

HOUSE COMMITTEE ON WATER AND ENVIRONMENT

April 21, 1999 Hearing Room D

1:00 P.M. Tapes 121 -123

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

Danielle Hamilton, Administrative Support

MEASURES HEARD:

HB 3280 Public Hearing and Work Session

HB 3393 Public Hearing

HB 2833 Public Hearing

HB 3346 Public Hearing

HB 3356 Public Hearing and Work Session

HB 3357 Public Hearing and Work Session

HB 3236 Public Hearing

HB 3420 Public Hearing

HJM 13 Public Hearing

HJM 4 Public Hearing

HB 3500 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 121, A		
003	Chair Welsh	Calls meeting to order at 1:15 PM and opens a public hearing on HB 3280.
<u>HB 3280 PUBLIC HEARING</u>		
012	Kristina McNitt	Committee Administrator. Gives background on HB 3280 which prohibits transfer of water rights for agricultural use to nonagricultural use. Explains the ñ1 amendments "gut and stuff" the bill.
013 Chair Welsh Closes public hearing and opens work session on HB 3280.		
<u>HB 3280 WORK SESSION</u>		
015	Rep. Roger Beyer	House District 28. Says he is sponsor of HB 3280. Describes the ñ1 amendment. Explains the insertion of "and fire fighting training" on page 1, line 8, and an emergency clause added on the last page.
027	Vince Herman	Assistant Fire Chief, Silverton Fire District. Explains reasons why HB 3280 is needed. States Water Resources Department suggested making the changes to the bill.
072	Martha Pagel	Water Resources Department. Comments on previous discussions about water resources. Suggests a limited license for training purposes. States the department's concerns and reasons for a limited license or water right. Presents (EXHIBIT A) .
100	Chair Welsh	Asks why the proponents need this bill.
109	Pagel	Says the normal process under a limited license would be available to the firefighters. States an outright exemption may interfere with available water and other water rights. States the department will work with firefighters to obtain a source of water on a long-term basis for training purposes.
115	Rep. Morgan	Asks if every fire department that uses a training program is required to get a license.

118	Pagel	Answers most fire departments are served through municipal systems or a well can obtain a water right. States this is the first time a need for training has been addressed.
132	Rep. Morgan	Describes training exercises that may take place in different locations.
142	Pagel	Answers that would be a reason to have a temporary water right which can be obtained with a 15-day notice.
155	Rep. Morgan	Asks what the process is for obtaining a license.
157	Pagel	Responds that there is a 1 or 2 page application form and a \$100 fee. Explains the water master evaluates the situation and public notice is given.
168	Rep. Morgan	Asks who would receive these applications.
170	Pagel	Responds they often come to Salem from the local water master.
175	Rep. Kruse	Asks if this is a relatively minor issue.
180	Pagel	Answers it can be minor, but as written it does not have limits. Explains a farmer with water rights may object. There are ways to meet with the interests without creating conflict with water owners.
195	Rep. Kruse	Says he thinks a water truck would not hold a significant amount of water.
200	Pagel	States it could be significant to an endangered species or other public interest uses on a stream.
202	Rep. Morgan	Asks if there have been problems with training uses of water.
205	Pagel	Answers she is not aware of any past problems.
217	Burton Weast	Fire District Directors Association. Testifies in support of HB 2833. Comments on rural areas that do not have municipal areas. Explains all districts have multiple sites to draw water from. Explains volunteer water districts that have minimal office help. Says the association does not think there is a problem. Supports the 11 amendments.

255	William Klein	Woodburn Fire District. Agrees with Weastís statement. Says many rural fire departments do not have municipal supplies.
283	Rep. Kruse	Asks how much a water tanker holds.
285	Klein	Answers from 2,000 to 4,000 gallons.
288	Rep. Kruse	Asks if the continued training is vital to public safety.
290	Klein	Answers that access to water for training is necessary. Opposes HB 3280 in its original form
300	Chair Welsh	Asks for further discussion on HB 3280. Closes work session. Opens work session on HB 3393.
<u>HB 3393 PUBLIC HEARING</u>		
320	McNitt	Explains HB 3393 prohibits removal of large woody debris without removal permit, except in emergency. There are ñ1 amendments.
330	Rep. Elaine Hopson	House District 2. Testifies in support of HB 3393. Says the bill brings balance to the process of protecting landowners and resources.
354	Walt Weber	Nekanicum Watershed Council. Retired fishery biologist. Supports HB 3393. Says the councilís concern is with the lack of instream wood necessary for restoring habitat for fish. Explains that, in some cases, wood can be a hazard. Presents (EXHIBITS B, C, & D) .
TAPE 122, A		
050	Weber	Comments that local government has a good grasp of the situation and knowledge of what needs to be done when a problem develops with wood debris.
075	Rep. Gianella	Asks if there are very many severe cases where debris removal is needed.
078	Weber	Answers that there has been a large amount of wood debris in the last two years of flooding.
088	Rep. Atkinson	Asks for clarification on the process of removing or displacing the structure.

098	Weber	Answers that he would like to have all of the debris stay in the river. Says moving impediments to boats can be accomplished.
115	Weber	Answers their needs to be a continuous input by designated staff.
117	Rep. Atkinson	Comments that in the 1970s wood was removed from rivers, and in the 1990s it is being put back.
132	Rep. Hopson	Comments on the need for balance. States habitat concerns and landowners need to come together. Says the permit process has been removed from the bill.
148	Rep. Gianella	Asks about the pictures that were submitted to the committee.
171	Rep. Gianella	Asks if HB 3393 affects trees on land.
173	Weber	Answers that trees about to fall into the river can be hazardous and this bill would not deal with that. Explains the county has riparian protection ordinances.
174	Rep. Taylor	Asks who is removing the debris from the river.
193	Weber	Answers that woodcutters, fishermen, and land owners remove the wood. Says the wood becomes a problem when it moves downstream. Continues to explain pictures.
216	Rep. Gianella	Asks how many feet from the stream are considered in debris management.
222	Weber	Answers that some trees that are leaning are cut off. Says at high water a tree was probably submerged, but it is probably 10 feet from the water.
250	Chair Welsh	Closes work session on HB 3393 and opens public hearing on HB 2833.
<u>HB 2833 PUBLIC HEARING</u>		
260	Jan Lee	Oregon Water Resources Congress. Testifies in support of HB 2833. Explains the amendments and why this bill is necessary. Presents (EXHIBIT E) .
320	Pagel	Testifies in support of HB 2833. Concurs with Lee's comments. States the Water Resources Department has seen the amendments and agrees to them.
317	Chair Welsh	Closes public hearing on HB 2833 and opens a public hearing on HB 3346.

		Comments that the sponsor is not present.
<u>HB 3346 PUBLIC HEARING</u>		
329	Chair Welsh	Closes public hearing on HB 3346 and opens a public hearing on HB 3356.
<u>HB 3356 PUBLIC HEARING</u>		
347	Pete Test	Oregon Farm Bureau. Testifies in support of HB 3356. Says the bureau has worked on this bill since last year. Describes an incident where a diversion point change was implemented. Presents (EXHIBIT F) .
368	Pagel	Explains the Water Resources Department has worked with the Farm Bureau and Rep. Kruse on this bill. Explains the amendments. Presents (EXHIBIT G) .
TAPE, 121, B		
030	Reed Benson	Director, Water Watch. Testifies in support of HB 3356. States this bill is a step in the right direction.
039	Chair Welsh	States the Water Resources Department supports HB 3356. Closes public hearing on HB 3356. Opens work session on HB 3356.
<u>HB 3356 WORK SESSION</u>		
060	Rep. Kruse	MOTION: Moves to ADOPT HB 3356-1 amendments dated 04/00/99.
061		VOTE: 9-0
062	Chair Welsh	Hearing no objection, declares the motion CARRIED.
063	Rep. Kruse	MOTION: Moves HB 3356 to the floor with a DO PASS AS AMENDED recommendation.
064		VOTE: 7-0 EXCUSED: 2 - Atkinson, Devlin

	Chair Welsh	<p>Hearing no objection, declares the motion CARRIED.</p> <p>REP. KRUSE will lead discussion on the floor.</p>
065	Chair Welsh	Closes work session on HB 3356. Opens public hearing on HB 3357.
<u>HB 3357 PUBLIC HEARING</u>		
071	Rep. Kruse	Testifies this bill will help the state and landowners to improve the environment.
075	Test	Asks for Pagel to testify. Presents (EXHIBIT H) .
080	Martha Pagel	Says the Water Resources Department agrees with the two changes in the law that this bill creates. Explains that one change is application fees that deal with water rights with stored water. States the bill changes the base fee from \$250 to \$100 for new water right applications. Presents (EXHIBIT I) .
118	Test	Explains that HB 3357 will motivate landowners to take advantage of stored waters. States it will eliminate supplemental costs of stored water.
119	Chair Welsh	Closes public hearing and opens work session on HB 3357.
<u>HB 3357 WORK SESSION</u>		
120	Rep. Kruse	MOTION: Moves HB 3357 to the floor with a DO PASS recommendation.
		<p>VOTE: 8-0</p> <p>EXCUSED: 1 ñ Atkinson</p>
121	Chair Welsh	<p>Hearing no objection, declares the motion CARRIED.</p> <p>REP. KRUSE will lead discussion on the floor.</p>

140	Chair Welsh	Closes work session on HB 3357 and opens a public hearing on HB 3236.
<u>HB 3236 PUBLIC HEARING</u>		
148	Pagel	Testifies in opposition to HB 3236. Says the department wants a chance to see if these rules work. Presents (EXHIBIT J) .
201	Chair Welsh	Closes public hearing on HB 3236 and opens a public hearing on HB 3216.
<u>HB 3216 PUBLIC HEARING</u>		
215	Rep. Devlin	Testifies in support of HB 3216. States that the bill has a ñ1 amendment that changes the bill substantially. HB 3216 would establish a program to assess the health risks of contaminated water in the Willamette Basin and direct the Health Division to outreach through public education warnings of hazardous conditions resulting from contamination.
250	Rep. Morgan	Asks Rep. Devlin if he has an estimate as to the cost of this program.
255	Rep. Devlin	Answers it costs about \$100,000 to start up a program.
260	Rep. Morgan	Comments that there are some signs in areas of the Willamette River warning of contaminated conditions.
268	Rep. Devlin	Agrees there is also a need for monitoring and further education.
282	Rep. Morgan	Cites a study done by DEQ that showed abnormal squawfish found in Willamette streams.
288	Rep. Devlin	Answers that he has heard of that study.
295	Rep. Kruse	Discusses an SR2 meeting in Portland where the question, "What is Portland willing to do to help water quality and save the salmon?" Mayor Katz responded, "Whatever it takes." Asks if the city of Portland has been approached as to how much money they will invest in this program.
304	Rep. Devlin	Answers that the city has not, but he will approach the city with the advocates of the bill.
307	Rep. Kruse	Says he can be quoted as saying Mayor Katz made that statement.
311	Rep.	Asks what type of education is suggested in the bill.

	Gianella	
314	Rep. Devlin	Answers the education guidelines are indicated in HB 3216.
324	Chair Welsh	Asks if the Health Division has a mandate to educate the public on these issues already.
328	Rep. Devlin	Answers it depends on their resources and their priorities.
332	Chair Welsh	Asks if there would need to be scientific definitions.
338	Rep. Devlin	Answers that many definitions would be made through rules.
346	Dr. Grant Higginson	Oregon Health Division. Testifies in support of HB 3216. States this issue has not been high priority, however, it has gained notoriety. Says the Health Division works with DEQ in notifying the public of toxic contaminants. Discusses the current fish advisories system for the Willamette and for mercury advisories in eastern Oregon. Notes that the resources are minimal for these issues.
400	Rep. Taylor	Asks who closes parks when contamination is found.
405	Higginson	Answers that the local Health Division has closed down recreational areas such as Blue Lake.
416	Rep. Gianella	Asks of the \$100,000 dollars, how much goes for signage and how much for monitoring.
420	Higginson	Answers that the division has not provided an estimate. States the greatest financial impact would most likely be testing water.
TAPE 122, B		
002	Rep. Gianella	Asks if signage is important, or if the proponents of the bill are more interested in monitoring the water.
006	Higginson	Answers that she would need to the proponents of HB 3216.
013	Rep. Taylor	Expresses her appreciation to the proponents of HB 3216. Describes the results of contaminants on the fish at the mouth of the Columbia River, where she lives. Stresses the importance of this bill.
023	Higginson	Comments that the contaminants are a problem in fish.

028	Rep. Kruse	Asks how much of the monitoring would be done by the Health Division and how much would be done by DEQ.
034	Higginson	Answers that has not, as yet, been determined.
037	Rep. Kruse	Comments that DEQ is presently doing some monitoring.
039	Higginson	Answers that the Health Department has spoken with DEQ and that there would be an agreement so that there would not be overlap.
047	Chair Welsh	Comments that the first step would most likely be scientific evaluation. States the assessment would take time and money.
055	Chair Welsh	Close public hearing on HB 3216 and opens public hearing on HB 3420.
<u>HB 3420 PUBLIC HEARING</u>		
067	Hillary Abraham	Oregon Environmental Council (OEC). Introduces Karen Lewotsky and Reed Benson.
063	Reed Benson	Water Watch. Testifies in support of HB 3420, which requires all water users to measure the amount of water withdrawn and stored. Says the current authority is not used by the Water Resources Department. States the Legislature should set a deadline for reporting. Presents (EXHIBIT K) .
120	Benson	Explains measurement does not only protect instream flows, but also those users legally within their water rights.
134	Karen Lewotsky	OEC. Testifies in support of HB 3420. Says water measurement is necessary in economizing the use of water and in planning water use. Presents (EXHIBIT L) .
148	Rep. Merkley	Asks what the duty is of the water appropriated.
154	Benson	Responds the duty is the annual volume required to meet the water use. The reason for the duty is so that water masters can determine if the water user is using the rate of flow they are authorized to use and the volume they are entitled to over a year.
168	Rep. Merkley	Asks if the measuring devices are electronic or mechanical.
172	Benson	Answers they are both, and that the manual type would be acceptable under HB 3420.

178	Rep. Gianella	Asks if this would affect farmers.
179	Benson	Answers that it would.
183	Rep. Gianella	Asks why the 1987 authority is not to be used.
184	Benson	Answers that Water Resources can answer that question. Says that measurement is a way to manage water more effectively.
188	Rep. Gianella	Asks if the future plan is to charge for water.
197	Benson	Answers that he does not know of any such plans.
198	Chair Welsh	Asks Benson if this bill was submitted in the 1995 Session.
200	Benson	Responds there may have been a similar bill.
204	Rep. Morgan	Asks if HB 3240 includes all water users.
206	Benson	Answers that it does.
211	Rep. Morgan	Asks how many points of usage there are.
212	Benson	Answers he is not sure who has that information.
219	Rep. Merkley	Asks if there is only one measurement device at the point of diversion, or if this is done individually.
224	Benson	Answers that the bill indicates the water right holder who is represented by the irrigation district.
231	Rep. Merkley	Asks if the farmer, receiving water through an irrigation district, would not need to install an individual measuring device.
232	Benson	Answers that is correct, this bill was not intended to require installation of individual measuring devices.

236	Chair Welsh	Closes public hearing on HB 3420 and opens public hearing on HJM 13.
<u>HJM 13 PUBLIC HEARING</u>		
244	Rep. Mark Simmons	House District 58. Supports HJM 13 that urges the President and Congress to prevent removal of dams on the lower Snake River. Relates the costs of removing the dams and the repairs and replacement to roads and railroads.
280	Bob Luzinka	Pilot Rock, cattleman. Expresses the benefits to people from the dams on the Snake River.
292	Sen. Ted Ferrioli	Senate District 28 . Testifies in support of HJM 13. Says the AFL-CIO supports HJM 13. Explains smolt survival experimentation in regard to dams. Says a precedent needs to be set regarding dam benefits and survival.
379	Rep. Simmons	Adds that many improvements have been made to the dams to assist fish survival rate. States the Coalition for Responsible River Use, Oregon Lands Coalition, Oregon State Building Council, and the Oregon Construction Trades Council are organizations requesting HJM 13.
391	Rep. Taylor	Comments that the recovering of species is an important message that she supports.
TAPE 123, A		
016	Rep. Simmons	Discusses concerns of sediment backup behind these dams that could plug ship lines down river.
023	Sen. Ferrioli	Agrees that there is a serious problem with species recovery and there is a huge cost involved in dam removal. Says reducing the capacity to produce income through shipping from the Columbia River needs to be considered.
047	Rep. Morgan	Comments on the effectiveness of dam removal from computer data that says in 50 years there may be a return to native salmon run.
067	Rep. Devlin	Asks when the U.S. Army Corps of Engineers will complete its analysis of the biological and economical benefits of dam removal.
072	Sen. Ferrioli	Answers within a year.
075	Rep. Devlin	Comments that his belief is that breaching the dams is premature.
080	Sen. Ferrioli	Responds that more information should be on the table, however, there are many

		proponents sending messages in support of this issue.
108	Rep. Simmons	Comments that a large number of representatives and senators suggest a public statement needs to be made in opposition to dam removal.
	Staff	Submits (EXHIBIT N) .
114	Chair Welsh	Closes hearing on HJM 13 and opens public hearing on HJM 4.
<u>HJM 4 PUBLIC HEARING</u>		
129	Chair Welsh	Closes public hearing on HJM 4. Opens public hearing on HB 3500.
<u>HB 3500 PUBLIC HEARING</u>		
126	Rep. Lynn Lundquist	House District 59. Testifies in support of HB 3500 with 3 amendments that gut and stuff the bill. Explains that a group worked on HB 3500 that creates youth camps on certain lands through LCDC rules. LCDC is neutral on this issue. Presents (EXHIBIT M) .
183	Al Cooper	Oregon Council of Boy Scouts of America. Supports HB 3500 with the amendments. States this bill supports youth camps.
188	Andrew Grimes	Boy Scout. Testifies in support of HB 3500. Asks for a caretaker residence at the camp.
216	Nathan Adair	Boy Scout. Supports HB 3500. Says the scouts need youth camps.
229	Nick Fosback	Boy Scout. Supports HB 3500. Says scouts need access to outing areas to get Eagle badges. Says caretakers are needed on the camp site.
240	Chair Welsh	Thanks the Boy Scouts for coming. Says when the amendments are done, the bill will be moved.
255	Rep. Taylor	Asks about youth camps and previous bills.
263	Rep. Lundquist	Responds that this bill is not for a particular camp, but all camps across the state.
275	Cooper	Says the original bill was a superseding bill that mandated the approval of youth camps. HB 3500 is a conditional use bill.

286	Rep. Lundquist	Comments that he believes HB 3500 answers the concerns about youth camp siting.
289	Chair Welsh	Closes public hearing on HB 3500 and adjourns meeting at 3:15 PM.

Submitted By, Reviewed By,

Danielle Hamilton, Jennifer Peck,

Administrative Support Committee Coordinator

Transcribed by,

Nancy Masee

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EXHIBIT SUMMARY

A ñ HB 3280, Written testimony, Martha Pagel, 3pp

B ñ HB 3393, Written testimony, Walt Weber, 2 pp

C ñ HB 3393, Written testimony, Walt Weber, 1 p

D ñ HB 3393, Written testimony, Walt Weber, 2 pp

E - HB 2833, Written testimony, Jan Lee, 11 pp

F - HB 3356, Written testimony, Pete Test, 2 pp

G ñ HB 3356, Written testimony, Martha Pagel, 3 pp

H ñ HB 3357, Written testimony, Pete Test, 1 p

I - HB 3357, Written testimony, Martha Pagel, 3 pp

J - HB 3236, Written testimony, Martha Pagel, 3 pp

K ñ HB 3420, Written testimony, Reed Benson, 2 pp

L ñ HB 3420, Written testimony, Karen Lewotsky, 1 p

M ñ HB 3500, -3 amendments, Rep. Lynn Lundquist, 2 pp

N ñ HJM 13, Written testimony, Staff, 5 pp