

HOUSE COMMITTEE ON STREAM RESTORATION
& SPECIES RECOVERY

May 02, 2001
1:00 P.M.

Hearing Room E
Tapes 113 - 114

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 2862 – Work Session
SB 581A– Public Hearing
HB 3809 – Work Session
HB 3341 – 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 113, A		
004	Chair Jenson	Calls the meeting to order at 1:27 p.m. as a subcommittee and opens a work session on HB 2862.
<u>HB 2862 – WORK SESSION</u>		
031	Sandy Thiele-Cirka	Administrator. Reviews re-referral process of HB 2862.
038	Chair Jenson	Opens full committee.
039	Terry Thompson	Former state representative. Comments and reviews the –2 amendment (EXHIBIT A). States that the amendment language further clarifies the buyback program.
048	Kay Brown	Policy Coordinator, Oregon Department Fish & Wildlife (ODFW). Explains that HB 2862 is a bill that anticipates a federal buy back program and provides the mechanism for the ODFW Commission to develop a program once the federal buyback program is implemented.
061	Chair Jenson	Questions why buybacks of healthy fishing industries is necessary.
070	Thompson	Responds that the crab and shrimp industries are biologically sound. Notes that in buying back a fishing permit, the fishing industry does not support those permits and vessels being reissued into another portion of the fishing industry that are state operated.
094	Chair Jenson	Clarifies if it is necessary for the permits to be discontinued if the vessels are discontinued.

101	Thompson	Responds that is a decision that should be evaluated by the ODFW commission, biologists, and public input from the industry. Notes that this bill is being monitored by Washington and California.
122	Rep. Smith	MOTION: Moves to ADOPT HB 2862 –2 amendments dated 4/25/01.
	Chair Jenson	Hearing no objection, declares the motion CARRIED.
128	Rep. Smith	MOTION: Moves HB 2862 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
		VOTE: 6 – 0 – 3
		AYE: Wirth, Kruse, P. Smith, King, Lee, Jenson
	Chair Jenson	EXCUSED: Knopp, Tomei, Leonard
147	Chair Jenson	The motion CARRIES. Closes the work session on HB 2862 and opens the public hearing on SB 581A.

SB 581A– PUBLIC HEARING

158	Thiele-Cirka	Summarizes SB 581A.
233	Chair Jenson	Closes the public hearing on SB 581A and opens work session on HB 3809.

Prepared testimony from Nikki Whitty, Coos County Board of Commissioners (EXHIBIT B)

HB 3809 – WORK SESSION

241	Thiele-Cirka	Summarizes HB 3809.
259	Rep. Lee	Questions if the term, unduly hindering, implies any in-stream barriers that are not updated on fish passage requirements.
266	Chair Jenson	Requests Legislative Counsel to provide clarification and explanation.
275	Rep. Lee	Comments that many places have some form of fish passage. However, new standards are being implemented and not all areas have completed the transition. Notes that there are 35, 000 diversions around the state.
302	Chair Jenson	Addresses and provides information to the audience.
312	Rep. Smith	Comments that the Columbia River is experiencing historical returning fish runs.
365	Rep. Lee	Comments and notes support of SB 581A.
410	Rep. Lee	Repeats question in Section 1, questions the definition of unduly hindering.
422	Greg Chaimov	Legislative Counsel. Comments that the conduct being regulated would be new activities or conduct. Notes pre-existing structures that may have inadequate fish passage, this bill does not cover that situation.
457	Rep. Lee	Questions if language specifying pre-existing structures exemption is recommended.
463	Chaimov	Responds affirmatively.
465	Rep. Tomei	Questions the definition of premature demise. Provides example of the act of fishing.
483	Chaimov	Responds affirmatively.
494	Rep. King	Questions if there is a different standard for practices versus structures.

Tape 114, A

038	Chaimov	Responds affirmatively. Provides examples of the differences.
049	Rep. King	Comments and discusses concern with bill language.
066	Rep. Wirth	Comments in opposition to the bill.

085	Rep. Leonard	MOTION: Moves to TABLE HB 3809. VOTE: 4 – 5 AYE: 4 – Wirth, King, Tomei, Leonard NAY: 5 – Knopp, Kruse, Smith, Lee, Jenson The motion FAILS.
	Chair Jenson	
095	Rep. Kruse	Proposes additional language revisions and additional amendments.
119	Chair Jenson	Acknowledges additional work on Subsection 2 and 3.
132	Rep. King	Supports the development of additional amendments. Comments on the impact of the bill to ODFW. States opposition to the bill in its current form.
153	Rep. Tomei	States opposition to the bill.
160	Rep. Knopp	Requests a brief recess.
168	Chair Jenson	Reconvenes. States that HB 3809 will be rescheduled.
177	Rep. Wirth	Requests including the production limit until the science team provides adequate data.
194	Chair Jenson	Closes the work session on HB 3809 and opens the work session on HB 3341.
<u>HB 3341 – WORK SESSION</u>		
200	Chair Jenson	Summarizes HB 3341.
204	Thiele-Cirka	Outlines the –1 amendment (EXHIBIT C).
216	Rep. Kruse	Provides additional explanation of the –1 amendment. Comments on how the bill speaks to the Marine Mammal Protection Act (MMPA).
259	Rep. King	Further explains.
281	Rep. Tomei	Questions how this bill will alter the MMPA.
286	Rep. Kruse	Responds and explains the exemption process available in the MMPA. Comments that the bill is requesting ODFW to develop a plan for approval by the federal government.
308	Rep. Kruse	MOTION: Moves to ADOPT HB 3341 –1 amendments dated 4/27/01
312	Rep. Wirth	Questions what species are included in the definition of pinniped.
320	Rep. Kruse	Identifies California sea lions and harbor seals.
232	Thompson	Notes that sea otters are not present in Oregon waters. Further clarifies the two species that are the problem. Discusses the Stellar sea lion.
339	Chair Jenson	Comments and discusses predators that impact the recovery of salmon.
360	Rep. Wirth	Requests clarification of pinniped management under this bill.
372	Thompson	Provides additional clarification on pinnipeds.
379	Rep. King	States opposition until federal approval is received.
425	Rep. Kruse	Comments and states the federal government will not give approval until the state submits a plan. Clarifies the bill addresses predation in the waters in the state, not the ocean.
Tape 113, B		
025		VOTE: 6-3 AYE: 6 - Knopp, Kruse, Lee, Leonard, Smith P, Jenson NAY: 3 - King, Tomei, Wirth The motion CARRIES.
	Chair	
030	Rep. Kruse	MOTION: Moves HB 3341 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
035	Rep. Leonard	Notes consistency with the bill regarding the clubbing of

		salmon.
040	Rep. Tomei	Refers to testimony on the costs involved before the implementation of B3341 and states she will be a no vote.
052	Rep. Knopp	States support for HB 3341.
058	Rep. Wirth	States that this is outside the governor’s budget and will be a no vote.
072		VOTE: 6-2 AYE: 6 – Knopp, Kruse, Lee, Leonard, Smith P, Jenson NAY: 2 – Tomei, Wirth EXCUSED: 1 – King The motion CARRIES.
	Chair Jenson	
080	Chair Jenson	Closes the work session on HB 3341 and opens the work session on HB 3637
	<u>HB 3637 – WORK SESSION</u>	
098	Phil Donovan	Representing NW Sportsfishing Industry. Explains that the HB 3637-13 amendments represent continuing refinement of the language, (EXHIBIT D) . Provides an overview.
141	Donavan	Notes the current policy of appointing commissioners by congressional districts.
150	Chair Jenson	Proposes that one commissioner be west of the Coastal Range and not west of the Cascade Range.
179	Rep. King	Comments that the dedicated positions are sports-fishing, commercial fishing, but there is no seat for the environmental/conservation interests.
211	Jim Myron	Representing Oregon Trout. Comments that with the inclusion of the public interest test required of all commission members, the three at large members could be for the resource group.
259	Rep. Tomei	Concurs with Rep. King’s concern.
175	Donavan	Notes page two, line six, (EXHIBIT D) refers to background not represent.
327	Rep. Tomei	Responds that the user groups interest is in hunting, states that is also important to have commission members whose only interest is environment.
332	Myron	Responds these are public resources and could be considered as an additional amendment.
353	Rep. Smith	Comments that conservation groups are not the only people interested in the environment, a background in agricultural and forest industries includes environmental people.
373	Chair Jenson	Clarifies the objective is to find expertise in these areas, not advocates.
400	Rep. Wirth	States support for conservationist expertise.
450	Rep. Lee	Refers to page one, line 12, (EXHIBIT D) questions the term limit.
	Tape 114, B	
014	Donavan	Responds there are not term limits for commissioners.
016	Donavan	Notes three parts of (EXHIBIT D) that need to be revised.
059	Rep. Kruse	Notes concern this is weighted toward fishing and would like to see a separate member from agriculture and forestry.
127	Chair Jenson	Closes the work session on HB 3637 and adjourns the meeting at 3:00 p.m.

Submitted By,

Reviewed By,

Linda K. Gatto,
Committee Assistant

Sandy Thiele-Cirka,
Committee Administrator

EXHIBIT SUMMARY

- A. HB 2862, -2 amendments dated 4/25/01, staff, 2 pp.**
- B. SB 581A, prepared testimony, Nikki Whitty, 1 p**
- C. HB 3341, -1 amendments dated 4/27/01, 1 p**
- D. HB 3637, -13 amendments dated 5/2/01, 4 pp.**