

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

January 15, 1999 Hearing Room D

1:00 PM Tapes 1 - 3

MEMBERS PRESENT: Rep. Jim Welsh, Chair

Rep. Jackie Taylor, Vice-Chair

Rep. Jason Atkinson

Rep. Richard Devlin

Rep. Juley Gianella

Rep. Deborah Kafoury

Rep. Jeff Kruse

Rep. Jeff Merkley

Rep. Susan Morgan

MEMBER EXCUSED:

STAFF PRESENT: Kristina McNitt, Administrator

Gene Newton, Administrative Support

MEASURE/ISSUES HEARD: Organizational and Informational Meeting

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 1, A		
003	Chair Welsh	Calls meeting to order at 1:02 pm.
<u>ORGANIZATIONAL MEETING</u>		
010	Chair Welsh	Introduces staff and welcomes committee members.

022	Chair Welsh	Continues introductions.
030	Jeanette Holman	Holman, Legislative Counsel. Introduces additional members of staff.
045	Holman	Gives brief overview of her duties in Natural Resource law and the additional areas she is involved with.
059	Holman	Invites members to an open house at Legislative Counsel (LC) on January 21, 1999.
069	Chris Crean	States his expertise in land use and real estate. Explains he has taken over drafting and advising the legislature on utility regulation: energy, gas and telecommunications.
084	B. C. Debney	Staff Attorney in LC.
088	Chair Welsh	Encourages committee to use the staff for their benefit to better understand LC's responsibilities.
094	Crean	Encourages the committee to visit LC.
099	Chair Welsh	Introduces Vice Chair Taylor.
111	Chair Welsh	Gives overview of workplan. Requests to speak to each member on an individual basis. Encourages members to get bills introduced as quickly as possible.
136	Chair Welsh	Introduces Rick Olson, Fiscal Officer.
141	Rick Olson	Defines role of evaluating information for fiscal impact statements. Encourages questions from members.
152	Chair Welsh	States that he will meet with other Natural Resource committee chairs to balance workload.
179	Kristina McNitt	Gives professional background.
184	Chair Welsh	Introduces committee rules from last session and allows the members a few minutes to look them over prior

		to entertaining a motion to adopt.
204	Rep. Kruse	MOTION: Moves to ADOPT the proposed Committee Rules as amended dated 01/15/99. (Rule #12, line 9, after the word draft, change "by" to "to".
		VOTE: 9-0
Chair		Hearing no objection, declares the motion CARRIED.
<u>INFORMATIONAL MEETING</u>		
233	Chair Welsh	Proceeds with meeting.
245	Martha Pagel	<p>Director of Water Resources Department. Introduces Tom Byler Legislative Coordinator. Provides the committee with a packet of information which includes a general overview of the agency, Water Rights publication, Strategic Plan, a list of policy option packages, the Final Report of the Governor's Task Force On Storage and a description of key policy initiatives. (Exhibit A)</p> <p>Briefly describes each of the documents and outlines their contents. Defines Strategic Plan and discusses the importance of it. Defines management priorities within the current law and budget and includes a description of legislative proposals including a budget proposal.</p>
315	Pagel	Introduces the list of legislative proposals and briefly describes them. Discusses the policy option packages included in the Water and Resource Department budget.

350	Page1	Describes the stewardship and supply initiative and discusses the Governor's Task Force report on storage.
393	Chair Welsh	Recommends that members look over the information before further consideration. Asks for questions from members.
TAPE 2, A		
010	Rep. Kruse	Asks question about the status of water impoundment studies, specifically a split fund between eastern and western Oregon.
013	Page1	Assures Kruse that they will follow up and get back with the information.
019	Chair Welsh	Introduces personnel from the Department of Environmental Quality (DEQ).
022	Lydia Taylor	Deputy Director of DEQ. Introduces Lauri Aunan, Legislative Coordinator. Hands out informational materials (EXHIBIT B). Briefs committee regarding responsibilities of DEQ.
059	Lydia Taylor	Summarizes responsibilities of DEQ: <ul style="list-style-type: none"> • Defining hazardous air pollutants and creating strategies to deal with them. • Managing hazardous and solid waste. • Managing the Pollution Prevention Program. • Coordinating spill responses with other state agencies. • Regulating solid waste landfills. • Regulating recycled materials. • Managing the Environmental Clean-up Program.
106	Lydia Taylor	Continues to summarize: <ul style="list-style-type: none"> • Solving water quality problems. • Monitoring water throughout the state. • Creating strategies to protect the use of water in Oregon. • Providing a 303(d) list of waters that do not meet standards

142	Lydia Taylor	States that water quality is improving in streams. Notes that DEQ is changing from a regulatory agency to a locally oriented one and has diversified staff to facilitate regionalization.
168	Rep. Gianella	Asks if the amount of waste per person is due to packaging.
172	Lydia Taylor	Defines terms. States that educational efforts are being made to diminish waste. States that they offer technical assistance to businesses who request help in decreasing waste.
188	Rep. Taylor	Asks to have underground tanks defined.
191	Lydia Taylor	Defines clean-up of underground tanks as those specific to storing chemicals that are potentially harmful to the groundwater such as gasoline.
201	Rep. Atkinson	Asks question regarding improvements on the 503(b) list that DEQ and State are working on regarding compliance with the Clean Water Act.
204	Lydia Taylor	Explains that DEQ has recently completed the 303(d) list report and further states that documentation is available. Testifies that the 303(d) report reflects that many waters in the state do not meet standards.
226	Rep. Kruse	Suggests that it would be helpful to have a list of streams that have been removed from the list and an explanation of the difference in water quality that is appropriate for fish as opposed to what is appropriate for domestic use.
237	Lydia Taylor	States that the items will be provided.
244	Jim Greer	<p>Director of Oregon Department of Fish and Wildlife (ODF&W). Provides informational brochures (Exhibit C). Gives overview of Department responsibilities:</p> <ul style="list-style-type: none"> • Provides biological data. • Controls outreach program for landowners.

		<ul style="list-style-type: none"> • Advises state, local and federal officials on all subjects relative to fish and wildlife.
290	Greer	<ul style="list-style-type: none"> • Operates and monitors community volunteer programs. • Provides hunter education programs. • Enforcement of laws and regulations. • Manages fish hatcheries. • Manages wildlife. • Regulates hunting, harvesting of fish and wildlife.
349	Greer	Describes public education efforts.
366	Joe Rohleder	Legislative liaison, ODF&W. Presents an overview of five agency bills (EXHIBIT D). HB 2099 ; HB 2100 ; HB 2100.
TAPE 1, B		
003	Rohleder	Continues overview: HB 2101; and HB 2102.
026	Rep. Gianella	Inquires if there is a plan to decrease the overpopulation of geese.
030	Greer	Defines plans that are now in place and explains the forces involved in having them come to fruition.
047	Chair Welsh	Introduces personnel from the Division of State Lands.
049	Paul Cleary	Director of Division of State Lands (DSL). Distributes booklet and handout and summarizes (EXHIBIT E). Explains that DSL is the administrative arm of the State Land Board. Describes lands and programs DLS is responsible for. Defines the mission of DSL as to generate revenue for the common school fund, to provide land management and effective resource conservation and to provide efficient public service. Summarizes long range goals.
100	Cleary	Summarizes a report on the implementation of the 26 bills that were passed in the 1997 session and describes bills for the upcoming session.

149	Cleary	Describes a new process that will post unclaimed items on website with self searches within the next month. Explains that this will help cut costs and paperwork.
190	Cleary	Explains outstanding lawsuits. Defines ceiling regarding statutory funding and explains lack of money used to provide resources and assistance.
216	Rep. Kruse	Asks question regarding license and fees.
224	Cleary	States that a component of HB 2161 addresses licenses and fees.
231	Rep. Gianella	Asks for clarification regarding registration of public docks.
237	Cleary	Explains public dock registration. Replaces original program with registration and defines its purpose.
254	Chair Welsh	Recognizes Department of Agriculture staff.
258	Chuck Craig	<p>Assistant Director and Legislative Liaison, Department of Agriculture. Provides overview of department and references previous documents issued by the department to each member. Defines the threefold mission of the Department of Agriculture.</p> <ul style="list-style-type: none"> • Provide food safety and consumer protection. • Protect agricultural natural resources. • Promote economic development in the agricultural industry. <p>States that they have a statutory advocacy role for agriculture as well as regulatory responsibilities.</p>
311	Craig	<p>States that the characteristics of Oregon agriculture are diverse, very reliable, have had a steady growth with little downturn, is a large industry (either number one or two); has substantial impact on urban areas and their economies.</p> <p>Explains several programs the Department of Agriculture is involved with that are related to water:</p>

		<ul style="list-style-type: none"> • Developing and implementing agricultural water quality management plans for basins designated as not meeting standards. • DEQ issues relating to water quality. • Preventing and controlling water pollution from confined animal feeding operations. • Conducting and supporting the Willamette Valley field burning program. • Administering state pest control laws. • Protecting agriculture from land loss. • Assuring adequate water is available for future agricultural development. • Administering the soil and water conservation districts in the state. • Controlling noxious weeds.
376	Crag	<ul style="list-style-type: none"> • Protecting endangered plants. <p>States that the key natural resource issues are availability of water for future use, protection of lands, public concerns regarding pesticide use, water quality standards, increasing weed problems, and recognition of wildlife damage to crops and livestock.</p> <p>Defines bill directly related to water HB 2123.</p>
TAPE 2, B		
008	Chair Welsh	Asks about appointment of new director.
010	Craig	States that the appointment should be made by next week.
012	Charlie Stone	Assistant State Forester, Oregon Department of Forestry (ODF). Introduces Ted Lorensen, Director of Forest Practices Program. Distributes handout (EXHIBIT F). Summarizes information regarding the agencies responsibilities.
050	Stone	States ODF administers the Oregon Forest Practices Act and emphasizes that ODF provides technical assistance for non-industrial landowners and resource policy analysis and development to provide state policy in accordance with legislative direction. Discusses

		<p>agency responsibilities in water protection. Three statutory references that guide activities:</p> <ol style="list-style-type: none"> 1. ORS 527.630 regarding use of private land. 2. ORS 527.710 to adopt administrative rules regarding water and wetlands. 3. ORS 527.765 to provide best management practices and other rules regarding pollutants in water on forest land.
088	Stone	States that the agency has adopted a memorandum of agreement with Department of Environmental Quality (DEQ), and describes how the departments will work together to achieve goals on forest lands and to meet the Total Maximum Daily Load (TMDL) processes.
108	Stone	Discusses administrative rules covering road construction and maintenance, chemical use and harvesting. Describes monitoring program to measure effects of rules.
130	Stone	States that ODF relies heavily on voluntary actions and explains volunteer programs. States that the Forest Practice Act is administered through technical staff and the staff is available for assistance. Summarizes legislation: HB 2111 is an effort to revise a portion of the Forest Practices Act.
163	Stone	Explains that SB 12 is coming out of a task force on Landslides and Public Safety. States that this bill will probably be referred to Water and Environment if it is passed out of the Senate. Describes task force and Senate Bill 12.
190	Chair Welsh	Invites representative from the Office of the Governor.
203	Roy Hemingway	Manager, State Plan for Salmon and Watersheds, the Governors' office. Gives a summary of the plan. Defines history of plan.. Explains that the 303(d) list deals with problems in rivers and streams. Describes Oregon's watershed councils.
247	Hemingway	Provides overview of how the Oregon Plan is structured and gives examples. States that the Oregon

		Plan is very complex and several state agencies are involved with it. Describes the funding of the watershed plans.
301	Hemingway	States the need for scientific review. Describes the Independent Multidisciplinary Science Team (IMST). States that two reports have been produced by this team regarding hatcheries and predation. States that monitoring and assessing are vital parts of the Oregon Plan.
354	Hemingway	<p>Describes process:</p> <ul style="list-style-type: none"> • Implementation team. Primary team of state and federal agency personnel to discuss strategic questions. • Monitoring team from both state and federal agencies that assesses efforts. • Outreach team to relay plan to public. • Bi-weekly state agency meetings. • Healthy Streams Partnership effort and the Oregon Coastal Salmon Restoration and Production Task Force. <p>Discusses issues that are going to arise this session including ramifications of Measure 66.</p>
396	Hemingway	Discusses structural issues and questions what agency will have grant responsibility for Measure 66 funds. Summarizes those involved in the plan and reinforces the need for reporting delineation amongst groups.
TAPE 3, A		
013	Hemingway	Continues explanation of team dealing with Measure 66 and its workings. Summarizes why the state is involved in this program. States that Oregon is taking a pro-active effort to enable the state to do a better job and to help reduce the involvement of the federal government.
033	Hemingway	States that we are also involved with salmon restoration to facilitate dealing with multiple eco-systems and environmental issues at one time rather than individually.
043	Rep. Atkinson	Asks what monies are being spent

		and whether or not the Office of the Governor is looking for federal matching dollars for local recovery projects.
058	Hemingway	Replies that the governor has solicited support from other governors in Alaska, Washington and California and asked for \$50 million per state per year for local watershed restoration efforts. Summarizes attempts to ensure this money is going to be available.
093	Rep. Kruse	Asks if the responsibilities of Jay Nicholas have been defined.
108	Hemingway	Clarifies the responsibilities of Nicholas as being with ODFW working on the Oregon Plan.
115	Rep. Atkinson	Asks if there is any work in regards to the National Marine Protection Act as it relates to predatory species in the ocean.
120	Hemingway	Responds in the affirmative. States that the Marine Mammal Protection Act provides very restrictive conditions before predatory issues can be addressed.
134	Chair Welsh	Adjourns meeting at 3:02 PM.

Submitted By, Reviewed By,

Gene Newton, Kristina McNitt,

Administrative Support Administrator

EXHIBIT SUMMARY

A - Publications from Water and Resources, 153 pp

B - Publications from Department of Environmental Quality, 24 pp

C - Publication from Department of Fish and Wildlife, 15 pp

D - Handout referencing DFW agency bills, 6 pp

E - Handouts from Department of Agriculture, 29 pp

F - Handouts and letter, Department of Forestry, 32 pp