

**HOUSE COMMITTEE ON WATER AND ENVIRONMENT**

**March 15, 1999 Hearing Room D**

**1:00 P.M. Tapes 68 - 69**

**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**

**Danielle Hamilton, Administrative Support**

**MEASURE/ISSUES HEARD: HB 2355 Public Hearing**

**HB 2600 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 68, A		

004	Chair Welsh	Calls Meeting to Order at 1:55 and opens public hearing on HB 2355.
<b><u>HB 2355 PUBLIC HEARING</u></b>		
009	Kristina McNitt	Summarizes HB 2355.
013	Steve Williams	Deputy Director, Department of Fish and Wildlife (ODFW). Expresses concern that HB 2355 would develop two separate commissions. States ODFW is moving towards more integrated fish and wildlife management.
048	Jeff Fieldner	Commissioner, ODFW. Discusses what he feels is Rep. Thompson intent with HB 2355. Comments on problems with the commission, states that sub-committees may be able to help with agency management.
100	Rep. Morgan	Asks for background on the commission.
106	Fieldner	Overviews background of the ODFW commission.
120	Rep. Morgan	Asks if there are criteria for qualification of commission members.
123	Williams	Answers no, but there are several prohibitions.
137	Rep. Morgan	Asks how the commission deals with individual issues without sub committees.
145	Williams	Answers all of the commissioners are given background material on all the issues.
160	Rep. Taylor	Asks if there is other legislation that addresses expanding the commission.
165	Williams	States he is not sure that HB 2355 is the best vehicle in helping assist the commission with management of issues.
175	Rep. Kruse	States that maybe HB 2355 could be put together with another bill to reach the desired goal.
185	Williams	Comments that has been discussed.
188	Rep. Morgan	Asks if there has been any discussion within the commission as to where the line is drawn between policy issues and decision making.
196	Fieldner	Answers yes. Comments that workshops have been helpful on the technical issues.

219	Rep. Kruse	Asks if the commission's role was redefined to be more of an advisory function, would that necessitate micro managing.
229	Fieldner	Answers it could work, but it would take more time trying to educate individuals advising the commission.
236	Rep. Kruse	Comments the commission should be dealing with "big picture" policy.
245	Williams	States big picture policy is the direction ODFW is looking to move toward.
260	Rep. Merkley	Asks for the history behind section 3, sub section 3 of HB 2355.
272	Fieldner	States he does not know.
275	Rep. Merkley	Asks if the procedure established in section 2, on page 2, line 9 of HB 2355, is a common practice.
282	Williams	Answers he is not aware of other directors on a commission that exercise voting power.
287	Rep. Merkley	Asks if the director of the commission currently has voting power or would HB 2355 institute that change.
290	Williams	Answers it would be a change
295	Rod Harder	Executive Director, Oregon Sportsmans Defense Fund (OSDF). Testifies in opposition to HB 2355. Recognizes the problems within ODFW, but does not agree with the method of HB 2355. States expanding the commission would be adding to the problem.
345	Harder	Addresses the sub-committee idea. Notes that OSDF is having problems recruiting good commission candidates.
397	Rep. Morgan	Asks for Harder's thoughts on the distinctions between policy and administrative issues.
400	Harder	Comments that OSDF is frustrated with where policy stops and day to day activities start. Discusses the need for a written plan for the agency and the commission.
<b>TAPE 69, A</b>		
002	Diana Madrieta	Wildlife Society. <b>(EXHIBIT A)</b> Testifies in opposition to HB 2355. Expresses

		concerns with HB 2355. Discusses the problems with trying to separate fish and wildlife issues.
025	Jim Myron	Oregon Trout. Testifies in opposition to HB 2355. States that the commission is in transition and should be left alone at this time.
045	Al Elkins	Oregon Hunters Association (OHA). Testifies in opposition to HB 2355. States that the commission is a public body and OHA is very impressed with the commission's ability to be involved in the decision making process. Gives example. Comments on the improvement of the commission's organizational process.
100	Rep. Taylor	Thanks Elkins for his work on the animal parks bill.
104	Chair Welsh	Closes public hearing on HB 2355 and opens public hearing on HB 2600.
<b><u>HB 2600 PUBLIC HEARING</u></b>		
110	McNitt	Summarizes HB 2600.
122	Laura Schroeder	Grants Pass Irrigation District (GPID). Discusses conceptual -2 amendments ( <b>EXHIBIT B</b> ). Overviews option 1 in the conceptual -2 amendments.
180	Schroeder	Continues explanation of option 1 and provides an example of the possible benefit.
229	Jan Lee	Oregon Water Resources Congress (OWRC). Discusses possible resolutions provided in option 1. Comments on option 2.
253	Rep. Taylor	Asks for clarification on option 2 of the conceptual -2 amendments.
256	Schroeder	Clarifies option 2.
258	Lee	Replies she has spoken with David Newton, Grants Pass engineer. Newton believes ground water amounts could be qualified and defined.
266	Rep. Kruse	Asks Schroeder which of the two options in the conceptual -2 amendments she prefers.
269	Schroeder	Answers option 1.
270	Rep. Krue	Asks Lee if she concurs.

272	Lee	Answers either option would work.
277	Rep. Carl Wilson	District #39, Grants Pass. Addresses the conceptual -2 amendments. States that he prefers option 1. Notes that HB 2600 as amended would benefit all of Oregon. Provides examples.
325	Rep. Wilson	Points out that HB 2600 would amend ORS 537.141.
338	Dennis Becklin	Chairman, Grants Pass Irrigation District (GPID). <b>(EXHIBIT C)</b> Addresses indirect delivery and recent related discoveries. States that GPID favors the option 1 and discusses the reasons. Addresses problems with option 2.
380	Becklin	Reiterates the validity of option 1.
<b>TAPE 68, B</b>		
006	Rep. Taylor	Asks if conservation is the same as efficiency.
012	Becklin	States that GPID was obligated to submit conservation plans to the Water Resources Department for review an annual report on two other responsibilities: <ul style="list-style-type: none"> <li>• List of steps taken by GPID to conserve water.</li> <li>• Report with regard to issues relating to retaining or removing Savage Rapids Dam.</li> </ul> Stresses that there has never been a question about the diligence of GPID with regard to water conservation.
049	Don Greenwood	GPID. Provides an example of what can happen to an area that has cement lined canals. Discusses aspects of seepage.
072	Martha Pagel	Water Resource Department (WRD). Expresses concerns with approaching a solution by amending the exemption statue. Discusses the conceptual -2 amendments.
120	Rep. Kruse	Asks Pagel if option 1 more directly addresses the intent of HB 2600.
128	Pagel	Answers option 1 relates to the impact on the irrigation district and option 2 relates to the impact on water users.
135	Rep. Kruse	Asks if Pagel mentioned in her earlier testimony that ground water recharge might be something that needs more definition in the future.
139	Pagel	Clarifies that she meant if the definition needs to be improved, it can be researched in the future. States that she thinks the GPID situation can be dealt

		with under current law.
154	Rep. Kruse	Comments that ground water recharge varies so much from area to area that he does not see how any one policy could fit all needs.
160	Pagel	States that the existing law is broad enough to allow WRD to deal with each situation on a case by case basis. Provides an example of the Deschutes Basin.
171	Rep. Kruse	Asks how long did it take to develop a base of information to make a decision model in the Deschutes Basin.
181	Pagel	Answers the Deschutes Basin was a unique situation.
191	Chair welsh	Asks if the study has gone on long enough to see the results.
193	Pagel	Answers no.
198	Rep. Taylor	Asks for clarification on whether the application of HB 2600 would be broad or specific.
203	Pagel	Clarifies the option 2 of the conceptual -2 amendments is narrow. Notes the impact of application will be determined by the final version of HB 2600.
219	Rep. Merkley	Asks about in- stream water rights.
223	Pagel	Answers that is an issue that needs further examination.
236	Reed Benson	Director, Water Watch. Expresses concerns about providing a disincentive for water conservation and efforts to improve efficiency. Discusses the -1and conceptual ñ2 amendments.
280	Benson	States that option 1, <b>EXHIBIT B</b> is better alternative than the -1 amendments.
340	Benson	However, adds that option 1, of the ñ2 amendments <b>EXHIBIT B</b> could be a problem by creating mischief statewide for the purpose of trying to solve a problem in Grants Pass.
343	Rep. Merkley	Asks Benson how big the change would be for those who do not currently account for transport water loss.
351	Benson	Answers the conveyance loss would be site specific.

368

Chair Welsh

Closes public hearing and adjourns meeting at 3:00 PM.

Submitted By, Reviewed By,

Danielle Hamilton, Kristina McNitt,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A - HB 2355, written testimony, Diana Madarieta, 1 p.**

**B - HB 2600, written testimony and conceptual amendments, Laura Schroeder, 4 pp.**

**C - HB 2600, written testimony, Dennis Becklin, 2 pp.**