

HOUSE COMMITTEE ON STREAM RESTORATION
& SPECIES RECOVERY

May 18, 2001
1:00 P.M.

Hearing Room E
Tapes 129 - 130

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. Jackie Dingfelder

STAFF PRESENT:

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

MEASURES HEARD:

SB 172 A - Public Hearing & Work Session
SB 957 A - Public Hearing & Work Session
HB 2536 - Work Session
HB 3809 - Work Session
SB 581 A - Work Session
SB 319 A - Work Session
HB 3971 - Work Session
SB 961 - Public Hearing
HB 3038 - Work Session
HB 3002 -Work Session
HB 3638 - Work Session
HB 3711 - 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 129, A		
005	Chair Jenson	Calls the meeting to order at 1:25 p.m. and opens the public hearing on SB 172 A.
<u>SB 172 A – PUBLIC HEARING</u>		
011	Sen. Ken Messerle	Senate District 24. States the goal of SB 172 A is to improve the current permitting process.
047	Chair Jenson	Closes the public hearing on SB 172 A and opens the public hearing on SB 957 A.
<u>SB 957 A – PUBLIC HEARING</u>		
051	Sen. Messerle	States that SB 957 A requires the agency issuing the permit to provide the criteria that will be used to judge the application and if denied a reason must be provided. Lists the agencies in

083	Rep. Kruse	support. States opposition to the proposed amendment.
092	Sen. Messerle	Questions if Water Resources Department is included.
095	Chair Jenson	Responds affirmatively. Closes the public hearing on SB 957 A and opens the work session on HB 2536.
<u>HB 2536 – WORK SESSION</u>		
105	Rep. Jeff Kropf	House District 37. Introduces HB 2536-3 amendments. Explains the concept of HB 2536. (EXHIBIT A).
159	Geoff Huntington	Director, Oregon Watershed Enhancement Board, (OWEB). Explains the intent of the board is to place title restrictions on property receiving Measure 66 money and to ensure that the use of Measure 66 dollars is consistent with the intent.
201	Rep. Kruse	Expresses that if land is transferred or purchased with Measure 66 dollars the money should revert back to OWEB for the Salmon Plan.
220	Rep. Smith	MOTION: Moves to ADOPT HB 2536-3 amendments dated 5/18/01.
224		VOTE: 9-0
	Chair Jenson	Hearing no objection, declares the motion CARRIED.
237	Chair Jenson	Closes the work session on HB 2536.
238	Rep. Kropf	Express thanks to Geoff Huntington and Louise Solliday for their help on the language.
225	Chair Jenson	Opens the work session on HB 3809.
<u>HB 3809 – WORK SESSION</u>		
239	Sandy Thiele-Cirka	Administrator. Summarizes HB 3809 and the -1 amendment (EXHIBIT B).
278	Rep. Smith	MOTION: Moves to ADOPT HB 3809-1 amendments dated 5/4/01.
283		VOTE: 9-0
	Chair Jenson	Hearing no objection, declares the motion CARRIED.
289	Rep. Smith	MOTION: Moves HB 3809 to the floor with a DO PASS AS AMENDED recommendation.
290	Rep. Leonard	States opposition to the bill. Comments on the dilemma of removing pinnipeds with deadly force and being reluctant to do the same to salmon.
306	Rep. Wirth	States opposition to the bill for the same reason.
307		VOTE: 5-3 AYE: 5 - Knopp, Kruse, Lee, Smith P, Jenson NAY: 3 - King, Leonard, Wirth EXCUSED: 1 – Tomei The motion CARRIES. REP. CLOSE will lead discussion on the floor.
331	Chair Jenson	Closes the work session on HB 3809 and re-opens the public hearing on SB 172 A.
<u>SB 172 A – PUBLIC HEARING</u>		
355	Rich Angstrom	Executive Director, Oregon Concrete and Aggregate Producers Association and Chair, Oregon Healthy Streams Partnership. States SB 172 A removed the Army Corps of Engineers out of the permitting process and directs the Division of State Lands (DSL) to assume the permitting responsibilities. States support of SB 172 A.
382	Lucie LaBonte	Curry County Commissioner. Submits prepared testimony in support of SB 172 A (EXHIBIT C).

420	Glen Stonebrink	Oregon Cattlemen’s Association. Testifies in support of SB 172 A.
461	Tom Wolf	Chair, Trout Unlimited. Submits prepared testimony in support of SB 172 A (EXHIBIT D)
Tape 130, A		
021	Debbie Boone	Member, Healthy Streams Partnership. States support of SB 172 A.
028	Angstrom	Submits testimony (EXHIBIT E) on behalf of NW Sportfishing Industry, supporting SB 172 A.
034	Pete Test	Oregon Farm Bureau Federation. Testifies in support of SB 172 A.
048	Jim Welsh	Oregon Family Farm Association. Testifies in support of SB 172 A.
051	Tom Quintel	Director of Government Affairs, Oregon Independent Minors, (OIM). Testifies in support of SB 172A
067	Harlan Levy	Staff Attorney, Oregon Association of Realtors. Testifies in support of SB 172 A.
077	Ann Hanus	Director, (DSL). Submits testimony (EXHIBIT F) in support of SB 172A.
116	Eric Metz	DSL. Discusses SB 172 A4 amendment, (EXHIBIT G).
144	Lynn Mattei	Wetlands Chair, Oregon Chapter Sierra Club. Testifies in opposition of SB 172 A, submits (EXHIBIT H).
172	Chair Jenson	Questions the reason for opposition.
176	Mattei	Responds the concern is that the environmental protection of wetlands has been removed.
243	Mattei	Concludes testimony.
246	Chair Jenson	Closes the public hearing on SB 172 A.
(Prepared testimony submitted by Jim Myron, Oregon Trout (EXHIBIT I).		
258	Chair Jenson	Opens the work session on SB 957.
<u>SB 957A – WORK SESSION</u>		
260	Rep. Kruse	MOTION: Moves SB 957A to the floor with a DO PASS recommendation.
268		VOTE: 9-0 AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
278	Chair Jenson	MOTION: Moves SB 957A to the CONSENT CALENDAR.
280	Rep. Kruse	VOTE: 9-0 Hearing no objection, declares the motion CARRIED.
281	Chair Jenson	Closes the work session on SB 957A.
283	Chair Jenson	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow Rep. Tomei to BE RECORDED as voting NAY on HB 3809.
296	Chair Jenson	Opens the work session on SB 581A.
<u>SB 581A – WORK SESSION</u>		
298	Sandy Thiele-Cirka	Administrator. Summarizes SB 581A.
317	Rep. Leonard	MOTION: Moves SB 581A to the floor with a DO PASS recommendation.
320	Chair Jenson	Announces that there is no testimony in support for or in opposition to SB 581A.
324		VOTE: 8-0 AYE: 8 - King, Knopp, Lee, Leonard, Smith P, Tomei, Wirth, Jenson EXCUSED: 1 – Kruse

340	Chair Jenson	The motion CARRIES.
342	Rep. Tomei	MOTION: Moves SB 581A to the CONSENT CALENDAR.
	Chair Jenson	VOTE: 8-0-1
		EXCUSED: 1 – Kruse
		Hearing no objection, declares the motion CARRIED.
344	Chair Jenson	Closes the work session on SB 581A and opens the work session on SB 319A.
<u>SB 319 A – WORK SESSION</u>		
350	Thiele-Cirka	Summarizes SB 319A.
370	Rep. Leonard	MOTION: Moves SB 319A be sent to the floor with a BE ADOPTED recommendation.
371		VOTE: 8-0
		AYE: 8 - King, Knopp, Lee, Leonard, Smith P, Tomei, Wirth, Jenson
		EXCUSED: 1 – Kruse
	Chair Jenson	The motion CARRIES.
392	Rep. King	MOTION: Moves SB 319A to the CONSENT CALENDAR.
		VOTE: 8-0-1
		EXCUSED: Rep. Kruse
395	Chair Jenson	Hearing no objection, declares the motion CARRIED.
429	Chair Jenson	Closes the work session on SB 319A and opens the work session on HB 3971.
<u>HB 3971 – WORK SESSION</u>		
440	Rep. Jackie Dingfelder	House District 19. Submits prepared testimony (EXHIBIT J). States support of HB -5 amendments, (EXHIBIT J).
Tape 129, B		
054	Tom Byler	Water Resources Department (WRD). States that the task force can be staffed by the WRD without additional resources. Notes the bill does provide the opportunity to seek funds for help in this effort.
088	Rep. Leonard	MOTION: Moves to ADOPT HB 3971 –5 amendments dated 5/18/01.
093	Vice-Chair Lee	VOTE: 7-0-2
		EXCUSED: Kruse, Jenson
		Hearing no objection, declares the motion CARRIED.
100	Rep. Leonard	MOTION: Moves HB 3971 to the floor with a DO PASS AS AMENDED recommendation.
104		VOTE: 8-0-1
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 - Kruse
111	Vice-Chair Lee	The motion CARRIES.
		REP. DINGFELDER will lead discussion on the floor.
127	Chair Jenson	Closes the work session on HB 3971 and re-opens the work session on SB 172 A.
<u>SB 172 A – WORK SESSION</u>		
136	Brendan McCarthy	Deputy Legislative Counsel. Discusses the potential conflict with SB 302.
165	Chair Jenson	Summarizes that if SB 172 A is passed, it will prevail over SB 302..
171	McCarthy	Responds affirmatively.
186	Rep. Leonard	MOTION: Moves to ADOPT SB 172A-4 amendments dated 5/15/17/01.

192 **Chair Jenson** **VOTE: 9-0**
Hearing no objection, declares the motion CARRIED.
193 **Rep. Leonard** **MOTION: Moves SB 172A to the floor with a DO PASS AS**
AMENDED recommendation.
VOTE: 9-0
AYE: In a roll call vote, all members present vote Aye.
202 **Chair Jenson** **The motion CARRIES.**
204 **Rep. Kruse** **MOTION: Moves SB 172 A be placed on the CONSENT**
CALENDAR.
208 **VOTE: 9-0**
209 **Chair Jenson** **Hearing no objection, declares the motion CARRIED.**
20 Chair Jenson Closes the work session on SB 172 A and opens the public
hearing on SB 961.

SB 961 – PUBLIC HEARING

195 Sen. Kate Brown Senate District 7. States SB 961 is sponsored on behalf of the
Burns Paiute tribe. Introduces tribal members. States that the
salmon culture of the Burns Paiute tribe became extinct from the
hydro-system on the Columbia, Snake, and Maheur Rivers. States
support of the –2 amendments, **(EXHIBIT K)**.
259 Rep. Kruse Proposes a conceptual amendment to increase the allocations for
the other tribes.
265 Sen. Brown Responds that Legislative Counsel has advised that the relating to
clause refers to the Burns Paiute Tribe.
179 Minerva Soucie Member, Burns Paiute Tribe. Describes the historical importance
of salmon to the tribe.
354 Herbert Hawley Paiute Elder. Continues historical background.
430 Amos First-Raised Member, Burns Paiute Tribe. Testifies to being one of many
III generations that grew up without the salmon culture.
Tape 130, B
028 Kay Brown Oregon Department of Fish & Wildlife, (ODFW). Submits
prepared testimony stating the department is neutral on SB 961,
(EXHIBIT L).
059 Michael Mason Representing the Confederate Tribes of Warm Springs. Testifies
in support of SB 961 and the –2 amendment.
083 Rep. Tomei **MOTION: Moves to ADOPT SB 961-2 amendments dated**
5/18/01.
VOTE: 8-0
Chair Jenson **Hearing no objection, declares the motion CARRIED.**
085 Rep. Tomei **MOTION: Moves SB 961 to the floor with a DO PASS AS**
AMENDED recommendation.
097 Rep. Leonard Questions how SB 961 will work with HB 3809.
118 Brown Notes the conflict.
085 **VOTE: 8-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 – Kruse
Chair Jenson **The motion CARRIES.**
REP. SMITH will lead discussion on the floor.
171 Chair Jenson Closes the work session on SB 961 and recess the meeting
until 3:10 p.m.
173 Chair Jenson Reconvenes and opens the work session on HB 3038.
HB 3038 – WORK SESSION
182 Bill Moshofsky Representing Save the Salmon Coalition. States support of HB
3038.

205	Ken Evans	Representing Fisheries Restoration Enhancement Coalition. Introduces and explains the HB 3038-3 and -4 amendments (EXHIBIT M) .
270	Evans	Requests adoption of HB 3038-3 amendments.
277	Moshofsky	Concurs with HB 3038-3 amendments.
298	Jim Myron	Representing Oregon Trout. Testifies in support of HB 3038-4 amendments and explains why.
390	Brown	ODFW. Testifies in support of HB 3038-4 amendments.
383	Evans	Discusses the preference to keep the definitions consistent.
437	Myron	Comments that native fish under the state Endangered Species Act. (ESA) is referring to, in his opinion, wild fish not hatchery fish.

Tape 131, A

033	Chair Jenson	Comments on the definition of native being indigenous to Oregon. Closes the work session on HB 3038 and opens the work session on HB 3002
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HB 3002 – WORK SESSION

045	Chair Jenson	Discusses the background for the need to define recovery. Explains the HB 3002-4 amendments (EXHIBIT N) .
113	Rep. Leonard	Asks who was on the work group.
115	Evans	Responds the former state representative Terry Thompson, Willie Tiffany and himself.
123	Thiele-Cirka	Clarifies that a work group was not formally convened. States that the discussions were conducted one on one basis with the individual that expressed interest.
132	Louise Solliday	Governor's Natural Resources Office. Suggests that Oregon Watershed Enhancement Board (OWEB) should be included on the task force.
159	Rep. Leonard Chair Jenson	MOTION: Moves HB 3002-4 amendments dated 5/14/01. VOTE: 9-0
178	Rep. Leonard	Hearing no objection, the motion carries. MOTION: Moves HB 3002 to the floor with a DO PASS AS AMENDED recommendation.
180		VOTE: 9-0 AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.
	Chair Jenson	REP. DINGFELDER will lead discussion on the floor.
200	Chair Jenson	Closes the work session on HB 3002 and re-opens the work session HB 2536.

HB 2536 – WORK SESSION

210	Rep. Kruse	MOTION: Moves to HB 2536 to the floor with a DO PASS AS AMENDED recommendation. VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Jenson	EXCUSED: 1 – Knopp The motion CARRIES. REP. DINGFELDER will lead discussion on the floor.
276	Chair Jenson	Closes the work session on HB 2536 and opens the work session on HB 3638.

HB 3638 – WORK SESSION

283	Thiele-Cirka	Reviews the status of HB 3638 and the -3 amendments, (EXHIBIT O) .
307	Geoff Huntington	States support for the -3 amendments. Proposes to change line

310 357	Patricia Gainsforth Rep. Leonard	eight, Section B, striking the words, present to the Oregon Watershed Enhancement Board and inserting, and show. Proposes to change line 28, sub-section two striking the word, board and inserting, Oregon Watershed Enhancement Board. Oregon Association of Conservation Districts. Concurs. MOTION: Moves to ADOPT HB 3638-3 amendments dated 5/18/01 and that the measure be FURTHER AMENDED on page 1, line 8, by deleting "presents to the Oregon Watershed Enhancement Board" and inserting "can show" and on page 1, line 21, by deleting "board" and inserting "Oregon Watershed Enhancement Board".
377	Chair Jenson	VOTE: 9-0 Hearing no objection, declares the motion CARRIED.
380	Rep. Leonard	MOTION: Moves HB 3638 to the floor with a DO PASS AS AMENDED recommendation.
390	Chair Jenson	VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Knopp, King The motion CARRIES. REP. JENSON will lead the discussion on the floor.
405	Chair Jenson	Expresses appreciation to Patricia Gainsforth, Geoff Huntington, Jeannette Holman, and others who participated in drafting this legislation.
414	Chair Jenson	Closes the work session on HB 3638 and recesses until 4:40 p.m.
416	Chair Jenson	Opens the work session on HB 3711.
<u>HB 3711 – WORK SESSION</u>		
424	Rep. Kruse	MOTION: Moves HB 3711 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Rules, Redistricting, & Public Affairs.
433	Chair Jenson	VOTE: 5-0-4 EXCUSED: Wirth, Knopp, Smith, Tomei Hearing no objection, declares the motion CARRIED.
437	Chair Jenson	Closes the work session on HB 3711 and adjourns the meeting at 4:45 p.m.

Submitted By,

Reviewed By,

Linda K. Gatto,
Committee Assistant

Sandy Thiele-Cirka,
Committee Administrator

EXHIBIT SUMMARY

- A. HB 2536, -3 amendments dated 5/18/01, Rep. Jeff Kropf, 1 p
- B. HB 3809, -1 amendments dated 5/4/01, Staff, 1 p
- C. SB 172 A, prepared testimony, Lucie LaBonte, 1 p
- D. SB 172 A, prepared testimony, Tom Wolf, 1 p
- E. SB 172 A, prepared testimony, Phil Donovan, 1 p
- F. SB 172 A, prepared testimony, Ann Hanus, 4 pp.

- G. SB 172 A, -A4 amendments dated 5/18/01, Eric Metz, 1 p**
- H. SB 172 A, prepared testimony, Lynn Mattei, 2 pp.**
- I. SB 172 A, prepared testimony, Jim Myron, 1 p**
- J. HB 3971, prepared testimony and the -5 amendments dated 5/18/01, Rep. Jackie Dingfelder, 4 pp**
- K. SB 961, -2 amendments dated 5/18/01, Sen. Kate Brown, 1 p**
- L. SB 961, prepared testimony, Kay Brown, 1 p**
- M. HB 3038, -3 amendments dated 5/18/01, -4 amendments dated 5/18/01, Ken Evans, 2 pp.**
- N. HB 3002, -4 amendments dated 5/18/01, staff, 3 pp.**
- O. HB 3638, -3 amendments dated 5/18/01, staff, 2 pp.**