

HOUSE COMMITTEE ON STREAM RESTORATION
& SPECIES RECOVERY

April 25, 2001
1:00 P.M.

Hearing Room E
Tapes 104 - 106

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
Kate Campeau, Committee Assistant

MEASURES HEARD:

HB 3490 – Public Hearing & Work Session
HB 3091 – Work Session
HB 2540 – Work Session
HB 3637 – Work Session
HB 3522 - 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 104, A 007	Vice-Chair Lee	Calls the meeting to order at 1:23 p.m. and opens the public hearing on HB 3490.
<u>HB 3490 – PUBLIC HEARING</u>		
010	Sandy Thiele-Cirka	Administrator. Summarizes HB 3490.
020	Dick Pedersen	Manager, Water Quality, Department of Environmental Quality (DEQ). Summarizes prepared testimony, (EXHIBIT A) .
030	Pete Test	Associate Director of Governmental Affairs, Oregon Farm Bureau. Testifies on HB 3490 and submits written testimony (EXHIBIT B) . Requests that the bill be referred to the committee on Ways and Means to explore funding.
100	Chair Jensen	Questions if the Oregon Watershed Enhancement Board, (OWEB) is a possible funding source.
120	Test	Responds that there have been discussions with the Chair of the committee on House Ways and Means regarding funding, and the possibility of OWEB providing supplemental funding.
150	Kathryn Van Natta	Northwest Pulp and Paper Association. Testifies in support of HB 3490.
180	Chair Jensen	Questions why funding was not included in the Governor's Budget.
200	Pedersen	Responds that after reviewing department priorities it was not

210 Chair Jensen advanced in the Governor's budget.
Comments that the results of the study are revealing and wonders why that information is not considered in the evaluation of other species.

220 Chair Jensen Closes the public hearing on HB 3490 and opens the work session on HB 3490.

HB 3490 – WORK SESSION

230 Rep. Kruse **MOTION: Moves HB 3490 to the to the floor with at DO PASS recommendation and BE REFERRED to the committee on Ways and Means.**
Notes conflict with funding.

240 Rep. Tomei Questions the fiscal impact.

244 Rep. Wirth Responds approximately \$400,000.

250 Chair Jensen Responds to Rep. Tomei's statement and notes that this is not necessary to trade fish for kids.

261 Rep. Kruse Comments in support of the study.

268 Rep. King Concurs with Rep. King that this study is very necessary and should be in Governor's budget.

270 Rep. Jensen

300 **VOTE: 8-1**
AYE: 8 - King, Knopp, Kruse, Lee, Leonard, Smith P, Wirth, Jensen
NAY: 1 – Tomei
The motion CARRIES.

Chair Jenson

320 Chair Jensen Closes the work session on HB 3490 and opens work session on HB 3091.

HB 3091 – WORK SESSION

330 Thiele-Cirka Summarizes HB 3091. Explains the –3 amendments dated 4/20/01 (**EXHIBIT C**).

340 Rep. Leonard **MOTION: Moves to ADOPT HB 3091 –3 amendments dated 4/20/01.**

347 Rep. Kruse Requests clarification that the language “the environmental quality commission may adopt administrative rules that specify the criteria used for approval of any disposed” is direct reference to Ross Island and not a general reference.

349 Chair Jensen States this is the legislative intent.

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

359 Rep. Leonard **MOTION: Moves HB 3091 to the floor with a DO PASS AS AMENDED recommendation.**

360 Len Bergstein Representing Northwest Strategies, Inc. Submits written testimony (**EXHIBIT D**). States that the –3 amendments conflict with the Oregon Division of State Lands (DSL) current permit language. States the standards are so restrictive that they can not attain their reclamation requirements.

400 Jim Rue Director, Environmental Affairs, Ross Island. Notes the process they are asking for is protective of human health and environment but also allows completion of reclamation requirements.

Tape 105, A
045 Chair Jensen **States that after the deletion of section one, the –3 amendments, and the consultation with DEQ, DSL, and**

Legislative Counsel, we don't feel we are imposing that strict a condition on Ross Island. States for the record that "the legislative intent is that Ross Island has the right to make their case to the Environmental Quality Commission (EQC) regarding the standards that do not exceed the protection of human health and the environment. The fact that the standards they are operating under at the present time, may if they can make their case to DEQ, and it is my understanding that they will probably be in a good position to do that, it will in fact allow them some leeway as to what the standards might be."

055 Rep. Kruse Questions what is the advantage of a requirement of the EQC.
060 Bergstein Responds that with the permissive language they are susceptible to somebody's list of priorities. Discusses removal of the materials.

080 Chair Jensen States the DEQ has the expertise and the committee does not feel it has the expertise. "We leave it to the department with the, I hope, clear understanding that our intention is that you be able to negotiate with them as far as what those standards are at any time you wish to negotiate with them."

100 Rep. Leonard Concurs with Chair Jensen's statement and comments that he believes the bill allows that latitude.

130 Bergstein States for the record "there is no active fault line running through Ross Island."

150 Rep. Leonard Clarifies his use of the term active.
155 Chair Jensen Compliments Mr. Bergstein on the hard work he has done on this bill.

VOTE: 8-0
AYE: In a roll call vote, all members present vote AYE.
225 **Chair Jenson**
The motion CARRIES.
REP. LEONARD will lead discussion on the floor.
Chair Jenson Closes the work session on HB 3091 and opens a work session on HB 2540.

HB 2540 – WORK SESSION

250 Thiele-Cirka Summarizes HB 2540 and the –3 amendments, **(EXHIBIT E)**.
269 Steve Sanders Assistant Attorney General, Department of Justice (DOJ). States consensus agreement regarding the deletion of section 11 (b) of section 2 of the –2 amendments. Reads statement of the party's intent to explain the deletion. **(EXHIBIT F)**

303 Roy Elicker Legislative Coordinator, Oregon Department of Fish & Wildlife. States ODFW and the Fish Passage Task Force support the –3 amendments and the statement read into the record. **(EXHIBIT F)**

313 Rep. Lee **MOTION: Moves HB 2540-3 amendments dated 4/24/01.**
VOTE: 8-0-1
EXCUSED: 1 – Knopp
The motion CARRIES.

323 Chair Jenson
Rep. Lee **MOTION: Moves HB 2540 to the floor with a DO PASS AS AMENDED recommendation.**

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

350 Rep. Kruse
364 Chair Jenson

REP. LEE will lead discussion on the floor.
States the legislative intent is for reasonableness.
Closes the work session on HB 2540 and re-opens the work session on HB 3637.

HB 3637 – WORK SESSION
373 Chair Jenson

States there is additional work to be done. Closes the work session on HB 3637 and opens the public hearing on HB 3522.

HB 3522 – PUBLIC HEARING
388 Thiele-Cirka

Summarizes HB 3522 and the –1 and –2 amendments.

425 Pete Test

(EXHIBIT G)
Associate Director for Government Affairs, Oregon Farm Bureau. Submits **(EXHIBIT H)**. Testifies in support of HB 3522.

Tape 104, B
028 Steve Hammond

Ranch Owner in southeast Oregon. Reads prepared testimony **(EXHIBIT I)**.

146 Rep. Tomei
150 Test

Questions if he participated in drafting the bill.
Responds affirmatively but notes this is Steve's bill. Provides examples of how the wildlife impacts the ranches.

217 Test
300 Rep. Wayne Krieger

Reviews the recommendations on page ten of **(EXHIBIT I)**.
House District 48. Submits **(EXHIBIT J)**. Discusses the damage done by bears to tree farms, relates personal experience.

404 Rep. Smith
485 Rep. Wirth

Relates personal experience.
Questions if there are benefits to private landowners having wildlife on their property for hunting purposes.

490 Rep. Krieger

Responds with reasons why people own forest lands.

Tape 105, B
068 Tom Ursry

Oregon Family Farm Association. Representing six ranchers having problems with predators. Details the damage, states the animals live on state lands and are coming onto the ranches land.

099 Rep. Wirth

Questions if the state currently provides any compensation for loss of livestock or crop for any reason.

101 Ursry
127 Rep. Smith

Answers no.
Questions if there has been an increase since Measure 18.

128 Ursry
135 Bill McCormick

Responds affirmatively.
Rancher, Crook County. Submits **(EXHIBIT K)**. Testifies in support of HB 3522.

195 Rep. Smith
297 McCormick
247 Elicker

Questions if ODFW still provides fencing for haystacks.
Responds and explains the process to attain funding.
Submits **(EXHIBIT L)**. States that a large portion of the department's time is involved in wildlife damage prevention programs. Explains how passage of HB 3522 would affect ODFW. Refers to the 1997 damage survey.

300 Rep. Wirth
307 Elicker
318 Rep. Wirth
332 Elicker

Questions the fiscal impact if HB 3522 were implemented.
Responds the department's budget would increase substantially.
Questions if there is a long-term solution.

360 Rep. Smith

Responds that the compensation issue for incurred losses would be difficult. States the goal of ODFW is in prevention.
Questions the delays associated with the haystack-fencing program.

363 Elicker

Responds that the program is implemented through the Access and Habitat Board, which makes recommendations to the commission.

405 Rep. Tomei

Questions if ODFW is working on ways to eliminate the

407	Elicker	problem.
Tape 106, A		Responds that HB 2049 would establish a joint task force.
045	Katie Cate	Oregon Cattlemen's Association. Reads prepared testimony in support of HB 3522 with the -1 and -2 amendments (EXHIBIT M).
071	Jim Welsh	Oregon Family Farm Association. Submits prepared testimony in support of HB 3522 and the amendments (EXHIBIT N).
096	James Monroe	Ranch owner near Lebanon. Testifies that ODFW released wild turkeys without consulting the landowners causing property damage.
144	Rep. Wirth	Concurs this is a management problem.
168	Rep. Kruse	Closes the public hearing on HB 3522 and adjourns meeting at 3:30 p.m.

Submitted By,

Reviewed By,

Linda K. Gatto,
Committee Assistant

Sandy Thiele-Cirka,
Committee Administrator

EXHIBIT SUMMARY

- A. HB 3490, prepared testimony, DEQ, D. Pederson, 2 pp.
- B. HB 3490, printed materials, Oregon Farm Bureau, P. Test, 22 pp.
- C. HB 3091, -3 amendments dated 4/20/01, staff, 1 p
- D. HB 3091, prepared testimony, Len Bergstein, 4 pp.
- E. HB 2540, statement, Department of Justice, Steve Sanders, 1 p
- F. HB 2540, -3 statements dated 4/24/01, staff, 20 pp.
- G. HB 3522, -1 amendments dated 3/14/01 and -2 amendments dated 4/9/01, staff, 3 p
- H. HB 3522, prepared testimony & printed material, Oregon Farm Bureau, P. Test, 44 pp.
- I. HB 3522, prepared testimony, Steven Hammond, 2 pp.
- J. HB 3522, pictures, Rep. Wayne Krieger, 2 pp.
- K. HB 3522, prepared testimony, William McCormack, 2 pp.
- L. HB 3522, prepared testimony, ODFW, R. Elicker, 1 p
- M. HB 3522, prepared testimony, Katie Cate, 2 pp.
- N. HB 3522, prepared testimony, Jim Welsh, 1 p