

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

February 10, 1999 Hearing Room D

1:00 p.m. Tapes 26 - 27

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

STAFF PRESENT: Kristina McNitt, Administrator

Gene Newton, Administrative Support

MEASURE/ISSUES HEARD: Informational Meeting: Use of Science In Policy Decision-Making

Introduction of Committee Bills

HB 2536 Public Hearing

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 26, A		
004	Chair Welsh	Calls meeting to order at 1:08 p.m. Opens informational meeting.
<u>INFORMATIONAL MEETING: USE OF SCIENCE IN POLICY DECISION-MAKING</u>		

006	Stephen Kafoury	Introduces informational topic and guest speakers.
028	Dr. Gay Bradshaw	Research mathematician for US Forest Service. Introduces Jeff Borchers from Oregon State University (OSU). Comments on risk uncertainty and decision-making. Discusses a scientifically based decision making method.
044	Dr. Bradshaw	Explains the role of science in policy. Defines adaptive management. Discusses environmental risk management and states the primary objective is to decrease risk.
085	Dr. Bradshaw	Explains the role of science in determining severity and probability of occurrence. Comments that science can be uncertain, with opposing scientific opinions, statistical uncertainty, and differing scientific model outputs.
122	Dr. Bradshaw	Explains that policy choices are complex issues. Cites example. Explains the decision making process. States uncertainty makes decision making difficult.
171	Dr. Bradshaw	Describes the constraints that impede effective use of science in policy, such as science is uncertain and it is difficult to assess trade offs. Describes adaptive management.
207	Dr. Bradshaw	Discusses example of effects of fire suppression in a watershed.
256	Dr. Bradshaw	Describes the problem of assessment. Provides example of the Applegate Adaptive Management Area. Summarizes the adaptive approach.
314	Rep. Atkinson	Asks about the continuum presented earlier and where the project in the Applegate area lies.
337	Dr. Bradshaw	States that it depends on what the social values are. Says it can change with categorization.
355	Rep. Atkinson	Comments on the process in Applegate. States that collaboration will get to "low/low."
367	Dr. Bradshaw	States that the activities on the Applegate have dissolved the conflict.
375	Rep. Kruse	Comments on base line assumptions. Uses Willamette Basin as example.
TAPE 27,A		
013	Jeff Borchers	OSU. States that perspective is important. Perspective may determine scientific concern.

027	Dr. Bradshaw	Explains the assumptions that would be used in that example. Says assumptions can be examined within the process.
037	Rep. Kruse	Cites the Willamette Basin Initiative. States that the reaction is based on a crisis. Comments that there must be a way to discuss base line data or assumptions.
049	Borchers	States that using the process they outlined will not lead to "crisis mode." Explains that if the model was followed the outcomes would be different.
063	Rep. Kruse	Further explains the Willamette Basin Initiative which is driven by the endangered species issue. States a broader context is needed when looking at problems.
083	Dr. Bradshaw	Explains that assessment of risk is not symmetric. Says in the adaptive management process policies are designed to accommodate the most possible outcomes.
101	Rep. Devlin	Asks if the political viability of solutions is considered. Gives example of restoring salmon runs by removing dams.
123	Borchers	Explains that a solution must be politically resilient.
133	Rep. Devlin	Explains social and political factors and how they should be taken into consideration when making decisions.
144	Dr. Bradshaw	Explains that the utility function can be included.
159	Borchers	Explains the Applegate Adaptive Management Area and how it relates to defining political viability.
165	Chair Welsh	Comments on inclusion of social factors.
172	Kafoury	Says the speakers will be available to the committee for future issues and questions.
180	Chair Welsh	Closes informational meeting and opens work session for purpose of introducing committee bills.
<u>WORK SESSION n INTRODUCTIONS OF COMMITTEE BILLS</u>		
200	Rep. Kruse	MOTION: Moves LC 2296 BE INTRODUCED as a committee bill.

205		<p>VOTE: 9-0</p> <p>AYE: 9 - Atkinson, Devlin, Gianella, Kafoury, Kruse, Merkley, Morgan, Taylor, Welsh</p>
	Chair Welsh	The motion CARRIES.
211	Chair Welsh	Closes work session and opens a public hearing on HB 2536.
<u>HB 2536 PUBLIC HEARING</u>		
212	Kristina McNitt	Committee Administrator. Summarizes HB 2536.
217	Rep. Kruse	Explains the history of the bill. States that sports fishing has disappeared at Diamond Lake. Explains the alternative is using a chemical to kill fish in the lake.
244	Rep. Kruse	Explains that the chemical has a short life that it would not affect other streams. Explains that businesses are suffering from the lack of fisherman. States HB 2536 proposes to temporarily raise the speed limit so people can ski on Diamond Lake until fish are restocked.
284	Rep. Kruse	Comments that arrangements will be needed for law enforcement due to the change in activity.
295	Paul Donheffner	Marine Board (EXHIBIT A). Explains fishing has declined. Notes a number of concerns to consider before the speed limit is raised. Discusses plans to restore the trout fishery.
348	Donheffner	Cites written testimony from the Forest Service included in (EXHIBIT A). Comments there is a concern for boating safety if the speed limit is raised. Shares comment from Forest Service that during the summer the campgrounds are already full.
401	Donheffner	States that if trout were not going to be reintroduced to Diamond Lake, the Marine Board would be in favor of HB 2536.
TAPE 26, B		
015	Rep. Morgan	Explains day use of the lake when people do not stay overnight. Asks if there is any way to fast track the public input process.
030	Donheffner	States that the bill does not take effect until after the 1999 boating season, but by

		the summer of 2000 the lake could be drawn which will limit boating. States that they could work with Douglas County in getting safety assistance during the summer.
045	Rep. Morgan	Comments that there is no guarantee with the permitting process.
049	Donheffner	Agrees with Rep. Morgan. Says the Marine Board would like to move forward as quickly as possible to approve the treatment plan.
058	Rep. Taylor	Asks about the speed limit on Diamond Lake.
062	Donheffner	Explains the speed limit is 10 miles per hour on Diamond Lake. Comments how speed limits are set on lakes.
082	Rep. Devlin	Asks how long the conditions have existed in Diamond Lake.
087	Donheffner	States he is not aware.
090	Rep. Kruse	Explains it has been a gradual process. Comments that if there was certainty as to the timeline the bill would be unnecessary.
104	Rep. Morgan	Explains the process has taken several years.
108	Rep. Gianella	Asks what the cost of law enforcement would be.
112	Donheffner	Replies the county has requested one FTE, approximately \$10,000 ñ 12,000 for June through September.
118	Rep. Gianella	Inquires about (EXHIBIT A) .
131	Donheffner	Explains the inadequacy of facilities. Says the improvements will be made during the drawdown of the lake.
140	Rep. Gianella	Asks if it is these conditions that are stopping multiple use.
144	Donheffner	Responds the improvements need to be done regardless, but not all improvements need to be done prior to multiple use.
150	Rep. Gianella	Asks if it is a requirement to do improvements before allowing multiple use.
160	Donheffner	Replies he does not think they all need to be completed ahead of time. Explains other problems with allowing boating during drawdown period.

167	Rep. Gianella	Asks if it is possible for the resort to pay for the law enforcement cost.
172	Donheffner	Says the resort is not prohibited from paying for it.
176	Rep. Kruse	Says law enforcement would be a contract with the county.
179	Rep. Gianella	Inquires if law enforcement were the only issue, would having the resort pay for law enforcement solve the problem.
185	Rep. Kruse	Responds that the Douglas County Chamber of Commerce requested the bill.
194	Rep. Morgan	Explains her frustration with bureaucracy.
204	Rep. Kafoury	Asks how many businesses are located on the lake.
209	Rep. Morgan	Explains there are several businesses on the lake.
215	Rep. Kruse	States that the businesses benefit from day traffic.
223	Rep. Kafoury	Asks which of the items listed on the Forest Service Memorandum from February 5 (EXHIBIT A) have been addressed.
235	Donheffner	Replies none of them have been addressed.
239	Rep. Kafoury	Inquires how long it will take to address all of the concerns.
244	Donheffner	Responds about 4 to 6 months. Says without an emergency clause HB 2546 does not take effect until after 1999.
257	Rep. Kafoury	Asks what costs are involved for the Environmental Impact Study (EIS).
261	Donheffner	Replies the EIS is for the fish treatment. States he has not assessed the cost of management of the lake. Emphasizes that they are willing to work with others.
282	Rep. Kruse	Asks if a portion of the lake could be opened.
286	Donheffner	States that they were asked to suspend the speed limit on all or part of the lake during June through August.
298	Rep. Kruse	States that the letter from the Forest Service is a list of potential concerns. Comments that it is not appropriate to put these provisions in statute.

337	Rep. Morgan	Questions the effect of adding an emergency clause.
342	Rep. Kruse	Explains the process for adding an emergency clause.
351	Rep. Morgan	Asks if there is any way to put this on a fast track with the federal agencies.
360	Rep. Kruse	Explains the role of federal agencies.
367	Rep. Gianella	Asks if there is a problem with an emergency clause.
374	Rep. Kruse	Replies there is no problem with an emergency clause.
379	Rep. Gianella	Asks if the permit to use the chemicals on the lake would be held off if there is an emergency clause.
391	Rep. Kruse	Comments the issues are separate.
TAPE 27, B		
002	Rep. Gianella	Comments that the emergency clause will help the businesses.
005	Rep. Taylor	Expresses her concerns about increasing the speed limit on the lake and then reverting back to the old limit. Expresses sympathy for the proponents of the bill but says she has concerns with additional problems incurred with multiple use. Asks if there is another way of getting rid of the problem.
024	Rep. Kruse	Responds there is no other way to reduce the population that is as effective. Comments the closest community, Glide, is 60 miles away.
037	Rep. Taylor	Expresses her concern that the "peace and quiet" will be disturbed.
043	Rep. Morgan	States that an educational process is necessary to make people aware of the short term uses.
050	Rep. Merkley	Asks if there are any attendance figures for Diamond Lake.
055	Rep. Kruse	States that the Forest Service might have campground figures.
061	Rep. Merkley	Ask about the impact on migratory birds.
071	Donheffner	Responds it is the impact of boating activity.

076	Rep. Merkley	Inquires why there have not been public forums on this issue.
083	Rep. Kruse	Explains the agencies listed in the memo.
089	Rep. Merkley	Asks if the stakeholders were alerted to the meeting today.
093	Rep. Kruse	Responds no.
095	Rep. Merkley	Comments on diverse landings.
098	Donheffner	Responds the issue with diverse landings is damage of bank vegetation.
101	Rep. Merkley	Asks if that has broader environmental issues.
103	Donheffner	Explains it is site specific. Says he is not certain it is a large issue.
107	Rep. Merkley	Asks for examples of changing from motor boat use to non-motor boat uses.
118	Donheffner	Explains that there are concerns of reverting back to the original use. Comments they would be open to looking at full-time multiple use.
139	Rep. Kafoury	Asks if other lakes change uses.
145	Donheffner	States that the trend has been to add more restrictions, more speed zones, and more control.
154	Rep. Kafoury	Asks what kind of community involvement is in the rulemaking process.
166	Donheffner	Explains their rulemaking process. States that notice would be given to all of the stakeholders and they would be given an opportunity to respond.
178	Rep. Devlin	Asks if the Marine Board could set the speed limit on the entire lake. Inquires if there is a range of activities that would be allowed. Asks what speed limits are being considered.
197	Donheffner	Explains the range of speed limits appropriate for recreational use. Comments there are no current restrictions except for the 10-mile per hour speed limit.
217	Rep. Atkinson	States that the lake serves three regions. Explains the various issues surrounding the area. Explains it is not a resort lake.

246	Rep. Atkinson	Explains that it is a fishing lake. Comments that Diamond Lake is not the only lake with a chub problem.
282	Rep. Kruse	Explains that the multiple use provisions of the measure are sunseted when the fish populations are restored.
308	Chair Welsh	Closes the public hearing on HB 2536 and adjourns meeting at 2:55 p.m.

Submitted By, Reviewed By,

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EXHIBIT SUMMARY

A ñ HB 2536, written testimony, Paul Donheffner, 8 pp