

**JOINT COMMITTEE ON STREAM RESTORATION**  
**AND SPECIES RECOVERY**

**February 22, 1999 Hearing Room 50**

**7:00 AM Tapes 32 - 33**

**MEMBERS PRESENT: Sen. Ted Ferrioli, Co-Chair**

**Rep. Ken Messerle, Co-Chair**

**Sen. Ginny Burdick, Vice-Chair**

**Rep. Bob Jenson, Vice-Chair**

**Sen. Joan Dukes**

**Sen. Veral Tarno**

**Rep. Al King**

**Rep. Jeff Kruse**

**Rep. Randy Leonard**

**Rep. Susan Morgan**

**Rep. Bruce Starr**

**Rep. Terry Thompson**

**MEMBER EXCUSED: Sen. David Nelson**

**Rep. Lynn Lundquist**

**STAFF PRESENT: Judith Callens, Administrator**

**Stephen Kosiewicz, Administrative Support**

**MEASURE/ISSUES HEARD: Willamette Restoration Initiative Executive Order 98-18**

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.

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TAPE/#	Speaker	Comments
<b>TAPE 32, A</b>		
004	Chair Ferrioli	Calls the committee to order at 7:11 a.m.
<b><u>WILLAMETTE RESTORATION INITIATIVE EXECUTIVE ORDER 98-18</u></b>		
017	Rick Bastasch	Executive Director, Willamette Restoration Initiative (WRI). Submits written material ( <b>EXHIBIT A</b> ) and reviews Executive Order 98-18.
067	Rep. Messerle	Asks Mr. Bastasch to explain the reference to the livability forum in the Executive Order.
072	Bastasch	Responds that the reference to the Willamette Valley Livability Forum is in regard to WRI working closely with it.
091	Rep. Messerle	Asks for the committee to receive a copy of the Forum's goals and their focus. Asks if the Willamette Restoration team that was mentioned in an article he read regarding the City of Portland's efforts to reduce their compliance of the overflow from their sewer system is a reference to WRI.
102	Bastasch	Responds that it sounds like the article was talking about WRI, but he does not know why they would be referenced in regard to that particular issue.
117	Rep. Messerle	Asks Mr. Bastasch to take a look at this article and clarify for the committee what group they are dealing with on this issue.
122	Rep. Kruse	Expresses concern over the potential of groups created by Executive Order having predetermined outcomes. Notes that the Executive Order refers to the continued deterioration of water quality in the Willamette Basin, but the committee had a presentation last week from a group saying that the water quality is good enough to pump out of for domestic use. Questions how to reconcile these two opinions.
133	Bastasch	States that that these opinions do need to be reconciled and it should be done on the basis of scientific information. Notes that WRI is working with the Independent Multidisciplinary Science Team (IMST).
153	Rep. Kruse	Notes that the "whereas" statements in the Executive Order put in place a base set of assumptions. Expresses concern that WRI is starting off on work based on a level of degradation that does not really exist.
165	Sen. Tarno	Notes that the Executive Order mentions water quality but not water quantity. Asks if there is a limitation on the amount of water that can be taken out of the Willamette.

172	Bastasch	Responds that there are some limits. Notes that the Board's subcommittee on strategy has recognized that there is a water quantity issue.
200	Rep. Leonard	Asks how WRI interacts with state agencies that may permit activities on the Willamette that could affect water quality.
204	Bastasch	Responds that WRI is beginning to work closely with state agencies primarily through the existing structures of the Oregon Plan teams.
220	Rep. Leonard	Asks for an example of something specifically that WRI is doing on the river in regard to their role as outlined in the Executive Order.
229	Bastasch	Responds that WRI is working with the Parks and Recreation Department on a river restoration planting.
259	Rep. Leonard	Asks if WRI sees itself having a role in the combined sewage overflows issue.
262	Bastasch	Responds that it is likely WRI will become involved in this issue.
288	Rep. Messerle	Asks if the language in subsections I and J on page 3 and subsection I on page 5 of the Executive Order is in reference to a new agency that would have authority, and if so, what kind of authority would it have.
305	Chip Lazenby	Legal Counsel, Governor's Office. States that this question presumes things that are not in the Executive Order. Explains that Executive Orders are an effort on the part of the Governor to bring people together to work.
338	Rep. Messerle	Questions where WRI is going and states that legislators need to be well informed and comfortable with the direction of the group.
356	Rep. Jenson	Asks if WRI has done any studies on what is the maximum population the Willamette Valley can have and still obtain the provisions outlined in the Executive Order.
366	Bastasch	Responds that to date they have not. Notes that WRI is working with the Ecosystem Research Consortium on this question.
396	Rep. Jenson	States that this is a critical question that needs to be answered before some of the other issues are looked at.
<b>TAPE 33, A</b>		
009	Rep. Morgan	Asks what the Willamette Basin Task Force is and whether this group is still active.

012	Bastasch	Responds that the task force was created by the Governor and concluded its work about a year ago, delivering about 100 recommendations to the Governor.
024	Rep. Morgan	Asks whether WRI would also have a coordination role in regard to the work of watershed councils.
031	Bastasch	Responds that WRI would. Notes that when they talk about coordination, it is not WRI's intent to approve or disapprove projects by the watershed councils.
051	Rep. Morgan	Asks how WRI would be involved in the process of grants going to watershed councils.
054	Bastasch	Responds that this has not been determined yet.
076	Rep. Morgan	Asks how WRI sees its role in providing technical assistance to the groups working on the ground.
079	Bastasch	Responds that WRI has to work more with these groups to understand their needs. Notes that watershed council coordinators have indicated the need for assistance in certain areas.
106	Rep. Kruse	Notes that the funding through GWEB was focused on coastal Coho and this is where the money went. Referencing subsection E on page 4 of the Executive Order, expresses concern that a separate entity is being setup for the Willamette Basin outside the Oregon Plan.
126	Bastasch	Comments that WRI does not want this.
143	Rep. Kruse	Referencing subsection G on page 5 of the Executive Order, states that this language makes it sound like a separate entity. Asks what WRI's interpretation of this section is.
152	Bastasch	Responds that he reads this as instructions to WRI to use the influence of its board members to attract additional funding.
178	Lazenby	Comments that the committee needs to look at the Executive Order as a whole and keep in mind that it was crafted to attract people to devote their time to the WRI effort.
200	Rep. Kruse	Notes that the Oregon Plan identifies watershed restoration and water quality as important parts of the recovery process. Explains why he has raised these issues.
230	Sen. Burdick	Referencing section 7 on page 7 of the Executive Order, asks what commitment the Governor's Office has made in this regard and what instructions have gone to state agencies.

239	Bastasch	Responds that he cannot speak to what the Governor may have directed state agencies. Notes that this language has been used to provide WRI with some state agency assistance.
269	Sen. Burdick	Clarifies that she was trying to get at who within the Governor's Office would assist in resolving disagreements on agency priorities relevant to this area.
275	Lazenby	States that the Governor would be the one to do this. Notes that Louise Solliday is the primary contact for WRI out of the Governor's Office.
283	Chair Ferrioli	Asks for clarification that WRI is authorized to make expenditures.
288	Bastasch	Responds that they are.
289	Chair Ferrioli	Asks if there is an expenditure limitation.
291	Bastasch	Responds that he is not aware of one.
292	Chair Ferrioli	Asks who has oversight authority on WRI's actions.
298	Lazenby	Responds that it is a mixture.
315	Chair Ferrioli	Asks whether WRI would contemplate competition with other grant applicants for Oregon Plan or Measure 66 dollars.
320	Bastasch	Responds that WRI is not organized to the point where they can have a policy on this.
336	Chair Ferrioli	Asks if WRI is a state agency.
339	Bastasch	Responds that it is not.
340	Chair Ferrioli	Asks if WRI is a non-governmental organization.
343	Bastasch	Responds that he is not knowledgeable on how legally a non-governmental organization is defined.
348	Lazenby	Notes that groups formed by Executive Order have been ruled by the Attorney General to be advisory bodies to the Governor.
369	Chair Ferrioli	Asks if there is any question that the committee would have legislative oversight between WRI's activities and the Oregon Plan.

375	Lazenby	Responds that this is recognized.
378	Chair Ferrioli	Notes that the committee will exercise oversight authority in WRI's writing of the Willamette Chapter of the Oregon Plan. Asks if WRI's Board meetings would be subject to the public meetings law.
391	Lazenby	Responds that they may not be. Notes that WRI is currently an advisory group to the Governor and rulings from the Attorney General have stated that the public records law does not apply to such groups.
405	Chair Ferrioli	Asks whether there is public expectation or inherent right of the citizens to attend these meetings if they desired.
409	Lazenby	Responds that, legally, probably not.
<b>TAPE 32, B</b>		
001	Bastach	Notes that WRI's Board made itself subject to the public meetings law in its adopted charter.
007	Chair Ferrioli	Explains the reason for his questions. Asks if WRI is entering into an agreement to pay for the IMST's services or will the Legislature pay for WRI's consultation with the IMST.
023	Bastach	Responds that it is the latter.
029	Chair Ferrioli	Referencing subsection E on page 4, asks if dam removal is viable.
036	Bastach	Responds that he does not know.
037	Chair Ferrioli	Asks if the current hatchery and wild fish policies are viable.
038	Bastach	Responds that he does not know.
039	Chair Ferrioli	Notes that the committee does not know these answers either. Asks if there will be a conflict resolution opportunity if WRI's Board make conclusions about viability that do not agree with policies and procedures of the watershed councils.
052	Bastach	Responds that WRI's first interest would be avoiding this kind of conflict.
071	Chair Ferrioli	Asks if WRI is considered a corporation under Oregon law.

076	Bastasch	Responds that it is not.
080	Chair Ferrioli	Asks for clarification that currently WRI is not a legal entity.
081	Bastasch	Responds that this is correct.
082	Chair Ferrioli	Asks if WRI has received federal funding.
084	Bastasch	Responds that the funding WRI has received has been solely federal funding.
095	Chair Ferrioli	Asks what the repository is of these funds and how they were granted.
102	Lazenby	Responds that a private, non-profit was eligible to receive these dollars.
103	Chair Ferrioli	Asks what this private, non-profit is.
104	Bastasch	Responds that it was the Association of Clean Water Agencies.
105	Chair Ferrioli	Asks if the Association of Clean Water Agencies is an Oregon entity or a federal entity.
107	Lazenby	Responds that it is a private, non-profit corporation chartered in Oregon.
108	Chair Ferrioli	Asks for the committee to receive a list of the Board of Directors and the business location for the Association of Clean Water Agencies. Asks for clarification that the federal funds have flown to an entity that is registered to do business in Oregon.
116	Lazenby	Responds that his understanding is that there were federal dollars that went to a private, non-profit corporation.
117	Chair Ferrioli	Asks if this private, non-profit corporation registered to do business in Oregon.
118	Lazenby	Responds that it is.
119	Chair Ferrioli	Asks Mr. Lazenby if he is acting as legal counsel to WRI in any sense.
120	Lazenby	Responds that he is not.
121	Rep. Messerle	Asks whether WRI does not anticipate managing the American Heritage Rivers funds, and if so, does WRI not anticipate receiving funds from the federal

		government or other agencies for this program.
129	Bastasch	Responds that this is not what he intended to say. Notes that WRI is working to coordinate the American Heritage River program in the Willamette Basin.
151	Sen. Dukes	Notes that GWEB is a state agency because it is part of the Executive Branch. States that she assumed that anything created by an Executive Order is part of the Executive Branch.
158	Lazenby	Notes that there is a difference between being part of the Executive Branch and being responsive to the Executive Branch.
168	Sen. Dukes	Asks for clarification as to whether the Governor is bound by the actions of GWEB.
170	Lazenby	Notes that GWEB was not created by Executive Order. Comments on the creation of WRI.
191	Sen. Dukes	States that this issue needs to be clarified more.
227	Rep. King	Comments that the state should be responsive to federal priorities and grants. Notes that WRI's independence in terms of statewide responsibility is a key element.
257	Sen. Dukes	Expresses concern that WRI does not even have a budget and that some group in the Willamette Basin could be the recipient of Measure 66 funds.
274	Chair Ferrioli	Notes that it is important for the committee to understand what WRI is and what it will accomplish.
291	Ken Rocco	Legislative Fiscal Office. Explains the funding structure of WRI. Notes that the Governor's budget does not include WRI.
339	Chair Ferrioli	States that the committee needs to get a better understanding of how WRI is going to serve the restoration objectives of the Willamette Basin. Adjourns the committee at 8:30 a.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,



Administrative Support Administrator

**EXHIBIT SUMMARY**

**A ñ Willamette Restoration Initiative Executive Order 98-18, written material, Rick Bastasch, 8 pp.**