

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

May 17, 2001  
5:00 P.M.

Hearing Room B  
Tapes 125 - 129

**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:**

SB 51 A – Public Hearing and Work Session  
SB 208 A – Public Hearing and Work Session  
HB 3989 – Work Session  
HB 3547 – 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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TAPE/#	Speaker	Comments
<b>Tape 125, A</b>		
006	Chair Jenson	Calls the meeting to order as a subcommittee at 6:27 p.m. and opens the public hearing on SB 51A.
<b><u>SB 51 A – PUBLIC HEARING</u></b>		
025	Terry Witt	Executive Director, Oregonians for Food and Shelter, Submits prepared testimony in support of SB 51A, <b>(EXHIBIT A)</b> . Discusses the SB 1010 work group.
042	Chair Jenson	Opens full committee.
069	Chuck Craig	Deputy Director, Oregon Department of Agriculture (ODA). Submits correspondence and explains the issues <b>(EXHIBIT B)</b> .
110	Chair Jenson	Refers to and interprets page 2 SB 51A, after line 3, and notes the governor's correspondence <b>(EXHIBIT C)</b> . Questions why ODA is objecting to having to conform
149	Craig	Responds ODA is questioning why the agency was singled out over Department of Environmental Quality, (DEQ) or Environmental Protection Agency, (EPA).
168	Chair Jenson	Notes that EPA is a federal agency.
186	Craig	Responds that there are no objections to the way business is conducted now. Explains that SB 51A would not be able to respond in an emergency.
224	Chair Jenson	Summarizes the status of the bill and amendments and states the intent is to have further legislatures to look into it.
310	Craig	Discusses SB 51A-3 amendments, <b>(EXHIBIT D)</b> .

330	Rep. Leonard	Questions if the –A3 amendments are consistent with the consensus bill.
346	Craig	Responds affirmatively.
368	Pete Test	Associate Director of Government Affairs, Oregon Farm Bureau. Submits prepared testimony in support of SB 51A-3 amendments, <b>(EXHIBIT E)</b> .
410	Chair Jenson	Reads correspondence from Brendan McCarthy, <b>(EXHIBIT F)</b> .
405	Rep. Leonard	Refers to <b>(EXHIBIT C)</b> questions why jeopardize the bill if the language is not needed.
455	Witt	Responds the general consensus was there would be no amendments to SB 51A. Notes the amendments may address perception problems regarding fees.
<b>Tape 126, A</b>		
016	Chair Jenson	Comments on the perception issue.
046	Brendan McCarthy	Deputy Legislative Counsel. Explains <b>(EXHIBIT F)</b> .
070	Jim Myron	Oregon Trout. Submits prepared testimony in support of SB 51A, <b>(EXHIBIT G)</b> .
082	Glen Stonebrink	Oregon Cattlemen’s Association. Refers to <b>(EXHIBIT B)</b> . States opposition to SB 51A-3 amendments if it will result in the bill being vetoed.
116	David Alsup	Representing Oregon Family Farm Association. Testifies in support of SB 51A-3 amendments. Notes opposition if the amendment will veto the bill. Discusses the trespass issue.
143	Rep. Smith	Questions if there has been a problem with trespass on his property.
155	Alsup	Responds affirmatively and identifies ODFW.
180	James Mast	Oregon Family Farms, Douglas County Chapter. Comments on the trespass issue.
214	Mast	Continues testimony. Comments on the impact a \$200 fee has on a small farmer. States that Phil Ward is quoted as saying that SB 1010 is a non-point source plan.
267	Rep. Smith	Refers to <b>(EXHIBIT B)</b> and questions if complaints are made when trespass happens.
294	Mast	Responds no.
307	Chair Jenson	Closes the public hearing on SB 51A and opens the work session on SB 51A.
<b>309</b>	<b>Rep. Leonard</b>	<b>MOTION: Moves SB 51A to the floor with a DO PASS recommendation.</b>
312	Witt	States it is his belief the Governor would find this amendment agreeable. Proposes that if there is not agreement when the bill goes for concurrence, it could be removed at that time.
355	Craig	Concurs.
<b>381</b>	<b>Rep. Leonard</b>	<b>MOTION: Moves to withdraw the previous motion and Moves to ADOPT SB 51A-3 amendments dated 5/17/01.</b>
<b>407</b>	<b>Rep. Wirth</b>	<b>Declares she will be a no vote.</b>
<b>455</b>		<b>VOTE: 7-1</b> <b>AYE: 7 – Knopp, Kruse, Lee, Leonard, Smith P, Tomei, Jenson</b> <b>NAY: 1 – Wirth</b> <b>EXCUSED: 1 – King</b>
	<b>Chair Jenson</b>	<b>The motion CARRIES.</b>
<b>466</b>	<b>Rep. Leonard</b>	<b>MOTION: Moves SB 51A to the floor with a DO PASS AS AMENDED recommendation.</b>

470

**VOTE: 7-1**

**AYE: 7 - Knopp, Kruse, Lee, Leonard, Smith P, Tomei, Jenson**

**NAY: 1 – Wirth**

**EXCUSED: 1 – King**

**The motion CARRIES.**

**REP. JENSON will lead discussion on the floor.**

**Chair**

**Tape 125, B**

022 Chair Jenson

Closes the work session on SB 51A and opens a public hearing on SB 208A.

**SB 208 A – PUBLIC HEARING**

028 Witt

Testifies in support of SB 208A.

033 Test

Submits prepared testimony in support of SB 208A, **(EXHIBIT H)**.

086 Craig

ODA. Testifies in support of SB 208A.

107 Chair Jenson

Notes that the rules are basin by basin, not state by state.

121 Stonebrink

States support for SB 208A.

124 Myron

States support for SB 208A.

121 Mast

Proposes that SB 208A should require that the rules reflect the plan.

138 Chair Jenson

Closes the public hearing on SB 208A and opens the work session on SB 208A.

**SB 208A – WORK SESSION**

**151 Rep. Leonard**

**MOTION: Moves SB 208A to the floor with a DO PASS recommendation.**

**157**

**VOTE: 7-0**

**AYE: In a roll call vote, all members present vote Aye.**

**EXCUSED: 2 - Kruse, King**

**The motion CARRIES.**

**REP. JENSON will lead discussion on the floor.**

**Chair Jenson**

**163 Chair Jenson**

Closes the work session on SB 208A and opens the public hearing on HB 3547.

165 Chair Jenson

**HB3547 – PUBLIC HEARING**

178 Welsh

Submits prepared testimony **(EXHIBIT I)** and discusses the –1 amendments **(EXHIBIT J)**.

269 Welsh

Continues with testimony.

347 Rep. Leonard

Notes that these sections are in direct conflict with SB 208A.

375 Welsh

Responds this represents what people in the farming and ranching communities would like to see.

**Tape 126, B (Committee breaks for dinner)**

064 Chair Jenson

Closes the public hearing on HB 3547 and opens the work session on HB 3989.

**HB 3989 – WORK SESSION**

071 Harrison Conley

Deputy Legislative Counsel. States that HB 3989 allows tribal members to participate as zone directors for soil and water conservation district based on reservation lands being within the soil and water districts.

076 Rep. Leonard

Questions if the soil and water district has authority over tribal lands in the district.

081 Conley

Responds no.

084 Rep. Leonard

Questions why have tribal members on the board.

102 Rep. Lee

Responds that there are irrigated lands in tribal reservations.

Clarifies that it is working with groups that have not authority.

106 Rep. Kruse States that soil districts have regional and at-large representatives on the board. Explains that having a tribal member on the board helps to have groups work together on issues effecting the basin.

132 **Rep. Leonard** **MOTION: Moves HB 3989 to the floor with a DO PASS recommendation.**

135 **VOTE: 7-0**  
**AYE: In a roll call vote, all members present vote Aye.**  
**EXCUSED: 2 – Wirth, King**  
**The motion CARRIES.**

143 **Chair Jenson** **MOTION: Moves HB 3989 be placed on the CONSENT**  
**Rep. Kruse** **CALENDAR.**  
**VOTE: 7-0**  
**EXCUSED: 2 – Wirth, King**  
**Hearing no objection, declares the motion CARRIED.**

160 Chair Jenson Closes the work session on HB 3989 and reopens the public hearing on HB 3547.

**HB 3547 – PUBLIC HEARING**

156 Stonebrink Refers to page two, line 21 (**EXHIBIT J**), explains what this change would do.

223 Stonebrink Refers to the SB 1010 public hearing records. Comments that 1010 plans target non-point source pollution (**EXHIBIT K**). Notes a federal court case and the interpretation under the Clean Water Act.

293 David Alsup Oregon Family Farms. Testifies that the work group did not get anything that they wanted in SB 208. Testifies in support of HB 3547.

361 Mast States that SB 51 through SB 57 are products of a grass roots organization. Refers to (**EXHIBIT K**) noting the references to non-point source pollution.

**Tape 127, A**

029 Rep. Leonard Questions that the objection is to pollution that goes directly into a waterway.

038 Mast Responds that 468B is being dragged into SB 1010.

050 Craig States that SB 1010 was passed in 1993, then in 1995 SB 502 passed which gave ODA exclusive authority to regulate agricultural water pollution.

090 Craig Reviews prepared testimony, (**EXHIBIT L**). Comments on the conflicts with the new rules.

166 Craig Continues testimony. Notes the bill places limitations on inspection authority.

201 Stonebrink Responds to Craig’s testimony noting that the direct focus of SB 1010 is not non-point source pollution.

216 Rep. Leonard States that it sounds like there is opposition to be regulated for point source pollution going directly into streams.

222 Stonebrink Clarifies that they are not objecting to point source laws, but to being regulated for non-point source pollution.

288 Stonebrink Continues discussion on point source pollution as part of an agricultural practice and that they do not want it to go to DEQ or EPA for regulation.

330 Chair Jenson Asks if ODA can regulate this.

331 Craig Responds unless it is absorbed into the rules for the basin plan, they can not regulate it.

323 Rep. Tomei Questions why the objection to ODA being responsible for

353	Stonebrink	regulating. Responds they do not object to point source, but they want the non-point source to be separate and to be handled voluntary and incentive based.
385	Rep. King	Questions do they want to work with ODA and DEQ.
447	Craig	Explains that DEQ could say that discharging pollution into a river is not an agricultural practice thus regulating it.
<b>Tape 128, A</b>		
024	Rep. King	Rephrases that SB 502 gives the authority to deal with the pollution but the EPA regulations have the ultimate authority. Comments that currently it would take two agencies to deal with a point source situation and this amendment would allow one agency to deal with it.
032	Rep. Lee	Refers to lines 15 through 18.
043	Craig	Provides additional examples and explanation.
057	Chair Jensen	Closes the work session on HB 3547 and adjourns the meeting at 9:00 p.m.

Submitted By,

Reviewed By,

Linda K. Gatto,  
Committee Assistant

Sandy Thiele-Cirka,  
Committee Administrator

**EXHIBIT SUMMARY**

- A. SB 51A, prepared testimony, Terry Witt, 3 pp.**
- B. SB 51A, correspondence between Phil Ward and Rep. Greg Smith, Chuck Craig, 3 pp.**
- C. SB 51A, correspondence from the governor's office, staff, 3 pp.**
- D. SB 51A, -3 amendments dated 5/17/01, staff, 1 p**
- E. SB 51A, prepared testimony, Pete Test, 1 p**
- F. SB 51A, correspondence from Legislative Counsel, staff, 1 p**
- G. SB 51A, prepared testimony, Jim Myron, 1 p**
- H. SB 208A, prepared testimony, Pete Test, 1 p**
- I. HB 3547, prepared testimony, Jim Welsh, 3 pp.**
- J. HB 3547, -1 amendments dated 5/17/01, Jim Welsh, 10 pp.**
- K. HB 3547, public hearing records from May 20, 1993, Jim Mast, 21 pp.**
- L. HB 3547, prepared testimony, Chuck Craig, 2 pp.**