

JOINT COMMITTEE ON STREAM RESTORATION
AND SPECIES RECOVERY

February 9, 1999 Hearing Room 50

4:30 PM Tapes 18 - 19

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. David Nelson

Sen. Veral Tarno

Rep. Al King

Rep. Jeff Kruse

Rep. Randy Leonard

Rep. Lynn Lundquist

Rep. Susan Morgan

Rep. Bruce Starr

MEMBER EXCUSED: Rep. Terry Thompson

STAFF PRESENT: Judith Callens, Administrator

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: Independent Multidisciplinary Science Team Report

Willamette Restoration Board Update

SB 130 Public Hearing

TAPE/#	Speaker	Comments
TAPE 18, A		
004	Chair Messerle	Calls the committee to order at 4:37 p.m.
<u>INDEPENDENT MULTIDISCIPLINARY SCIENCE TEAM REPORT</u>		
015	Dr. Logan Norris	Chair, Independent Multidisciplinary Science Team (IMST). Submits and reviews the IMST's 1998 annual report (EXHIBIT A).
062	Norris	Continues reviewing the annual report.
072	Sen. Ferrioli	Clarifies that the IMST's workload has doubled, but their pay has not.
074	Norris	Continues reviewing the annual report.
099	Chair Messerle	Asks Dr. Norris to comment on the size of the IMST's workload. Suggests the committee look into boosting the pay for the IMST through the Ways and Means Committee.
108	Norris	Responds that the workload of the team for the next biennium will be twice what it has been for the last two years. Continues testimony by reviewing the two technical reports the IMST produced last year.
156	Chair Messerle	Asks if it is due to the current data that they are unable to determine the impact of predation, or is it due to not having the capabilities scientifically to answer some of these questions in the future.
161	Norris	Responds that the IMST recommended several efforts in their report that could be undertaken by ODFW.
171	Sen. Dukes	Asks if the IMST had available to them NMFS's pit tag study from Rice Island when they did their predation technical report.
173	Norris	Responds that they did.
190	Rep. Kruse	Notes that both of the technical reports recommend coordination and study, and asks how long it will be before action plans come out.
200	Norris	Responds that this is a difficult question to answer.

212	Rep. Kruse	Comments that he would like to see stronger, more defined recommendations in the future.
226	Norris	Notes that the hatchery report was a phase one report, and that subsequent phases should accomplish what Rep. Kruse is asking for.
236	Chair Messerle	States that as policy makers, legislators are looking for a comfort level.
242	Norris	Continues testimony by discussing the IMST's letter reports.
272	Norris	Continues testimony by discussing IMST projects that are in progress.
332	Sen. Tarno	Asks if the IMST has received any feedback from ODFW regarding the hatchery program technical report.
336	Norris	Responds that they have not had any feedback in regard to the recommendations in the report.
353	Rep. Leonard	Noting Dr. Norris's earlier reference to the issue of removal of gravel in streams, asks if this includes removal of gravel in rivers.
357	Norris	Responds that it does.
358	Rep. Leonard	Notes that in the Governor's Executive Order DSL is directed to work to close priority areas. Asks what knowledge the IMST has of gravel removal in the Lower Willamette River and its effect on the migration of salmonids.
369	Norris	Responds that the IMST has not started this project yet, but they have been doing some preliminary scoping of the issue.
382	Rep. Leonard	Notes ODFW's concern that mining activities on Ross Island are affecting salmonids believed to be in the lagoon area of the island. Asks what information beyond this does the IMST need to make a conclusion that this kind of an activity should not continue.
390	Norris	Clarifies that the IMST is not going to make a decision or recommendation as to whether something should or shouldn't continue. Responds that they will explain as best as they can what the consequences are of several different courses of action.
TAPE 19, A		
009	Rep. Leonard	Asks if the IMST has reviewed any of the information concerning the effect of gravel removal on salmonids.

010	Norris	Responds that they have not.
011	Rep. Leonard	Asks if any individual member of the IMST has reviewed this information.
012	Norris	Responds that the IMST has not constituted this work.
014	Rep. Leonard	Asks how long the IMST expects this study to take, and will the study specifically look at the operation at Ross Island.
017	Norris	States that he is unable to answer the second question because the IMST has not scoped this work out. Responds that the length of the study will depend on the approach the IMST takes.
037	Rep. Leonard	Asks Dr. Norris if it is his understanding that the Executive Order requires cooperation between state agencies beyond levels that existed prior to the Executive Order.
045	Norris	Responds that he is unable to answer this question because he sees this as a matter of policy, not a scientific issue.
049	Rep. Leonard	Asks what the intent of the Executive Order is.
051	Norris	Responds that the intent is for state agencies to not prevent the recovery of the depressed stocks of wild salmonids in the state.
055	Rep. Jenson	Asks if the IMST looked at the assumptions of other scientific panels.
064	Norris	Responds that they did.
067	Rep. Jenson	Notes that if these assumptions were all the same, one would anticipate that their findings would be basically the same.
074	Norris	States that this seems like a logical assumption.
075	Rep. Jenson	Asks if ODFW needs to carry out the eight recommendations before the IMST can provide the committee with more accurate information about the effect of hatcheries.
080	Norris	Responds that the recommendations the IMST made need to be taken into consideration as the state plans future hatchery operations, in the context of the Oregon Plan.
095	Rep. Jenson	Referring to the IMST's findings on predation, asks for clarification that their

		study did not conclude that solving the predation problem would not increase salmon runs.
104	Norris	Responds that the IMST tried to convey that the size of the predation problem cannot be determined.
112	Rep. Jenson	Notes that there could be a tendency for people to read the IMST report and conclude that predation does not have an impact on fish populations.
120	Chair Messerle	Asks if the IMST included data from Canada in their study of hatcheries.
123	Norris	Responds that their report looked at whether the Oregon Plan has incorporated the common conclusions that came from three independent science reports. Notes that subsequent phase reports should reflect the information Chair Messerle inquired about.
129	Rep. Lundquist	Commends Dr. Norris for staying out of the policy aspects of the issues. Asks Dr. Norris to explain the conclusion that recent declines in salmonid abundance are due to unfavorable ocean and freshwater conditions.
143	Norris	Responds that this was an attempt to make a generalized statement, rather than to cite proof. Explains why the IMST made this statement.
156	Rep. Lundquist	Asks for clarification that they do not have quantified answers on the ocean.
157	Norris	Responds that this is his conclusion.
160	Rep. King	Notes that predation may have a significant impact on remaining populations. Asks if the IMST has registered high densities of pinnipeds at the time of salmon returns.
170	Norris	Responds that the IMST did not, but they relied on information from ODFW and NMFS about where pinniped abundance is fairly high.
196	Rep. King	Asks for clarification that even though it is known where these concentrations are, the IMST is still not able to have any understanding of what kind of predatory impact they have on the returning population.
200	Norris	Responds that this is the IMST's view.
201	Rep. King	Asks if there is any electronic technology available that could show them what kind of fish are entering an estuary and how many get a certain distance down stream.

204	Norris	Responds that there are several watersheds on the coast where ODFW is concentrating their studies.
210	Rep. King	Asks for clarification that it could be a couple of years before seeing those kind of counts.
211	Norris	Responds that this is correct, if talking about effects on adults. Notes that it gets more difficult when talking about predation effects on smolts.
216	Rep. Jenson	Asks if the IMST's analysis has gone far enough to determine that there are multiple causes to this problem.
222	Norris	Responds that the IMST has not conducted an explicit study. Notes that this is exactly what the phraseology used early in the report says.
232	Rep. Jenson	Asks for clarification that the advice from scientists to policy makers would be to not look for simplistic answers to this problem.
236	Norris	Responds that this is correct.
238	Sen. Ferrioli	Notes that the way these issues are communicated is just as important as the substance of the communication. Comments on the approach the IMST is taking in studying these issues.
278	Chair Messerle	Referring to Dr. Norris' response to a letter from Rep. Thompson, questions whether adequate information and data is being used as limitations are put on the commercial fisheries.
293	Norris	Notes that this point was clear in Rep. Thompson's letter. States that the point the IMST was making in their reply is that they are not trying to set standards and that different bodies will probably reach different conclusions.
316	Chair Messerle	Notes that they are all in a learning mode.
<u>WILLAMETTE RESTORATION BOARD UPDATE</u>		
334	Dr. Paul Risser	Chair, Willamette Restoration Board. Submits written material (EXHIBIT B) and updates the committee on the activities of the Board.
397	Risser	Continues testimony by discussing the strategies the Board will use for addressing the Willamette Restoration Initiative.
TAPE 18, B		

020	Risser	Continues testimony by discussing the Board's goals.
064	Risser	Continues testimony by discussing other steps the Board is taking
099	Chair Messerle	Asks Dr. Risser to expand on his comment that one of the Board's responsibilities would be to write the Willamette chapter of the Oregon Plan.
103	Risser	Responds that this is directed in the Governor's Executive Order.
109	Rick Bastasch	Director, Willamette Restoration Initiative. Reads the section of the Executive Order that directs the Board to do this.
119	Chair Messerle	Notes that the Legislature did not adopt the Oregon Plan, they just funded it, and this language is new to them.
127	Rep. Kruse	Expresses concern that there appears to be one set of rules for the Willamette Basin and one set of rules for the rest of the state. Notes that the membership of the Board appears to be top heavy. Expresses concern about the American Heritage River program.
148	Risser	Notes that what happens in the Willamette Valley, if done right, may be a model for other states. States that the Board does not want to be top heavy. Comments on the American Heritage River program.
169	Rep. Kruse	Questions whether what is done in the Willamette Valley can be a model for other parts of the state since some areas have had watershed programs in place for over 10 years.
186	Risser	Clarifies that this is an effort that wants to draw the best ideas.
190	Rep. Leonard	Notes that there are a number of people from urban areas that are interested in cleaning up the Willamette. States that people from rural areas have to be a little trusting of people in urban areas so this is viewed as a cooperative effort.
226	Chair Messerle	Notes that what they have learned on the coast is the need for open communication and the need to involve people who are going to be doing the work. Expresses concern about the Board writing the Willamette chapter of the Oregon Plan.
253	Risser	Clarifies that the Board is not sure how they are going to do this. Notes that they will approach this in a way that involves the Legislature and state agencies.
269	Sen. Ferrioli	Asks Mr. Bastasch who is paying his salary.

272	Bastasch	Responds that his salary is paid through contributions from five federal agencies.
297	Risser	Clarifies that Board staff will write the report, but they want to be sure they put it into a broader perspective of the whole Willamette Restoration Initiative and not just the Oregon Plan.
304	Bastasch	Comments that the Board is working to better understand the Oregon Plan and they look forward to continuing to work with state and federal agencies with an eye toward involving different groups in the process.
324	Chair Messerle	Announces that they will be setting up two subcommittees for the committee.
332	Sen. Ferrioli	Comments that he is encouraged by the fact that there are people who want to get involved in this process. Explains why the Co-Chairs decided to form subcommittees.
383	Chair Messerle	Opens the public hearing on SB 130.
<u>SB 130 n PUBLIC HEARING</u>		
385	Judith Callens	Committee Administrator. Explains the provisions of SB 130.
TAPE 19, B		
020	Kay Brown	Department of Fish and Wildlife. Submits and reads written testimony in support of SB 130 (EXHIBIT C).
049	Rep. Morgan	Asks Ms. Brown to explain how the hatchbox program works.
051	Brown	Explains a hatchbox operation.
060	Chair Messerle	Asks what the survival rate of eggs is for a naturally spawning female salmon [question inaudible at times].
064	Brown	Responds that she is unable to give an exact number, but they do know that fish that are raised in a hatchery situation in the young stages survive significantly better than fish in the wild. Notes that the reverse is true in the later stages of life.
070	Chair Messerle	Notes that the survival rate number from last session was about 10%.
073	Rep. King	States that he cannot tell what the scope of the project is in the bill.

077	Chair Messerle	Notes that Sen. Tarno can speak to this when he testifies.
079	Sen. Nelson	Asks if there has been any studies of when a fish becomes a wild fish.
082	Brown	Responds that there are administrative rules that establish when a fish becomes a wild fish.
088	Rep. Starr	Asks if it is possible to catch the eggs of a wild salmon and use them in a hatchbox program.
093	Brown	Responds that this does occur.
102	Chair Messerle	Asks if ODFW is preparing to review the wild fish policy.
104	Brown	Responds that the Governor's Executive Order requires ODFW to review this policy.
111	Sen. Ferrioli	Asks if there is evidence that wild fish are more viable than hatchbox fish.
118	Brown	Responds that there has been a lot of discussion about this issue.
127	Sen. Ferrioli	States that he would like a bibliography and information on what scientific basis there is for making statements about wild fish versus hatchery fish.
147	Brown	Notes that ODFW would be happy to provide this information.
156	Chair Messerle	Notes that this information would be helpful when the committee is dealing with bills such as SB 130.
162	Jim Myron	Oregon Trout. Submits written testimony (EXHIBIT D) and testifies on his organization's concerns with SB 130.
209	Rep. Kruse	Asks for an estimate on how long it would take to develop these protocols.
212	Myron	Responds that it would not take more than six months to put together a reasonable protocol.
220	Sen. Ferrioli	Notes that it would be helpful for the committee to have some notion of the relative risks of the decisions and then look at the quality of the science.
240	Myron	Agrees with Sen. Ferrioli's comments. Notes that when the STEP program was adopted 15 years ago, it started out primarily as a hatchbox program.

259	Janice Green	Representing Oregonians for Fish and Fishing. Explains her organization's purpose. States that her organization would like to offer recommendations to the committee regarding SB 130 at a later time.
295	Green	Testifies on the wild fish policy and the hatchbox program.
327	Green	Continues testimony by discussing the issue of science in regard to the hatchbox program.
354	Chair Messerle	Notes that the committee will not hold a work session on SB 130 until they hear from more organizations like Ms. Green's.
361	Phil Donovan	Representing Oregon Guides and Packers. Testifies in support of SB 130.
385	Ken Evans	Representing the Fisheries Restoration and Enhancement Coalition. Testifies in support of SB 130.
419	Rep. Leonard	Asks whether Ms. Green's organization supports or opposes the bill.
426	Green	Clarifies that her organization supports SB 130 and they would like an opportunity to comment on the bill in more detail at a later time.
461	Sen. Tarno	States that he will reserve his comments for when the committee holds a work session on the bill.
463	Chair Messerle	Closes the public hearing on SB 130. Adjourns the committee at 6:29 p.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ Independent Multidisciplinary Science Team report, written material, Dr. Logan Norris, 29 pp.

B ñ Willamette Restoration Board update, written material, Dr. Paul Risser, 4 pp.

C ñ SB 130, written testimony, Kay Brown, 1 p

D ñ SB 130, written testimony, Jim Myron, 1 p