

HOUSE COMMITTEE ON STREAM RESTORATION
& SPECIES RECOVERY

April 09, 2001
1:00 P.M.

Hearing Room E
Tapes 87 - 88

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 3124 – Public Hearing
 HJM 5 – Work Session
 HB 2540 – 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 87, A		
004	Chair Jenson	Calls the meeting to order at 1:10 p.m. as a subcommittee and opens a public hearing on HB 3124.
<u>HB 3124 – PUBLIC HEARING</u>		
014	Sandy Thiele-Cirka	Administrator. Summarizes HB 3124.
017	Dick Pedersen	Manager of the Watershed Management Section, Department of Environmental Quality (DEQ). Submits (EXHIBIT A) . Discusses the studies regarding fish tissues, health advisories, and skeleton deformities.
072	Pedersen	Continues discussion of the study on high-risk groups.
105	Chair Jenson	Questions if it is known whether the source of mercury is natural.
119	Pedersen	Answers there are natural and point sources but the contribution is unknown.
155	Matt Blevins	Legislative Affairs Program Director, Oregon Environmental Council (OEC). Reads prepared testimony in support of HB 3124 (EXHIBIT B) .
186	Chair Jenson	Closes the public hearing on HB 3124 and opens the work session on HJM 5.
<u>HJM 5 – WORK SESSION</u>		
204	Sandy Thiele-Cirka	Administrator. Summarizes HJM 5 and the -1 amendments.
217	Rep. Tomei	MOTION: Moves to ADOPT the -1 amendments dated 3/1/01 (EXHIBIT C).
219	Chair Jenson	Hearing no objection, declares the motion CARRIED.
220	Rep. Tomei	MOTION: Moves HJM 5 to the floor with a DO PASS AS

		AMENDED recommendation.
225		VOTE: 6-0
		AYE: 6 – King, Lee, Tomei, Wirth, Jenson, Knopp
		EXCUSED: 3 – Kruse, Leonard, Smith P
226	Chair Jenson	The motion CARRIES.
		REP. KING will lead discussion on the floor.
227	Chair Jenson	Closes the work session on HJM 5 and opens the public hearing on HB 2540.
<u>HB 2540 – PUBLIC HEARING</u>		
250	Thiele-Cirka	Summaries HB 2540 and the –2 amendments dated 3/28/01, (EXHIBIT D) .
250	Roy Elicker	Legislative Coordinator Oregon Department of Fish & Wildlife, (ODFW). Reviews and presents background on the Fish Passage Task Force (EXHIBIT E and EXHIBIT H) .
368	Chair Jenson	Questions how the –2 amendment differs (EXHIBIT D) from the original bill.
400	Elicker	Responds it is a complete replacement.
410	Rep. Lee	Confirms it is a gut and stuff.
425	Chair Jenson	Closes the public hearing on HB 2540 and opens a work session on HJM 5.
<u>HJM 5 – WORK SESSION</u>		
435	Rep. Tomei	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow Rep. Leonard, Rep. Kruse, and Rep. Smith to BE RECORDED as voting AYE on the motion to move HJM 5 to the floor with a DO PASS AS AMENDED recommendation.
450	Chair Jenson	Closes the work session on HJM 5 and re-opens the public hearing on HB 2540.
<u>HB 2540 – PUBLIC HEARING</u>		
<u>TAPE 88, A</u>		
007	Dave Anderson	Representing the Oregon Water Utilities Council. Reads prepared testimony, (EXHIBIT F) in support of HB 2540 with the –2 amendment.
045	Rob Schab	General Manager, Coos Bay/North Bend Water Board. Testifies in support of HB 2540. States the measure demonstrates support for salmon recovery and recognizes the water supply developers.
058	Jim Myron	Representing Oregon Trout. Notes the bill requires a 60% cost share by Oregon for fish passage facilities.
094	Rep. Kruse	Questions if the bill qualifies for Measure 66 funds.
102	Myron	Responds that OWEB funds are currently utilized for fish screens and could be used for fish passage.
100	Rep. Tomei	Questions why the tribes did not provide input.
108	Myron	Responds the tribes were invited to participate.
120	Willie Tiffany	Representing League of Oregon Cities. Testifies in support of HB 2540. Reviews key aspects of the amendments.
173	Rep. Lee	Clarifies when an emergency would exist.
171	Pete Test	Associate Director Oregon Farm Bureau Federation. Testifies in support of HB 2540.
211	Ron Yockim	Attorney for Douglas County. Provides background on the impact of fish passage affects Douglas County.
233	Jon Oshel	County Road Program Manager, Association of Oregon Counties. Reads prepared testimony in support of HB 2540 (EXHIBIT G) .
298	Rep. Lee	Refers to page 15 of (EXHIBIT D) relating to funding.

300	Oshel	Explains the 80% funding.
388	Chair Jenson	Refers to page six, section B of (EXHIBIT D) and questions if it eliminates 11a.
TAPE 87, B		
018	Rep. Lee	States that section 11 is an agreement between the governor's office and the task force. Comments on proposed changes.
042	Steve Sanders	Department of Justice. Provides clarification of proposed changes relating to bi-state hydroelectric projects without affecting the state's authority under section 401 of the Clean Water Act.
076	McCarthy	Comments that this would allow the state to condition certain projects.
084	Rep. Kruse	Questions DEQ's and ODFW's authority and policy.
091	Sanders	Responds that the supreme court decided that water quality factors entail the use of water.
104	Rep. Kruse	Notes there are conflicting authorities and questions how to achieve compliance with the Clean Water Act and the Endangered Species Act.
112	Sanders	Responds and explains current authority and policy.
138	Chair Jenson	Closes the public hearing on HB 2540 and adjourns the meeting at 2:14 p.m.

Submitted By,

Reviewed By,

Linda K. Gatto,
Committee Assistant

Sandy Thiele-Cirka,
Committee Administrator

EXHIBIT SUMMARY

- A. HB 3124, fact sheet, Dick Pedersen, 2 pp.**
- B. HB 3124, prepared testimony, Matt Blevins, 2 pp.**
- C. HJM 5, -1 amendment dated 3/1/01, staff, 1 p**
- D. HB 2540, - 2 amendment dated 03/28/01, Roy Elicker, 20 pp.**
- E. HB 2540, prepared testimony, Roy Elicker, 5 pp.**
- F. HB 2540, prepared testimony, Dale L. Jutila, 2 pp.**
- G. HB 2540, prepared testimony, Jon A. Oshel, 2 pp.**
- H. HB 2102, Fish Passage Task Force Report, Charlie Corrarino, 98 pp.**