

JOINT COMMITTEE ON STREAM RESTORATION
AND SPECIES RECOVERY

February 5, 1999 Hearing Room 50

9:00 AM Tapes 14 - 15

MEMBERS PRESENT: Rep. Ken Messerle, Co-Chair

Sen. Ginny Burdick, Vice-Chair

Rep. Bob Jenson, Vice-Chair

Sen. David Nelson

Sen. Veral Tarno

Rep. Al King

Rep. Jeff Kruse

Rep. Randy Leonard

Rep. Lynn Lundquist

Rep. Susan Morgan

Rep. Bruce Starr

Rep. Terry Thompson

MEMBER EXCUSED: Sen. Ted Ferrioli, Co-Chair

Sen. Joan Dukes

STAFF PRESENT: Judith Callens, Administrator

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: Use of Science in Policy Decision-Making

Oregon Plan Monitoring Update

Oregon Plan Enforcement Update

TAPE/#	Speaker	Comments
TAPE 14, A		
004	Chair Messerle	Calls the committee to order at 9:13 a.m. Announces that Sen. Ferrioli and Sen. Dukes are excused for today's meeting.
<u>USE OF SCIENCE IN POLICY DECISION-MAKING</u>		
010	Stephen Kafoury	Representing American Fisheries Society. Explains the presentation that Ms. Bradshaw and Mr. Borchers will give the committee today.
025	Gay Bradshaw	Research Mathematician, Pacific Northwest Research Station. Begins overhead presentation on making better use of science for policy: <ul style="list-style-type: none"> • Role of science in policy • Estimation and evaluation of environmental risk
069	Bradshaw	Continues overhead presentation: <ul style="list-style-type: none"> • How to reduce risk • Problem of minimizing environmental risk and cost • Weighing the risk and cost • Scientists' role in weighing the risk and cost
115	Bradshaw	Continues overhead presentation: <ul style="list-style-type: none"> • Scientific uncertainty • Science is uncertain, yet policy needs certainty • "Wait and see" approach
168	Bradshaw	Continues overhead presentation: <ul style="list-style-type: none"> • "Wait and see" approach is not appropriate • Should we wait? • Risk is not symmetric
210	Bradshaw	Continues overhead presentation: <ul style="list-style-type: none"> • Best way to use science for making sound policy • Sound policy
253	Jeff Borchers	Oregon State University. Explains adaptive management.
264	Rep. Thompson	Notes that often it is the scientific community that takes the low risk approach.

281	Borchers	Clarifies that they are talking about planning for high-risk contingencies [comments inaudible at times].
306	Rep. King	Notes that mutually exclusive outcomes were not included in the model.
315	Bradshaw	States that it is important to try to use science to make the options look like they fit into a larger envelope so they are not mutually exclusive.
323	Chair Messerle	Notes that as legislators, they are frustrated with the lack of data [comments inaudible at times].
343	Bradshaw	States that laying out the whole range is very critical.
353	Kafoury	Notes that the Chair's request has been taken seriously and he has a group of scientists working on this [comments inaudible at times].
362	Chair Messerle	Notes that part of the problem might be that there is not an adequate system in place for peer review.
369	Bradshaw	Clarifies that their presentation is not a lecture at the committee, but a lecture at scientists as well.
381	Sen. Nelson	Comments that science is really an art.
TAPE 15, A		
005	Rep. Lundquist	Notes the need for a scientific base. Comments that it seems from the presentation that the scientific community would lead toward the position of minimizing risk.
021	Borchers	Comments on the issue of economic risks.
055	Bradshaw	Notes that one of the points they are trying to make is to have clarity of what are scientific issues and what are social or economic issues.
064	Rep. Kruse	Comments on the problem of starting the process based on assumptions that are not proven.
086	Bradshaw	Notes that in most cases there is no assumption that one thing or another is occurring.
116	Sen. Burdick	Asks if it would be economically less risky to prioritize high-risk situations.

126	Bradshaw	Clarifies that they were discussing environmental risk in the presentation. Responds that this is where the next stage comes in.
136	Borchers	Notes that if the Army Corps of Engineers had built all the dams along the Willamette at half their current height they would have accommodated the low-risk situations, but not the high-risk ones.
142	Rep. Leonard	Comments that we should take scientific knowledge and address the issues we do know about first.
172	Borchers	Comments that he believes science has already done its job.
176	Rep. Leonard	Clarifies that his point is that science already gives policymakers options.
182	Borchers	Notes that some action is certainly called for, and the question is always how much.
185	Rep. Leonard	Notes that there are things scientists are responsible for.
192	Chair Messerle	Expresses concern that some things that are very degrading to the fishery are known, but questions how big a factor these are in the full picture.
199	Rep. Jenson	Comments on the conflict in the area of science.
<u>OREGON PLAN MONITORING UPDATE</u>		
236	Kelly Moore	Oregon Plan Monitoring Program Leader, Governor's Natural Resources Office. Submits written material (EXHIBIT A) and begins testimony on monitoring program activities.
302	Moore	Continues testimony on monitoring activities.
351	Moore	<p>Begins slide presentation:</p> <ul style="list-style-type: none"> • Who is involved in the monitoring program • Where they are in the monitoring • Following the life cycle of the fish • Monitoring habitat conditions • Creating population estimates • Conducting snorkel surveys • Getting in the water to make the counts • Trapping fish in the sub-basins
TAPE 14, B		

004	Moore	<p>Continues slide presentation:</p> <ul style="list-style-type: none"> • Importance of measurement and information obtained through trapping • Network of trap sites • Stream surveys • Coast surveys • Winter surveys • Collection of in-stream data • Culvert inventory • Natural barriers to fish passage
051	Moore	Continues slide presentation by discussing how the monitoring information is used.
074	Moore	Continues testimony by reviewing the monitoring program's current status.
122	Moore	Continues reviewing the program's current status.
129	Chair Messerle	Notes that it appears they are making progress. Questions what population level they are trying to get back to in the restoration process.
139	Moore	Comments that this is an area they need to do more work in.
159	Rep. Thompson	Referring to page four of the submitted materials, suggests that under ocean conditions they include predation as a monitoring question.
174	Moore	Notes that ocean conditions are something they need to look at.
185	Rep. Thompson	States that he would also like to see basic food production monitored in ocean conditions and suggests that they include predation as a monitoring question in regard to down stream migrants. Referring to page six of the submitted material, asks for clarification on what the monitoring question is in regard to harvest rates and incidental mortality.
210	Moore	Responds that as part of the harvest matrix they need to know what the mortality is on Coho based upon a fishery targeted for Chinook, for example.
221	Rep. Thompson	Asks what "supports all interpretations" means.
223	Moore	Responds that they need to partition out the various mortality sources and resolve questions.
229	Rep. Thompson	Comments that he thought they had established a mortality rate.
234	Sen. Tarno	Asks where the monitoring program volunteers are coming from.

237	Moore	Responds that most of the volunteers come from the watershed councils.
243	Sen. Tarno	Asks to what extent is the Salmon-Trout Enhancement Program (STEP) involved in the monitoring.
246	Moore	Responds that it is his understanding that the STEP people are primarily trying to monitor the impact of their own activities.
249	Sen. Tarno	Asks if the STEP people share information with the monitoring program.
250	Moore	Responds that the information from STEP goes to ODFW, but it is somewhat compartmentalized.
255	Sen. Tarno	Notes that the issue of information management is critical.
260	Moore	Notes that in the Governor's recommended budget for the Oregon Plan they have added funds to provide better information management.
262	Chair Messerle	Asks how this information is accepted by NMFS, since volunteers are collecting the data.
270	Moore	Responds that the core data collection they are sharing with NMFS is being done by the funded surveys.
<u>OREGON PLAN ENFORCEMENT UPDATE</u>		
298	Lindsay Ball	Fish and Wildlife Division Captain, Oregon State Police (OSP). Submits written material (EXHIBIT B) and reads written testimony on enforcement of fish and wildlife laws.
343	Ball	Continues reading written testimony.
385	Ball	Continues testimony by reviewing the Illinois Valley Project to address push-up dams used to divert irrigation water.
TAPE 15, B		
011	Ball	Continues testimony on the Illinois Valley Project.
046	Sen. Tarno	Asks for clarification that the one arrest in the Illinois Valley was actually a citation.

048	Ball	Clarifies that a citation was issued. Continues testimony on the Illinois Valley Project.
060	Ball	Continues testimony by reviewing the Spring Chinook Salmon protection effort on the North Fork Trask River.
107	Chair Messerle	Comments on the issue of NMFS enforcement versus OSP enforcement. Asks Capt. Ball if he knows the status of NMFS' budget request for additional enforcement personnel.
125	Ball	Discusses a letter he sent in September to the head of NMFS' enforcement division for the northwest region as a result of a situation involving NMFS enforcement in the Illinois Valley.
178	Ball	Responds that to his knowledge they still want to assign five NMFS agents to Oregon for enforcement.
180	Chair Messerle	Announces the new meeting schedule for the committee, which will start next week.
213	Sen. Tarno	Asks if, under Oregon Revised Statutes, can a federal agent file a case in Oregon courts.
217	Ball	Responds that they have this authority under the criminal code.
218	Sen. Tarno	States that maybe they should take this authority away from them.
220	Rep. Thompson	Commends OSP for their enforcement activities. Asks if OSP is going to be able to put the amount of enforcement officers in the field that is needed to keep NMFS out of Oregon.
232	Ball	Responds that unless the funding mechanism for fish and wildlife enforcement in Oregon is changed, they will lose 26 officers by July 1 of this year.
247	Rep. Thompson	Notes that this is a real problem the committee needs to deal with.
260	Chair Messerle	Notes that many people don't realize the full scope of enforcement activities OSP handles. Adjourns the committee at 10:56 a.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ Oregon Plan monitoring update, written material, Kelly Moore, 8 pp.

B ñ Oregon Plan enforcement update, written material, Lindsay Ball, pp.