

JOINT COMMITTEE ON STREAM RESTORATION
AND SPECIES RECOVERY

January 26, 1999 Hearing Room 50

4:30 PM Tapes 6 - 7

MEMBERS PRESENT: Sen. Ted Ferrioli, Co-Chair

Rep. Ken Messerle, Co-Chair

Sen. Joan Dukes

Sen. David Nelson

Sen. Veral Tarno

Rep. Bob Jenson, Vice-Chair

Rep. Al King

Rep. Jeff Kruse

Rep. Randy Leonard

Rep. Lynn Lundquist

Rep. Susan Morgan

Rep. Bruce Starr

Rep. Terry Thompson

MEMBER EXCUSED: Sen. Ginny Burdick, Vice-Chair

STAFF PRESENT: Judith Callens, Administrator

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: Organizational Meeting

Revision of Committee Rules

Informational Meeting

Measure 66 Discussion

Oregon Plan Activities Overview

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 6, A		
004	Chair Messerle	Calls the committee to order at 4:38 p.m. States that the committee rule revision will be discussed once more members arrive.
<u>MEASURE 66 DISCUSSION</u>		
016	Jim Greer	Director, Department of Fish and Wildlife. Submits and reviews written materials regarding ODFW's Measure 66 priority option packages (EXHIBIT A) [testimony inaudible at times].
079	Greer	Continues reviewing submitted materials.
114	Rep. Thompson	Asks what the high-level management positions mentioned in package 204 were.
118	Greer	Responds that these were project leader positions in the marine program that were cut.
122	Sen. Dukes	Asks for clarification that package 401 is not Measure 66 funds.
126	Greer	Responds that this is General Fund.
128	Sen. Ferrioli	Asks what section of Measure 66 did ODFW rely on to fund research.
135	Greer	Responds that Measure 66 was looking at any impacts to salmonid species and they took this as a means to look at the predator issue.
145	Sen. Ferrioli	Comments that there is a need for the research, but they need to make sure that the definition and how they extrapolate research from what is in Measure 66 is clear.
154	Sen. Nelson	Comments on a news article that he saw which stated 40% of the species on the Endangered Species Act list are there because of natural/unnatural predators. Asks Mr. Greer if he has seen this article.
158	Greer	Responds that he has not.

159	Sen. Nelson	States that he will get Mr. Greer a copy of this article.
164	Greer	Comments on an area in California that has over 100 listed threatened and endangered species, and that predators are becoming one of the key factors in terms of long-term survival of some of the species.
173	Rep. Thompson	Asks what ODFW considers to be research.
185	Greer	Responds that ODFW attempts to apply research results to management.
214	Chair Messerle	Comments on the amount of funding for the ESA staff, and asks if ODFW can handle the workload with that limited staff.
221	Greer	Responds that they are presently handling the workload.
230	Chair Messerle	Asks what it is this position does right now.
232	Greer	Responds that this position handles the annual permitting requirements by NMFS and makes available information about ODFW activities or studies.
247	Chair Messerle	Asks for clarification that this position does not deal with other government agency or private sector requests for permits.
251	Greer	Responds that this position handles ODFW's requirements.
253	Chair Messerle	Expresses concern about the level of staffing ODFW has available to deal with permitting and consultation.
257	Greer	Comments that they are trying to address this through Measure 66 and the funding package they have in their budget
<u>OREGON PLAN ACTIVITIES OVERVIEW</u>		
261	Greer	Submits written material (EXHIBIT B) and gives an overview of ODFW's Oregon Plan activities: <ul style="list-style-type: none"> • Activities cover the whole breadth of ODFW's Fish Division • Over 100 personnel working on the Oregon Plan • Fishery activities associated with the Oregon Plan • Changes in the administration of field activities
313	Greer	Continues overview of ODFW's Oregon Plan activities: <ul style="list-style-type: none"> • Difficulty maintaining fisheries at the same time they're trying to recover

		<p>wild fish</p> <ul style="list-style-type: none"> • Modified hatchery programs • Amount of input into the Oregon Plan • Working closely with other state agencies
376	Greer	<p>Continues overview of ODFW's Oregon Plan activities:</p> <ul style="list-style-type: none"> • Amount of input into NMFS's Biological Review Team • Changes to their angling regulations • Need for mass marking of their hatchery fish
TAPE 7, A		
011	Greer	Continues overview of ODFW's Oregon Plan activities by discussing ODFW's funding needs for the Spring Chinook fishery.
029	Sen. Dukes	Asks if ODFW is looking at using a machine for tagging fish, or are they going to use people.
033	Greer	Responds that the machine is new technology that has just come out and it looks like it is going to be very effective.
048	Sen. Dukes	Asks how much this machine costs.
050	Greer	Responds that the cost is significant.
059	Sen. Nelson	Comments on the success the tribes in his area have had in restoring fish runs and asks why they are not being involved in the hatchery process.
071	Greer	Responds that this is the issue that legislators are going to hear a lot more about.
101	Chair Messerle	Asks if ODFW has plans to take a look at the wild fish policy.
106	Greer	Responds that the Governor's Executive Order states that ODFW will review this policy.
114	Chair Messerle	Asks if they have a timeframe for this review.
115	Greer	Responds that it will be initiated within the next six months.
117	Chair Messerle	Asks what the goals and benchmarks of ODFW are.
127	Greer	Responds that their commission has approved a basin plan that identifies what

		they believe are the goals and objectives.
142	Chair Messerle	Asks how they have done in the last two years.
143	Greer	Responds that they've done very well.
156	Chair Messerle	Comments on his interest in quantifying ODFW's progress.
167	Sen. Ferrioli	Referring to the trout from the hatchery program that would be going into closed water bodies, asks if this includes areas above dams.
169	Greer	Responds that it is just about anywhere there is a closed body.
175	Sen. Ferrioli	Asks if ODFW has a Native American liaison to the Umatilla tribe.
179	Greer	Responds that Steve Williams is ODFW's primary contact for all tribes and that the regional supervisors have designated someone to work with their contacts at the tribal level.
191	Sen. Ferrioli	Asks if there is an attempt to coordinate the Umatilla and Warm Springs hatchery programs with ODFW's hatchery operations.
198	Greer	Responds that there is.
203	Chair Messerle	Asks if ODFW has the authority to require upgrading of grandfathered storage facilities or grandfathered culvert systems.
217	Greer	Responds that he doesn't believe ODFW has the authority to say how it will be done or if it will be done. States they do have input on how upgrades will be made to meet the biological needs of the animal in question.
224	Chair Messerle	Using the example of the cranberry growers in his district, asks if ODFW has the authority to go in and require these established reservoirs to provide fish passage.
232	Greer	Responds that he is unable to answer this at this time. Comments that in terms of past barriers, there is not a statute that would allow or disallow the diversion of that water.
239	Chair Messerle	Asks Mr. Greer to get back to the committee on this issue.
243	Rep. Kruse	Comments on a group that he was involved with that developed a basin model for how natural resources are dealt with in Oregon. Asks how ODFW came to their model.

266	Greer	Explains how model was developed.
292	Greer	Continues explaining how model was developed.
354	Rep. Kruse	Expresses concern that they are supposed to be taking a regional approach, yet no agency has the same region and every agency is dividing up the regions in different ways.
372	Greer	Comments that ODFW's proposal explored how other agencies are divided into administrative units.
396	Rep. Starr	Asks for clarification as to whether catching wild fish and transferring them to a hatchery for spawning is successful.
TAPE 6, B		
001	Greer	Responds that Looking Glass Hatchery in Northeast Oregon was setup to do just this, and that they've had some success.
<u>REVISION OF COMMITTEE RULES</u>		
017	Judith Callens	Committee Administrator. Reviews the proposed changes to the committee rules (EXHIBIT C) .
043	Rep. Leonard	Asks for clarification that rule #14 does not apply to committee members or any member of the Legislative Assembly.
045	Callens	Responds that this is correct.
046	Rep. Leonard	Asks who else but committee members can propose amendments.
048	Callens	Explains that if a citizen or lobby group had a member draft amendments, and they brought these amendments to the committee, this rule would apply.
053	Rep. Leonard	Comments that the rule doesn't make sense to him.
056	Rep. Messerle	States that last session they had amendments come in from outside the committee and this is what the rule addresses.
061	Sen. Dukes	Reiterates that two is a small number as a minimum quorum for taking public testimony.

064	Rep. King	Asks for clarification that any committee member can waive rule #14.
073	Callens	Responds that if a member of the committee were to introduce an amendment for a citizen or group this would, in effect, waive the requirement of rule #14.
076	Sen. Nelson	MOTION: Moves to ADOPT the proposed revisions to the committee rules.
		VOTE: 9-0
078	Chair Messerle	Hearing no objection, declares the motion CARRIED.
<u>OREGON PLAN ACTIVITIES OVERVIEW (CONTINUED)</u>		
088	Langdon Marsh	Director, Department of Environmental Quality (DEQ). Submits and reads written testimony regarding DEQ's Oregon Plan activities (EXHIBIT D).
139	Marsh	Continues reading written testimony.
171	Pam Blake	Basin Coordinator, Department of Environmental Quality. Testifies on south coast watershed restoration activities [testimony inaudible at times].
193	Blake	Begins slide show presentation on south coast restoration activities [testimony inaudible at times]: <ul style="list-style-type: none"> • Level of coordination • Better coordination between the agencies • Efforts in the upper watershed • Challenge of integrating the legal requirements of TMDL
240	Blake	Continues slide show presentation [testimony inaudible at times]: <ul style="list-style-type: none"> • Improvements to the quality in their area • Resolution of the off-channel watering blockades issue • Riparian enhancement work • Fencing and planting projects
290	Blake	Continues slide show presentation [testimony inaudible at times]: <ul style="list-style-type: none"> • Funding sources are not looking favorably to funding maintenance work • Activity in Curry County • Upland sediment abatement and identification project
347	Blake	Continues slide show presentation [testimony inaudible at times]: <ul style="list-style-type: none"> • Work with watershed associations

- Controversial contract work
- Other area where they are trying some controversial things

[Due to technical difficulties, the remainder of tape 6, side B is mostly inaudible]

TAPE 7, B

022	Blake	Continues overhead presentation [testimony inaudible at times]: <ul style="list-style-type: none"> • Perform a lot of monitoring in the field • Need for good, solid data to do TMDL development • Offer technical assistance to landowners • Need to listen closely to what landowners' needs are
062	Mike Llewelyn	Water Quality Division Administrator, Department of Environmental Quality. Begins testimony on DEQ's activities regarding TMDLs.
069	Rep. Starr	Asks for definition of TMDL.
070	Llewelyn	Responds that it stands for Total Maximum Daily Load. Continues testimony on DEQ's TMDL activities.
117	Llewelyn	Continues testimony on DEQ's TMDL activities.
159	Rep. Leonard	Asks if DEQ regulates the activities of the Port of Portland with regard to the storm sewer outfalls that go into the Columbia River slough.
162	Llewelyn	Responds that this is correct.
163	Rep. Leonard	Asks for clarification that the Port of Portland is seeking a permit to dump dicer into the Columbia River.
167	Llewelyn	Responds that this is correct.
168	Rep. Leonard	Asks if DEQ is going to approve this permit application.
169	Llewelyn	Responds that the details of their application and DEQ's review and possible acceptance are still to be determined.
176	Rep. Leonard	Expresses concern that DEQ would even be considering approving such a permit, in light today's testimony.
191	Marsh	Comments that the TMDL calls for the Port of Portland to get the discharge out

		of the slough, but it doesn't specify what they can do with the material.
210	Rep. Leonard	Comments that he has gotten the impression that they were just going to dump into the Columbia River.
215	Chair Messerle	Reminds the witness and Rep. Leonard that they need to direct questions and responses through the Chair.
218	Rep. Leonard	Clarifies that he has raised this issue so that the other members of the committee are aware of it.
222	Chair Messerle	States that the continuing members on the committee are aware, but this is good information for the new members.
226	Rep. Leonard	Comments that there is some inconsistency to this situation. Asks for clarification that DEQ gave the Port of Portland a permit to dump toxic materials into the lagoon at Ross Island.
234	Marsh	Responds that the permit was actually given by the Corps of Engineers, but it did have a 401 water quality certification given by DEQ.
238	Rep. Leonard	Questions how we can have a clean water initiative and yet be permitting the dumping of toxic materials into a lagoon in the middle of the Willamette. Asks for clarification that Ross Island has applied for another permit to mine more of the island.
256	Marsh	Responds that they have applied to the Division of State Lands for a permit to continue mining portions of the island and the lagoon.
283	Rep. Leonard	Expresses frustration at hearing a lot of talk about doing something about the Willamette, but groups are being allowed to continue to dump contaminants.
303	Chair Messerle	Asks what toxins are they discussing.
306	Marsh	Responds that there were four or five separate disposal situations from the Port of Portland into the Ross Island lagoon and there were a number of different contaminants.
321	Rep. Lundquist	Asks if DEQ has had any surprises, good or bad, in working on their TMDL activities.
333	Marsh	Responds that they are finding largely what they expected.
363	Rep. King	Asks for clarification that the toxic material in the slough is capped and that the

		reason it is there is because the removal of it would create more problems.
375	Marsh	Clarifies that the material Rep. King referred to is in the Ross Island lagoon, and that this material was capped. States that DEQ has been concerned about the integrity and viability of this disposal method.
397	Sen. Tarno	Comments that the issue of combined sewage overflows (CSOs) has not been adequately addressed and that DEQ needs to look at alternatives for storm water disposal.
41	Marsh	Responds that it would be useful if they presented some information on how the CSO problem is being handled throughout the state.
435	Chair Messerle	Adjourns the committee at 6:29 p.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,
Administrative Support Administrator

EXHIBIT SUMMARY

- A ñ Measure 66 discussion, written material, Jim Greer, 3 pp.**
- B ñ Oregon Plan activities overview, written material, Jim Greer, 8 pp.**
- C ñ Proposed committee rule revisions, Staff, 3 pp.**
- D ñ Oregon Plan activities overview, written testimony, Langdon Marsh, 7 pp.**