

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

**March 1, 1999 Hearing Room 50**

**7:30 AM Tapes 38 - 39**

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

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

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

**Sen. Joan Dukes**

**Sen. Veral Tarno**

**Rep. Al King**

**Rep. Jeff Kruse**

**Rep. Randy Leonard**

**Rep. Lynn Lundquist**

**Rep. Susan Morgan**

**Rep. Bruce Starr**

**Rep. Terry Thompson**

**MEMBERS EXCUSED: Sen. Ginny Burdick, Vice-Chair**

**Sen. David Nelson**

**STAFF PRESENT: Judith Callens, Administrator**

**Stephen Kosiewicz, Administrative Support**

**MEASURE/ISSUES HEARD: HJM 1 Public Hearing and Work Session**

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 38, A</b>		
004	Chair Ferrioli	Calls the committee to order at 7:41 a.m. Opens the public hearing on HJM 1.
<b><u>HJM 1 ñ PUBLIC HEARING</u></b>		
010	Judith Callens	Committee Administrator. Explains the provisions of HJM 1.
016	Rep. Morgan	Asks the Chair to explain what the level of federal government support for the Oregon Plan has been so far.
018	Chair Ferrioli	Explains the level of federal support for the Oregon Plan.
037	Rep. Morgan	Notes that the Willamette Restoration Initiative has received money from the federal government.
039	Chair Ferrioli	States that there have been dollars committed and transferred from federal agencies to a consortium of watershed councils, and this is for WRI's work.
045	Louise Solliday	Governor's Natural Resources Office. Explains that the federal commitment to WRI is \$850,000 and is intended to help WRI's Board through their planning process.
050	Rep. Morgan	Asks if this money was given in conjunction with the American Heritage River program.
051	Solliday	Responds that it was not.
059	Rep. Thompson	Comments on how HJM 1 came about.
087	Rep. Kruse	Comments on why the interim committee introduced HJM 1.
115	Sen. Tarno	Questions what the impact of this memorial will be if Congress approves the \$100 million for enforcement in the four western states.
120	Chair Ferrioli	Notes that these are unanswered questions.
126	Rep. King	Comments that the federal government needs to step up and make a major financial partnership with the state.

141	Chair Ferrioli	Notes that the \$850,000 would be a significant research infusion on ocean conditions or other issues.
143	Rep. Thompson	Referencing lines 20 through 24 of HJM 1, suggests amending the language by adding "and adequate funding to National Marine Fisheries Service Research Division" in order to give the federal government a place to shift the money to.
153	Sen. Tarno	Suggests the committee deny them the enforcement aspect and shift the money to research.
156	Chair Ferrioli	Notes that this can be discussed in a work session on HJM 1.
158	Rep. Morgan	Questions where this memorial will go in Washington, DC and what outcome the committee desires from HJM 1.
163	Chair Ferrioli	Notes that memorials go to each member of Congress and to the President, and to anyone else the committee directs it to.
167	Rep. Morgan	Asks if they receive this as a piece of incoming mail.
168	Chair Ferrioli	Responds that this is correct. Notes that the committee can put more or less emphasis on it.
172	Rep. Morgan	Asks for clarification that a memorial is simply an advisory document to the federal government and carries no force or weight power.
173	Chair Ferrioli	Responds that this is correct.
175	Rep. Thompson	Notes that an effective use of memorials is to have them hand-carried back to Oregon's congressional delegation.
183	Chair Ferrioli	Notes that there are good reasons for the committee to go to Washington, DC and talk about salmon restoration and other issues.
200	Rep. Thompson	Notes that there are several other issues that go along with what is being addressed in HJM 1.
205	Chair Ferrioli	States that the committee could join with the environmental community in regard to the underfunding of management and recovery. Notes that cost of listing is not conveyed to the taxpayers.
216	Rep. Morgan	Comments that members of Congress have probably not been apprised of the cost. States that the committee should be aware of the opportunity they have to tell the federal government what they do want them to do.

226	Lindsay Ball	Fish and Wildlife Captain, Oregon State Police (OSP). Testifies on the enforcement discussion that took place before the interim committee last December.
270	Sen. Dukes	Asks if the state gets any money from NMFS for enforcement.
272	Ball	Responds that they do not.
275	Sen. Dukes	Asks Mr. Ball if he supports HJM 1.
280	Chair Ferrioli	Notes that OSP and the Governor do not have official positions on HJM 1.
286	Sen. Dukes	States that she would like to know whether the Governor and OSP support HJM 1 in its current form.
294	Chair Ferrioli	Notes that the committee can ask for suggested improvements to HJM 1.
302	Sen. Dukes	States that she does not want the committee to pass HJM 1, have something go wrong, and have everybody say that they did not support it.
309	Rep. Leonard	Notes that uniformed bureaucrats are very mindful of the chain of command.
323	Solliday	Comments that the Governor's Office has repeatedly asked for assistance from NMFS and other federal agencies not in the area of enforcement, but in the area of recovery planning.
333	Chair Ferrioli	Notes that there has been consistent effort in this direction.
335	Rep. Messerle	Asks for clarification that the federal government has provided funding to Mr. Ball's department before.
339	Ball	Responds that they received funding through the Bonneville Power Administration from 1992 to 1997.
350	Rep. Kruse	Asks if the disconnect situation that was discussed by the interim committee in December has improved any.
356	Ball	Explains the communication that takes place between OSP and NMFS regarding enforcement.
381	Rep. Thompson	Asks if NMFS has taken any credit for work OSP has been doing.

385	Ball	Responds that NMFS will "ride the coattails" of a state agency on different investigations. Notes that he has seen federal agencies take credit for enforcement action by a state agency.
<b>TAPE 39, A</b>		
018	Rep. Thompson	Expresses frustration that the state's law enforcement division does things that are positive and works in a collaborative nature with landowners, and NMFS takes credit for this work.
027	Sen. Tarno	Notes that this practice by the federal government is not a new thing.
033	Rep. Lundquist	Comments that the message they send in HJM 1 needs to be clear.
050	Chair Ferrioli	Notes that this is good advice, but the committee should recognize that the state has always looked forward to a more cooperative relationship.
062	Rep. Lundquist	Clarifies his point that he does not want to give NMFS an out.
069	Chair Ferrioli	Notes that this is a frustrating issue.
072	Rep. Messerle	States that it would be more productive to talk about the enforcement that exists at the state level.
079	Rep. Kruse	Clarifies that the reason for introducing HJM 1 is because NMFS had a specific line item in their budget for enforcement.
088	Rep. Morgan	States that the committee needs to be real clear in their communication to Congress that they do not want this money spent on research and restoration projects instead of enforcement.
105	Chair Ferrioli	Closes the public hearing and opens the work session on HJM 1.
<b><u>HJM 1 n WORK SESSION</u></b>		
108	Rep. Morgan	Suggests putting some figures in terms of the cost of species restoration into HJM 1.
116	Chair Ferrioli	Notes that this is a question that nobody can answer because of the complexity of all the associated factors.
122	Rep. Morgan	Asks if it would be possible to insert language into HJM 1 that reflects the Chair's previous comments.

124	Chair Ferrioli	States that the committee could do this, and that they could also note in HJM 1 that the Legislature put \$30 million into the process in the last biennium.
135	Rep. Thompson	Notes that if you consider the effort put forth by volunteers and the other agency budgets that focused resources in this direction, the \$30 million figure does not accurately reflect the cost of recovery.
149	Chair Ferrioli	Notes that this is one of the focal points on river governance with the Columbia River.
154	Rep. Thompson	Notes that the federal government capped the amount it would spend on the Columbia River.
161	Rep. Morgan	States that it would not be good use of the committee's time to get caught up in a cost figure. Clarifies that they are trying to make a point to the federal government that the state has already made a substantial investment in the Oregon Plan and would like the federal government to be a part of this.
170	Chair Ferrioli	Asks Rep. Morgan if she would be satisfied with an amendment to HJM 1 that enumerates the places where the state would incur expenses and would like partnership from the federal government on cost sharing.
174	Rep. King	Notes that he has an amendment to HJM 1. Comments that he would like to get a fiscal impact on how much the state is investing in recovery from all its agencies. Explains his proposed amendments to HJM 1.
205	Chair Ferrioli	Asks Rep. King to give these proposed amendments to staff. Suggests citing in HJM 1 the sections of the Endangered Species Act (ESA) that discuss the federal government's responsibilities.
215	Rep. Kruse	Expresses fear that in amending HJM 1 the committee will lose sight of the fact that they are trying to stop NMFS from getting the allocation they have requested for enforcement. Suggests the committee consider drafting a second memorial to cover the issues raised by the members.
234	Rep. Jenson	Suggests a way the committee could cite ESA sections in HJM 1. Asks if stronger language could be put into line 22 of the memorial regarding ESA requirements for providing adequate funding.
248	Rep. Lundquist	States that the committee should include a reference to the state's enforcement work in HJM 1.
258	Rep. Thompson	Referencing line 10 of HJM 1, suggests that the language be changed to indicate that NMFS intends to increase its enforcement budget by 500%.
276	Chair Ferrioli	Comments on the importance of HJM 1. Questions whether the committee wants to broaden or narrow the focus of the memorial.

292	Rep. Morgan	States that the committee could have both a broad and narrow focus in HJM 1.
303	Sen. Tarno	Suggests new language for line 21 of HJM 1.
312	Rep. Starr	States that it would be better to keep the focus of HJM 1 narrow.
321	Chair Ferrioli	Comments that a letter signed by the whole committee, or by the entire Legislature, and forwarded to Oregon's congressional delegation can be an effective tool to focus the administration's attention. Notes that the consensus of the committee is to amend HJM 1 in order to have it more narrowly focused.
340	Chair Ferrioli	Closes the work session on HJM 1. Notes that the committee will not be meeting tomorrow. Adjourns the committee at 8:32 a.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,  
Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**No exhibits submitted**