

HOUSE COMMITTEE ON STREAM RESTORATION
& SPECIES RECOVERY

May 14, 2001
1:00 P.M.

Hearing Room E
Tapes 121 - 122

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

VISTING MEMBER: Rep. Dingfelder

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

MEASURES HEARD:

HB 3981 – Public Hearing
HB 3564 – Work Session
HB 3637 – 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 121, A		
006	Chair Jenson	Calls the meeting to order at 1:45 p.m. as a subcommittee and opens the public hearing on HB 3981.
<u>HB 3981 – PUBLIC HEARING</u>		
010	Ray Craig	Assistant State Forester, Oregon Department of Forestry (ODF). States that the ODF is the largest landowner affected by the state Endangered Species Act (ESA). Expresses concerns with HB 3981 –1 amendments, (EXHIBIT A) .
047	Chair Jenson	Opens as a full committee.
052	Rep. Jeff Kropf	House District 37. States that HB 3981 balances the needs of the ESA and the needs of the people. Discusses the Klamath Falls situation.
103	Rep. Kropf	Explains the Economic and

		Social Impact Analysis Team and the Emergency Listing Committee.
145	Chair Jenson	Notes that the Oregon ESA does not have provisions for exceptions or incidental take.
152	Rep. Kropf	Responds that listed species that are endangered need to be considered in their entire range.
188	Rep. Smith	Questions is there one commissioner being appointed by the Speaker or the Governor.
208	Rep. Kropf	Responds that in the emergency listing committee, the Governor would appoint one county commissioner.
208	Rep. King	Questions if the bill provides staffing.
209	Rep. Kropf	Responds not in the current form.
210	Rep. Lee	Requests clarification and an example of infrastructure.
212	Rep. Kropf	Responds infrastructure is actual structures that may need to be addressed.
233	Rep. Wirth	Questions if the determination of a species as threatened impact the language.
245	Rep. Kropf	Responds that the intent is to have verifiable peer reviewed science.
275	Rep. Wirth	Questions what takes precedence when the science supports listing a species but the economic and social impact analysis does not support the listing of the species.
280	Rep. Kropf	Responds decision-making criteria would need to be developed.
288	Rep. Leonard	Comments on the opinion of people being superior to animals.
316	Rep. Kropf	Responds the objective is create a balance.
350	Rep. Kruse	Interprets that this opinion relates to real impacts on people compared to speculative impacts on the environment that can not be proven.

400	Rep. Kropf	Concurs and elaborates on the intention.
Tape 122, A		
004	Chair Jenson	States that the Governor made the comment that the ESA needs to consider people and this is the original intention, to include people into the equation.
043	Roy Hemmingway	Governor's Natural Resource Office. Explains concern about mixing legislative and executive functions in the appointment process.
109	Hemmingway	Clarifies that Oregon's ESA applies only to state lands whereas the federal ESA applies to private lands.
168	Rep. Lee	Questions if the Governor's office has a position relating to the safe harbor program.
164	Hemmingway	Responds a basic philosophy is to find ways for landowners to find accommodations rather than enforcement.
177	Glen Stonebrink	Representing Oregon Cattlemen's Association. Testifies in support of HB 3981-1 amendments. Discusses balancing science, National Environmental Protection Act (NEPA), and the economic impact.
208	Roy Elicker	Legislative Coordinator, Oregon Department of Fish & Wildlife (ODFW). Discusses the workload, emergency timeframe, and safe harbor. Notes that the Lost River sucker and Short Nose sucker have been on the state's ESA since 1987.
247	Chair Jenson	Comments on the impact to state owned lands.
265	Rep. Kruse	Questions if upland activities impact waters of the state, does the state have the ability to go on private lands to mitigate impact.
292	Elicker	Responds he does not believe there has been an analysis done in that regard.
289	Rep. Wirth	Questions if other states rely

		on information other than verifiable and documented science.
320	Martin Nugent	ODFW. Responds the scientific data drives the process.
330	Rep. Dingfelder	Questions how is beyond recovery determined.
368	Chair Jenson	Responds by a biological assessment of the species.
354	Elicker	Responds the commission would probably further define this.
390	Chair Jenson	Notes the fiscal impact in the Klamath issue.

Tape 121, B

023	Chair Jenson	Closes the public hearing on HB 3981 and opens the work session on HB 3564.
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HB 3564 – WORK SESSION

039	Ray Craig	ODF. Submits and reviews (EXHIBIT C) .
090	Tom Imeson	Defenders of Wildlife. Submits (EXHIBIT D) .
107	Rep. Smith	Requests an example of highest and best use forestland.
118	Imeson	Explains that designated forestland is Department of Revenue language.
142	Rep. Smith	Questions why the county could not change a new classification of zoning to open space.
143	Mike Barsotti	ODF. Explains that eligible land has to be in counties that are willing and the land has to be farm and forest.
183	Rep. Smith	Expresses concern that this could hurt rural counties.
217	Rep. Dingfelder	Questions if the objective is to try to maintain flexibility in the use of existing incentives.
222	Craig	Responds that the flexible incentives account is to create funds and how they can be used for the state's conservation efforts.
242	Rep. Lee	Asks if this bill solves the restrictions on forestlands.
246	Craig	Responds that the bill allows the special assessment to remain once the conservation

288	Rep. Leonard	easement is achieved. MOTION: Moves to ADOPT HB 3564-4 amendments dated 5/14/01.
292	Chair Jenson	VOTE: 9-0 Hearing no objection, declares the motion CARRIED.
292	Rep. Leonard	MOTION: Moves HB 3564 to the floor with a DO PASS AS AMENDED recommendation.
319	Chair Jenson	VOTE: 5-3 AYE: 5 - King, Lee, Leonard, Tomei, Wirth NAY: 3 - Kruse, Smith P, Jenson EXCUSED: 1 – Knopp The motion CARRIES. REP. TOMEI will lead discussion on the floor.
313	Chair Jenson	Closes the work session on HB 3564 and opens the work session on HB 3637.
<u>HB 3637 – WORK SESSION</u>		
345	Thiele-Cirka	Reviews the –13 through –17 amendments (EXHIBIT E).
405	Chair Jenson	Relates that the –19 amendments (EXHIBIT F) are similar to the –17 amendments and explains the exceptions.
Tape 122, B		
026	Phil Donovan	Representing Oregon Guides and Packers. Clarifies that the members of the commission have a background in the specified areas, not representatives.
041	Rep. Tomei	Questions the monthly meeting requirement.
058	Chair Jenson	Responds that the commission currently meets once a month. Notes the commission’s workload.
083	Rep. Kruse	MOTION: Moves to ADOPT HB 3637-19 amendments dated 5/14/01.

086	Rep. Tomei	Notes concern that the conservation groups are not represented and will be a no vote.
106	Rep. Kruse	States there is nothing in the bill that prohibits their inclusion.
122		VOTE: 7-2 AYE: 7 - King, Knopp, Kruse, Lee, Leonard, Smith P, Jenson NAY: 2 - Tomei, Wirth The motion CARRIES.
129	Chair Jenson Rep. Kruse	MOTION: Moves HB 3637 to the floor with a DO PASS AS AMENDED recommendation.
	Rep. Wirth	Explains she will be a no vote and explains that the specified membership emphasizes the consumption aspect of ODFW's mission over the non-consumptive aspect. Notes e-mails relating to the politicizing of the process of appointing the chair by giving the governor that authority.
130	Rep. Wirth	VOTE: 7-2 AYE: 7 - King, Knopp, Kruse, Lee, Leonard, Smith P, Jenson NAY: 2 - Tomei, Wirth The motion CARRIES. REP. KRIEGER will lead discussion on the floor.
	Chair Jenson	
196	Chair Jenson	Closes the work session on HB 3637 and adjourns the meeting at 3:23 p.m.

Submitted By,

Reviewed By,

Linda K. Gatto,
Committee Assistant

Sandy Thiele-Cirka,
Committee Administrator

EXHIBIT SUMMARY

- A. HB 3981, -1 amendments dated 5/10/01, Staff, 9 pp.**
- B. HB 3564, prepared testimony, Ray Craig, 2 pp.**
- C. HB 3564, prepared testimony, Tom Imeson, 2 pp.**
- D. HB 3564, -4 amendments dated 5/14/01, Staff, 13 pp.**
- E. HB 3637, -13 amendments dated 5/2/01, -14 amendments dated 5/4/01, -15 amendments dated 5/4/01, -16 amendments dated 5/4/01, -17 amendments dated 5/4/01, Staff, 20 pp.**
- F. HB 3637, -19 amendments, dated 5/14/01, Staff, 4 pp.**