

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

April 4, 2001  
1:00 P.M.

Hearing Room E  
Tapes 79 - 81

**MEMBERS PRESENT:**     **Rep. Bob Jenson, 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 EXCUSED:**     **Rep. Jan Lee, Vice-Chair**

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

**MEASURES HEARD:**  
                                  **HB 3586 – Work Session**  
                                  **HB 3809 – Public Hearing**  
                                  **HB 3808 – 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 79, A</b>		
003	Chair Jenson	Calls the meeting to order at 1:05 p.m. and opens a work session on HB 3586.
<b><u>HB 3586 – WORK SESSION</u></b>		
008	Sandy Thiele-Cirka	Summarizes HB 3586 and the –3 amendments dated 4/3/01, (EXHIBIT A).
028	Rep. Kruse	<b>MOTION: Moves to ADOPT HB 3586 –3 amendments dated 4/3/01.</b>
030	Chair Jenson	<b>Hearing no objection, declares the motion carried.</b>
034	Rep. Kruse	<b>MOTION: Moves HB 3586 to the floor with a DO PASS AS AMENDED recommendation.</b>
047		<b>VOTE: 5-0-4</b> <b>AYE: Kruse, Smith, Tomei, King, Jenson</b> <b>NAY: 0</b> <b>EXCUSED: Wirth, Knopp, Leonard, Lee</b> <b>REP. KRUSE will lead discussion on the floor.</b>
052	Chair Jenson	Closes the work session on HB 3586 and opens a public hearing on HB 3809. Written testimony submitted by Kay Brown, Oregon Department of Fish and Wildlife (EXHIBIT B)
<b><u>HB 3809 – PUBLIC HEARING</u></b>		
066	Rep. Jeff Kropf	District 37. Provides background of HB 3809. Explains purpose of the bill.
150	Rep. Kropf	Questions if it is absolutely necessary to destroy one genetic pool

158	Rep. Knopp	of fish to save another.
190	Chair Jenson	Comments in support of the trust but verify concept. Closes the public hearing on HB 3809 and re-opens the work session on HB 3586.
<b><u>HB 3586 – WORK SESSION</u></b>		
204	Rep. Kruse	<b>MOTION: Request unanimous consent that the rules be SUSPENDED to allow REP. KNOPP, LEONARD and WIRTH to BE RECORDED as voting AYE on HB 3586 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 8 0-1</b>
225	Chair Jenson	Closes the work session on HB 3586 and opens the public hearing on HB 3808.
<b><u>HB 3808 – PUBLIC HEARING</u></b>		
209	Sandy Thiele-Cirka	Administrator. Summarizes HB 3808.
217	Rep. Kropf	Describes a parcel of land that was purchased by the Fish and Wildlife Service from a non-profit land conservation organization who purchased it from the farmer. Explains how migratory waterfowl affects adjacent grass farms. States the bill allows the federal government access to the public process on a case by case basis and that the state will
355	Glen Stonebrink	Representing Oregon Cattlemen’s Association. Submits and testifies in support of HB 3808 ( <b>EXHIBIT C</b> ).
400	Stonebrink	States the attempt is to remove the free pass.
<b>TAPE 80, A</b>		
020	Rep. Smith	Questions if the federal government paid market price for the property and if compensation for losses on the tax role was made..
028	Rep. Kropf	Responds the property was in market range but on the high end and that the federal government paid an amount in lieu of taxes.
058	Rep. Smith	Questions if the federal government paid the ten-years back taxes.
060	Rep. Kropf	Responds, no not to his knowledge.
063	Rep. King	Questions would this bill prohibits the right of an individual to sell to the federal government.
071	Stonebrink	Responds no. Explains the bill removes the exclusive jurisdiction of the federal government to purchase land unless approved by the legislature.
100	Brendan McCarthy	Deputy Legislative Counsel. States he is not aware of other states that have this type of legislation.
115	Chair Jenson	Questions if revenues related to migratory birds would be in jeopardy.
140	Rep. Kropf	Expresses concern about state rights.
180	Lynn Herring	Representing Audubon Society of Portland. Testifies in opposition to section one of HB 3808. Reads prepared testimony, ( <b>EXHIBIT D</b> ).
232	Rep. Tomei	Questions what is the National Environmental Policy Act (NEPA) process.
240	Herring	Defers answer to Roy Elicker.
249	Rep. King	Questions if the bill is limited to geese and swans, or does it also include redwing blackbirds or kingfishers as migratory waterfowl.
255	Herring	Responds that she is not aware of any limitations.
260	Rep. Smith	Refers to ( <b>EXHIBIT D</b> ) and questions how crop damage is

		alleviated.
265	Herring	Responds that she does not have that information.
273	Rep. Smith	Questions what contributing to the economy of the state means.
275	Herring	Answers the interest generated by refuges.
284	Bruce Taylor	Representing Oregon Wetlands Joint Venture. Lists the members of the Joint Venture and states these groups are the proponents of land acquisitions.
363	Rep. Tomei	Questions the acquisition process.
364	Taylor	Responds that a study and evaluation process is required for any federal action that will impact the environment.
399	Roy Elicker	Legislative Coordinator, Oregon Department Fish and Wildlife (ODFW). Explains the NEPA process.
<b>TAPE 79, B</b>		
040	Rep. King	Questions the status of songbirds, redwing blackbirds, and kingfishers.
045	Elicker	Responds that redwing blackbirds are migratory wildfowl.
078	Rep. King	Comments on the language discrepancies.
083	Rep. Tomei	Refers to <b>(EXHIBIT D)</b> and questions if migrating fowl are more attracted to the refuges over adjacent farms.
091	Elicker	Responds affirmatively. Comments that the intent is to keep the birds on the refuge and away from the farms.
160	Rep. Tomei	Questions how refuges contribute to the economy.
165	Elicker	Responds that refuges attract many types of people who come from around the world to see the wildlife refuges.
174	Rep. Kruse	Inquires about what keeps geese in the refuge.
178	Elicker	Responds by growing feed, providing resting areas, and do not allow hunting of any kind.
224	Chair Jenson	Closes the public hearing on HB 3808 and opens the public hearing on HB 3809.

**HB 3809 – PUBLIC HEARING**

275	Ed Bowles	Fish Division, ODFW. Reads prepared testimony <b>(EXHIBIT E)</b> . Notes consequences to the department if the bill is implemented.
400	Rep. King	States concern over language that appears to relate to one fish.
<b>TAPE 80, B</b>		
022	Rep. King	Questions the department's ability to absorb the financial burden of the science panel.
032	Bowles	Responds that a fiscal analysis has not been done.
060	Chair Jenson	Questions if the science would be a problem if the bill moved forward.
063	Bowles	Responds the department has no concern with the research or additional science panels.
074	Rep. Tomei	Questions if the tribes will be clubbing the 120,000 surplus fish.
081	Bowles	Responds that most of the surplus will be moved out-of-state and approximately 17,000 will remain in Oregon.
100	Rep. Tomei	Questions hatchery spawning under these conditions is acceptable.
122	Bowles	Answers that these plans are co-managed and discusses details.
128	Rep. Kruse	Questions the other methods of killing fish.
130	Bowles	Responds that clubbing is considered the most humane.
164	Rep. Wirth	Comments on the duplication of studies.
180	Bowles	Responds affirmatively. Discussion about science panels.
259	Rep. Kruse	Questions if there is a definition of native fish in Oregon's Endangered Species Act.
281	Bowles	Responds it is referenced as indigenous to Oregon. Clarifies that

319	Stonebrink	to meet de-listing criteria the requirement is that the fish live their entire life in the natural environment. Testifies in opposition to clubbing stating that ODFW has the authority to increase the catch limit. Comments on the language in lines 15,17 and 20.
350	Bill Moshofsky	Representing Save the Salmon Coalition. Lists the member of the coalition. States that there is a lack of focus on predators and land use controls.
<b>TAPE 81, A</b>		
020	Russ Walker	Representing Citizens for a Sound Economy. Testifies in support of HB 3809. Notes concern about the economic impact the listing has had on the state.
060	Jim Myron	Representing Oregon Trout. Testifies in opposition to HB 3809 and submits <b>(EXHIBIT F)</b> .
101	Phil Donovan	Representing Northwest Sport-Fishing Industry Association. Testifies in opposition to HB 380. Notes the risk of losing Mitchell funds. Suggests the IMST to act as the scientific panel.
148	Chair Jenson	Comments that in the existing language, the IMST is not set up to study and the current compensation would not be adequate.
206	Rep. Smith	Questions if the sports fishing industry supports the increase of harvest over clubbing.
210	Donovan	Responds affirmatively.
248	Chair Jenson	Closes the public hearing on HB 3809 and adjourns the meeting at 3:10 p.m.

Submitted By,

Reviewed By,

Linda K. Gatto,  
Committee Assistant

Sandy Thiele-Cirka,  
Committee Administrator

**EXHIBIT SUMMARY**

- A. HB 3586, -3 amendments dated 4/3/01, staff, 6 pp.**
- B. HB 3586, written testimony, ODFW, Kay Brown, 1 p**
- C. HB 3809, written testimony, Oregon Cattlemen’s Association, Glen Stonebrink, 4 pp.**
- D. HB 3808, written testimony, Audubon Society of Portland, David Marshall, 2 pp.**
- E. HB 3809, written testimony, ODFW, Ed Bowles, 2 pp.**
- F. HB 3809, written testimony, Oregon Trout, Jim Myron, 1 p**