment was submitted in the state of Washington the cost was five million dollars to develop these standards.

218 Bergstein Explains his intentions stating they need to know what Ross Island Sand & Gravel can have and what will be excluded.

232 Jennifer Sutter Ross Island Project Manager, Clean-up Program, Department of Environmental Quality, (DEQ). Discusses evaluation of the criteria.

267 Rep. Lee Questions why the Environmental Quality Commission, (EQC) needs to set up new administrative rules instead of DEQ modifying the standards.

271 Slyman Responds they are advised by legal counsel that when possible to adopt criteria in rules.

284 Rep. Lee Questions if there is objection to the 90-day language.
313 Slyman States the objection is that the clock starts as soon as the draft is submitted.

352 Keith Leavitt Port of Portland. States that the –3 amendments and the proposed language in (**EXHIBIT G**) deleting lines 7 through 11 addresses their concerns.

366 Jeannette Holman Assistant Director, Division of State Lands, (DSL). States DSL has no concerns with the –3 amendments, notes that the Ross Island proposed amendments are directed to DEQ.

400 Chair Jenson After a brief recess, Chair states that HB 3091 will be held until Wednesday. Closes the work session on HB 3091 and opens the work session on HB 3477.

HB 3477 – WORK SESSION

432 Rep. Leonard Discusses the –2 amendments (**EXHIBIT H**).
434 Keith Leavitt Port of Portland. States support of the –2 amendments.

450 **Rep. Leonard** **MOTION: Moves HB 3477 –2 amendments dated 4/20/01.**
455 **Chair Jenson** **Hearing no objection the motion carries.**
461 **Rep. Leonard** **MOTION: Moves HB 3477 to the floor with a DO PASS AS AMENED recommendation.**

463 **VOTE: 7-0**

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

EXCUSED: 2 - Knopp, Kruse

The motion CARRIES.

Rep. Leonard will lead discussion on the floor.

Closes the work session on HB 3477 and adjourns the meeting
at 3:35 p.m..

Chair Jenson

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Chair Jenson

Submitted By,

Reviewed By,

Linda K. Gatto,
Committee Assistant

Sandy Thiele-Cirka,
Committee Administrator

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EXHIBIT SUMMARY

A. HB 3854, New Hampshire Clean Marine Engine Initiative, Nina Deconcini, 20 pp.

B. HB 3451, -9 amendments dated 4/10/91, staff, 1 p

C. HB 3016, prepared testimony, Rep. Betsy Close, 1 p

D. HB 3016, prepared testimony, Roy Elicker, 5 pp.

E. HJM 19, -1 and -2 amendments dated 4/16/01, staff, 2 pp.

F. HB 3091, -3 amendments dated 4/20/01, Rep. Randy Leonard, 1 p

G. HB 3091, proposed revisions, Ross Island Sand & Gravel, 1 p

H. HB 3477, fact sheet and -2 amendment dated 4/20/01, Rep. Randy Leonard, 2 p