

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

**March 18, 1999 Hearing Room 50**

**7:00 AM Tapes 56 - 57**

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

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

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

**Sen. David Nelson**

**Sen. Frank Shields**

**Sen. Veral Tarno**

**Rep. Al King**

**Rep. Jeff Kruse**

**Rep. Lynn Lundquist**

**Rep. Susan Morgan**

**Rep. Bruce Starr**

**Rep. Terry Thompson**

**MEMBER EXCUSED: Sen. Joan Dukes, Vice-Chair**

**Rep. Randy Leonard**

**STAFF PRESENT: Judith Callens, Administrator**

**Stephen Kosiewicz, Administrative Support**

**MEASURE/ISSUES HEARD: Measure 66 Definition Discussion**

**SB 133 Public Hearing and Possible 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 56, A</b>		
004	Chair Ferrioli	Calls the committee to order at 7:15 a.m.
<b><u>MEASURE 66 DEFINITION DISCUSSION</u></b>		
016	Chair Ferrioli	Reviews the definition discussion that took place at Monday's meeting.
027	Jeannette Holman	Legislative Counsel Office. Notes that she has not developed the capital expenditure definition yet. Asks whether the committee wants to wait for a presentation until the definition and the criteria are developed.
043	Chair Ferrioli	States that he would like as much of the definition as possible available for people to review.
049	Sen. Shields	Asks for clarification that Ms. Holman is talking about developing a whole list of criteria in addition to the definition.
051	Holman	Notes that the criteria for watershed enhancement projects that are sent through GWEB require some post-project monitoring. Responds that requiring this as part of the project is one way to include monitoring as a capital expenditure.
060	Sen. Shields	States that it could be extra work for Ms. Holman if she were working on the definition without working on the criteria simultaneously.
063	Chair Ferrioli	Notes that the criteria is available under administrative rule for GWEB. Asks staff to get copies of the criteria to committee members.
071	Holman	States that it can be done somewhat piecemeal, but the committee will see more than just a definition.
074	Chair Ferrioli	States that he would like to get as much out to the public as possible for review. Notes that there are other terms the committee needs to consider defining.
099	Chair Ferrioli	Comments on the issue of defining critical habitat. Asks the committee to review the additional terms that need defined and be prepared for discussion at a later meeting.
120	Chair Ferrioli	Opens the public hearing on SB 133.
<b><u>SB 133 n PUBLIC HEARING</u></b>		

123	Judith Callens	Committee Administrator. Explains the provisions of SB 133 and the ñl amendments.
141	Rep. Thompson	Comments that when the language is expanded as proposed in SB 133, it brings up new responsibilities for the committee. States that members may not realize where this is headed.
164	Chair Ferrioli	States that there is no other mechanism that he is aware of that has the potential for providing the kind of forum for the Legislature that this committee does.
180	Sen. Nelson	Questions whether the language would extend the committeeís oversight to endangered plant species as well.
185	Chair Ferrioli	Notes that Measure 66 talks habitat management in addition to wildlife and fish. States that anything to do with the ESA would come to the committee.
200	Sen. Tarno	States that if the committee gets into oversight of native fish species they could get into real trouble.
203	Rep. Thompson	Clarifies that he is not saying this is a bad thing. States that he just wants the committee to discuss where SB 133 might lead them.
205	Chair Ferrioli	Comments that in a way the committee is already there. Notes that there is no limit on the number of subcommittees the committee may have if the workload gets bigger.
219	Rep. King	Comments that if the committeeís scope is bigger, they may need more tools in terms of people with ocean expertise or habitat expertise.
234	Chair Ferrioli	Notes that Rep. Thompson has been the strongest voice for a focus on ocean conditions, fishing, and research.
241	Rep. Thompson	States that he wants to make sure the committee discusses where SB 133 could lead them.
251	Chair Ferrioli	States that he does not know of any other committee that could deal with the new species that are being introduced into Oregon. Comments on the issue of potential listings in regard to plant species.
269	Rep. Messerle	Notes that as state agencies have to deal with these kinds of issues, the Legislature needs to keep pace as well. Suggests that SB 133 be expanded to include the WRI and the Columbia River.
289	Rep. Thompson	Questions what other issues the committee could expand into.

302	Chair Ferrioli	Notes that NMFS's recommendations to Congress regarding pinnipeds are not going anywhere. States that the committee needs to take a strong position for the protection of salmonid resources.
316	Rep. Morgan	Comments that one of the issues that needs addressed is the comprehensiveness of what the committee can do. Agrees that the issues of the WRI, the Columbia River, and the committee's ability to review Executive Orders should be included in SB 133.
352	Chair Ferrioli	States that the committee has legislative oversight on any of the issues that have to do with fisheries, water quality, or water allocations. Notes that the WRI creates a private entity that does not fall under the committee's oversight.
383	Callens	Referencing page 2 of the bill amendments, notes that the language provides the flexibility to move into different areas over time.
396	Chair Ferrioli	Notes that the Co-Chairs have had discussions with the Governor's Office about these issues. Comments that the committee serves an important role in the Legislature.
<b>TAPE 57, A</b>		
016	Rep. Lundquist	Questions whether the language in the bill amendments expanding the committee's oversight to natural resources issues is too broad.
026	Chair Ferrioli	Comments on the spotted owl issue and how it could have been handled differently if there was a committee in the Legislature that was capable of dealing with this kind of issue.
046	Rep. Lundquist	Questions how broad they want the committee's oversight. Notes that there are other committees that deal with natural resource issues.
054	Chair Ferrioli	Comments on how restoration issues can overlap with agricultural issues.
071	Rep. Thompson	Expresses concern that by expanding the oversight, the committee could get bogged down on an issue in the future and lose sight of its original objective. Clarifies that this is why he is questioning where the committee wants to go.
088	Rep. Messerle	Notes that the language in line 20 on page 2 of the bill amendments is very broad. Expresses concern about the committee's focus being too narrow.
108	Rep. King	Expresses concern about extending the committee's oversight to natural resources issues.
123	Rep. Starr	Comments that the committee should be more flexible in terms of what the scope

		of their oversight is.
133	Rep. Thompson	Questions whether expanding the committee's scope would mean they would be dealing with the day to day functions of state agencies.
148	Sen. Tarno	Expresses concern about broadening the scope of the committee. Suggests changing the language in the ñ1 amendments to clarify that the primary function of the committee will still be salmon restoration.
156	Chair Ferrioli	Comments on the renaming of the committee and what it means.
174	Sen. Tarno	Notes that during the interim there was duplication of effort between committees.
183	Chair Ferrioli	Comments on the issues of the WRI and the Columbia River.
189	Rep. Messerle	Notes that the time factor will weed out a lot of the issues the committee will deal with. States that the real issue is who deals with these issues during the interim.
201	Sen. Tarno	Notes that working on salmon issues during the interim was a full-time job.
208	Chair Ferrioli	States that during the interim the committee struggled just to keep up with the breaking issues regarding salmon. Comments that the work of the committee will expand, but subcommittees may handle some of it.
230	Sen. Tarno	Suggests going through the ñ1 amendments and tying them into SB 133. States that he would like to see language in SB 133 that authorizes the committee to form subcommittees.
238	Rep. Thompson	Expresses concern that the committee is focusing on other issues and they have not finished dealing with Measure 66 yet.
261	Chair Ferrioli	Notes that the committee's Measure 66 draft will be available next week. Comments on the work the Co-Chairs have done in developing this draft.
297	Jim Myron	Oregon Trout. Testifies in support of the concepts behind SB 133.
348	Myron	Continues testimony by suggesting that a timeline be put on the agency response that is required in 5 on page 6 of the ñ1 amendments.
366	Chair Ferrioli	Asks Mr. Myron if he would be in favor of using more general language in dictating a timeline.

377	Myron	States that this would be okay. Expresses concern that there is no timeline requirement now.
382	Chair Ferrioli	State that what Mr. Myron is suggesting is reasonable.
396	Kathryn VanNatta	Representing Northwest Pulp and Paper Association. Testifies on how organizations such as hers struggle with whom to talk to when interacting with the Legislature.
<b>TAPE 56, B</b>		
015	VanNatta	Continues testimony by discussing how the proposed ñ1 amendments effect current statute.
047	VanNatta	Continues testimony by expressing support for keeping the statutes broad and flexible.
063	Chair Ferrioli	States that there will not be a work session on the bill and the ñ1 amendments. Suggests the committee review and discuss ORS 171.551 to 171.553, SB 133, and the ñ1 amendments. Questions whether the amendment is needed.
093	Chair Ferrioli	Adjourns the committee at 8:17 a.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,  
Administrative Support Administrator

### **EXHIBIT SUMMARY**

**No exhibits submitted**