

HOUSE COMMITTEE ON STREAM RESTORATION
& SPECIES RECOVERY

April 30, 2001
1:00 P.M.

Hearing Room E
Tapes 110 - 112

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

MEMBER VISITING: Rep. Jackie Dingfelder

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator
Linda K. Gatto, Committee Assistant

MEASURES HEARD:

HB 2675 – Public Hearing
SCR 9 – Public Hearing and Work Session
HB 2184 – Public Hearing
HB 3564 – Public Hearing
HB 3038 – 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 110, A		
003	Chair Jenson	Calls the meeting to order at 1:07 p.m. as a subcommittee and opens the public hearing on HB 2675.
<u>HB 2675 – PUBLIC HEARING</u>		
008	Roy Hemmingway	Salmon and Energy Advisor, Governor's Natural Resource Office. Discusses Oregon Department of Fish & Wildlife (ODFW) habitat responsibilities. Concludes that abolishing the Habitat Division is not the remedy.
066	Chair Jenson	Closes public hearing on HB 2675 and opens public hearing on SCR 9.
<u>SCR 9 – PUBLIC HEARING</u>		
067	Sen. Tony Corcoran	Senate District 22. Explains and testifies in support of SCR 9.
089	Chair Jenson	Closes the public hearing on SCR 9 and opens the work session on SCR 9.
<u>SCR 9 – WORK SESSION</u>		
091	Rep. Leonard	MOTION: Moves SCR 9 be sent to the floor with a BE ADOPTED recommendation. VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - King, Knopp, Kruse

102	Chair Jenson	The motion CARRIES.
108	Chair Jenson	REP. KING will lead discussion on the floor. Closes the work session on SCR 9 and opens the public hearing on HB 2184
<u>HB 2184 – PUBLIC HEARING</u>		
124	Doug Riggs	Representing Central Oregon Cities Association. Submits and summarizes prepared testimony in support of HB 2184 (EXHIBIT A) .
180	Rep. Lee	Questions why the scope of HB 2184 was limited to the Deschutes Basin.
184	Riggs	Responds that there was concern regarding developing mitigation credits available statewide.
198	Martha Pagel	Attorney representing City of Redmond. Submits and summarizes prepared testimony in support of HB 2184 (EXHIBIT B) .
284	Pagel	Concludes testimony.
310	Rep. Leonard	Requests an example of a mitigation project.
311	Pagel	Provides examples of mitigation projects.
325	Rep. Lee	Questions if the mitigation projects parallel the Department of State Land’s wetland mitigation banking process.
327	Pagel	Responds that they are similar. Notes that those who perform the mitigation work can place the projects aside for later accounting.
333	Rep. Wirth	Questions how HB 2184 will interact with federal laws.
340	Pagel	Responds that there is no intersection between state and federal laws on this issue. Notes the bill addresses state water rights law and state scenic waterway law.
346	Rep. Dingfelder	Questions if the program overlaps with the work of Oregon Water Trust.
349	Pagel	Explains which organizations could deal with the mitigation issue.
363	Rep. Dingfelder	Questions if there are non-profit organizations that could assume responsibilities without increasing the burden to the department.
366	Pagel	Responds that the Deschutes Resource Conservancy has undertaken some responsibilities and have received support.
380	Paul Cleary	Director, Water Resource Department (WRD). Submits and reads prepared testimony in support of HB 2184 (EXHIBIT C) .
430	Doug Myers	Representing WaterWatch. Explains potential problems with the amendments.
<u>Tape 111, A</u>		
011	Rep. Tomei	Questions if Mr. Myers has participated in the process.
012	Myers	Responds that Kimberly Priestly from WaterWatch has been the representative.
014	Rep. Dingfelder	Questions if the desire is to confine this to the Deschutes Basin.
015	Myers	Answers affirmatively.
032	Chair Jenson	Questions why the subject is addressed in ORS Chapter 537 and not Chapter 390.
036	Pagel	Clarifies and explains why it is more appropriate in Chapter 537.
056	Cleary	Concurs and offers further explanation.
074	Pagel	Comments that there is more information on the relationship between ground water and surface water.
093	Chair Jenson	Questions what the difference would be if it was limited to just scenic waterways.
101	Cleary	Responds that he does not have that information, but will obtain it.

107	Rep. Kruse	Questions if the relationship between groundwater and surface water in the Deschutes Basin has been defined.
110	Cleary	Responds affirmatively. Explains that the impact becomes evident in the Lower Deschutes River.
122	Rep. Kruse	Questions specifically about point of access.
126	Cleary	Responds that the points of impacts are known.
143	Rep. Lee	Expresses concern that the focus of HB 2184 is too narrow.
154	Chair Jenson	Closes public hearing on HB 2184 and opens a public hearing on HB 3564.

HB 3564 – PUBLIC HEARING

Staff submits –1 and-2 amendments (**EXHIBIT D**).

185	Ray Craig	Assistant State Forester, Oregon Department of Forestry (ODF). Submits and reads prepared testimony in support of HB 3564 (EXHIBIT E).
307	Craig	Continues review of prepared testimony.
342	Rep. Kruse	Expresses concern about moving from a stewardship agreement to a conservation easement. Notes that it may cause a landowner to relinquish control of his land.
348	Craig	Asks for clarification of Rep. Kruse’s objections.
352	Rep. Kruse	Clarifies objections.
359	Craig	Provides additional explanation of provisions in HB 3564.
373	Sara Vickerman	West Coast Director, Defenders of Wildlife. Notes that easements are voluntary. Explains how HB 3564 would be administered.
402	Rep. King	Requests examples of deed restrictions or conservation easements.
410	Vickerman	Responds that conservation easements are often entered into between a landowner and a private land trust often for tax purposes.
425	Rep. King	Asks if there are examples of what the agreements would be.
430	Vickerman	Responds that they are with private land trusts already authorized by state law or federal or state agencies.
435	Rep. King	Questions how loose or restrictive a property owner may be in an agreement.
443	Vickerman	Answers that it is up to the property owner.
Tape 110, B		
007	Rep. Lee	Cites example of farmers who have wetland conservation easements in Polk County and notes their support with the program.
016	Rep. Kruse	Asks if it would be similar to the Conservation Reserve Enhancement Program (CREP) program.
017	Vickerman	Responds affirmatively.
018	Rep. King	Questions the necessity to have Oregon Department of Fish & Wildlife (ODFW) and Oregon Watershed Enhancement Board (OWEB) involved..
028	Vickerman	Responds that they want the perspective and representation of the different landowners.
037	Rep. King	Asks if a landowner were to receive a grant, would he have to get it approved by either ODFW or OWEB or both agencies..
041	Vickerman	Responds that it would be preferable if the agencies coordinated, but notes that it is not specified in HB 3564.
051	Rep. King	Asks if it would be possible for ODFW and OWEB to have different management objectives.
055	Craig	Explains how different agencies’ management goals could co-

071	Rep. Dingfelder	exist. Comments on her experience with residents of the Walla Walla watershed in both Oregon and Washington and how different policies made it easier for Washington residents to get CREP money, but it was more difficult for Oregon residents living in the same watershed.
093	Vickerman	Responds the target for the CREP program is 100,000 acres in Oregon.
112	Craig	Resumes reading prepared testimony.
178	Vickerman	Submits and summarizes endorsement list for HB 3564 (EXHIBIT F) .
208	Rep. P. Smith	Questions the fiscal impact.
212	Vickerman	Explains the fiscal impact of HB 3564.
234	Chair Jenson	Clarifies that the fiscal impact is not a lowering, but rather a maintaining of the impact.
238	Vickerman	Notes that the program recognizes habitat conservation as a legitimate use of land within agriculture and forestry zones.
266	Craig	Concludes and summarizes prepared testimony.
302	Roy Elicker	Legislative Coordinator, ODFW. Submits and summarizes prepared testimony in support of HB 3564 (EXHIBIT G) .
344	Chair Jenson	Asks if the program will not impose an unwieldy workload on ODFW.
350	Elicker	Responds that Director Lindsay Ball is concerned about any program expansion without an approved budget for 2001-2003.
382	Rep. Lee	Questions what it currently takes in staffing to deal with wildlife habitat conservation and management program.
387	Gail McEwen	Special Project Coordinator, Habitat Division, ODFW. Explains that ODFW has not receive additional full time employees with the wildlife habitat conservation and management program.
411	Chair Jenson	Closes the public hearing on HB 3564 and opens a public hearing on HB 3038.

HB 3038 – PUBLIC HEARING

422	Thiele-Cirka	Summarizes HB 3038 and explains –1 and –2 amendments.
Tape 111, B		
470	Wayne Giesey	Philomath. Submits and reads prepared testimony regarding HB 3038 (EXHIBIT H) .
042	Bill Moshofsky	Oregonians in Action, Save the Salmon. Testifies in support of HB 3038. Refers to the -2 amendments.
104	Glen Stonebrink	Oregon Cattlemen’s Association. Testifies in support of HB 3038. Concurs with Mr. Moshofsky that the confusion between wild and hatchery fish needs to be resolved.
116	Pete Test	Oregon Farm Bureau. Testifies in support of HB 3038. Comments on concerns with –2 amendments.
145	Moshofsky	Proposes potential solutions to concerns raised with the –2 amendments. (EXHIBIT I) .
163	Rep. Lee	Questions if –1 amendments are acceptable, but worries that removing the definition of “native” could have major implications for the fish passage bill.
172	Test	Concurs with Rep. Lee. Notes that is why he supports –2 amendments.
181	Rep. King	Comments that the term native is suggesting native to Oregon, but it is not clarified in HB 3038.
213	Jim Myron	Representing Oregon Trout. Testifies in support of the –1 amendments and in opposition to the –2 amendments.

311	Kay Brown	Policy Coordinator, ODFW. Explains how HB 3038 would affect native wildlife and explains provisions of the amendments.
392	Jerod Broadfoot	Assistant to Director, Oregon Sportsman Defense Fund. Explains problems with amendments regarding native and non-native fish and wildlife.
425	Jim Welsh	Representing Oregon Family Farm Association. Submits and reads prepared testimony in support of HB 3038 (EXHIBIT J) .
454	Mike Dewey	Representing Oregon Wheat Growers' League. Testifies in support of HB 3038.
Tape 112, A 037	Roger Martin	Representing Confederated Tribes of the Umatilla Indian Reservation. Submits and summarizes prepared testimony in support of HB 3038 (EXHIBIT K) . Describes cultural significance of salmon to native people. Discusses the Lewis and Clark expedition and their reliance on salmon.
100	Rep. Tomei	Questions if the Umatilla Indian Reservation is impacted by the federal Endangered Species Act.
103	Martin	Answers no. Notes that they are working with other rivers in the Grand Ronde Basin which have remnant runs of salmon.
120	Rep. Tomei	Questions if enhancement means recovery.
121	Martin	Answers affirmatively. Explains that it means taking the eggs from selected native fish and raising them in a hatchery and returning them to the stream as quickly as possible.
127	Rep. Kruse	Questions are the endangered runs never had fish from a hatchery.
130	Martin	Responds no.
144	Stephen Kafoury	Representing American Fishery Society. Submits and summarizes prepared testimony in opposition to HB 3038 (EXHIBIT L) . Discusses the work done by the Independent Interdisciplinary Science Team (IMST).
184	Terry Thompson	Former State Representative District 4. Explains how the term "economics" should be included in the language of HB 3038.
207	Ken Evans	Representing Fisheries Restoration Enhancement Coalition. Testifies in support of HB 3038.
238	Chair Jenson	Closes public hearing on HB 3038.
243	Rep. P. Smith	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. KING to BE RECORDED as voting AYE on the motion that SCR 9 to be sent to the floor with a BE ADOPTED recommendation.
251	Chair Jenson	Adjourns meeting at 3:10 p.m..

Submitted By,

Reviewed By,

Linda K. Gatto,
Committee Assistant

Sandy Thiele-Cirka,
Committee Administrator

Transcribed By,

Michael Reiley,
Committee Assistant

EXHIBIT SUMMARY

- A – HB 2184, written testimony, Doug Riggs, 1 p.**
- B – HB 2184, written testimony, Martha Pagel, 4 pp.**
- C – HB 2184, written testimony, Paul Cleary, 2 pp.**
- D – HB 3564, -1 and -2 amendments, staff, 3 pp.**
- E – HB 3564, written testimony and information, Ray Craig, 12 pp.**
- F – HB 3564, Conservation Incentives Legislation Endorsement List, Sara Vickerman, 1 p.**
- G – HB 3564, written testimony, Roy Elicker, 12 pp.**
- H – HB 3038, written testimony, Wayne Giesy, 1 p.**
- I – HB 3038, written testimony, Bill Moshofsky, 1 p.**
- J – HB 3038, written testimony, Jim Welsh, 1 p.**
- K – HB 3038, Position Paper, Roger Martin, 1 p.**
- L – HB 3038, written information, Stephen Kafoury, 1 p.**