

JOINT COMMITTEE ON STREAM RESTORATION
AND SPECIES RECOVERY

March 23, 1999 Metro Council Chamber

4:30 PM Tapes 60 - 65

MEMBERS PRESENT: Sen. Ted Ferrioli, Co-Chair

Rep. Ken Messerle, Co-Chair

Rep. Bob Jenson, Vice-Chair

Sen. Frank Shields

Rep. Al King

Rep. Jeff Kruse

Rep. Randy Leonard

Rep. Susan Morgan

Rep. Bruce Starr

Rep. Terry Thompson

MEMBER EXCUSED: Sen. Joan Dukes, Vice-Chair

Sen. David Nelson

Sen. Veral Tarno

Rep. Lynn Lundquist

STAFF PRESENT: Judith Callens, Administrator

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: Proper Response to Address Endangered Species

Columbia Slough Overview

HB 3311 Public Hearing

HB 3587 Public Hearing

TAPE/#	Speaker	Comments
[Due to the recording system used for this meeting, the tape sequence is 60A, 60B, 61A, 61B, 62A Ö]		
TAPE 60, A		
001	Chair Ferrioli	Calls the committee to order at 4:43 p.m. Reviews the agenda for today's meeting.
<u>PROPER RESPONSE TO ADDRESS ENDANGERED SPECIES</u>		
029	Mike Burton	Executive Officer, Metro. Submits written material (EXHIBIT A) and begins testimony on Metro's response to the new species listing.
070	Burton	Continues testimony by discussing Metro's salmon habitat protection activities.
095	Susan McLain	Deputy Presiding Officer, Metro. Reviews the flowchart included in the submitted material.
117	McLain	Comments on the work Metro is doing for protection of fish.
131	McLain	Comments on the Green Space Program and the 2040 Growth Concept.
149	McLain	Comments on the 1996 flooding around the Forest Grove, Cornelius, and West Hillsboro communities.
173	Burton	Continues testimony by discussing four activities that Metro is proceeding with in the region.
203	Chair Ferrioli	Asks if there is any connection with the State of Washington in terms of recovery activities.
210	Burton	Responds that Metro works with the Clark County and the City of Vancouver.
225	McLain	Notes that Metro has been the metropolitan planning organization that the federal government recognizes to give grant money to Clark County.
231	Chair Ferrioli	Notes that four of the committee members recently returned from a meeting where they spent time coordinating with legislators from Idaho, Montana, and Washington.

238	Rep. Kruse	Expresses concern that there is separation in terms of restoration activities between the metro area and the rest of the state.
248	Burton	Comments that it is in Metrois best interests to have close coordination.
264	Vera Katz	Mayor, City of Portland. Comments on the assignments that she has given Commissioner Saltzman and Commissioner Sten. Notes the cityis commitment to cleaning up the Willamette River and the Columbia Slough.
294	Katz	Submits and reads written testimony regarding the cityis commitments to clean water and healthy watersheds (EXHIBIT B) .
331	Katz	Continues reading written testimony.
384	Katz	Continues reading written testimony.
437	Katz	Continues testimony by discussing the unknowns in meeting the ESA.
480	Rep. Leonard	Thanks Mayor Katz for attending the meeting. Comments on the original consent decree that was signed between the city and the Environmental Quality Commission (EQC).
TAPE 60, B		
005	Rep. Leonard	Asks what the city will learn from citizens that will address DEQis concern that they have better scientific evidence in order to reopen the consent decree agreement.
011	Katz	Responds that she is unable to answer this. Comments that she is not convinced that they need to reopen the agreement.
035	Rep. Leonard	Asks for clarification that the issue surrounding what it will cost to reach the reduced CSO level is how best to use that money.
045	Katz	Notes that the numbers have not been set. Responds that this is correct.
050	Rep. Leonard	Asks what level of commitment the city is willing to make out of the General Fund to urban stream restoration.
059	Katz	Responds that the city will spend whatever it takes.
067	Chair Ferrioli	States that Mayor Katzis testimony had to do with the concept of adaptive management. Comments on the issue of adaptive management in the area of

		natural resources.
085	Rep. King	Comments on the need for federal resources to supplement local resources.
103	Katz	Agrees with Rep. King's comments. Notes that the city has a lobbyist in Washington, DC working for additional financial assistance.
110	Dan Saltzman	Commissioner, City of Portland. Notes that his testimony would be more appropriate during the discussions on HB 3311 and HB 3587. Comments on the work of the citizen task force.
131	Chair Ferrioli	Asks if dam removal will assist Metro District 4 in reaching its "salmon friendly" objectives.
135	McLain	Responds that it would not.
137	Chair Ferrioli	Comments that much of the management talks about returning rivers to wild states. Notes that flood control is still an important part of the public safety issue that faces people in metropolitan areas of the state.
151	McLain	Notes that they tried to deal with the flood control issue through Title 3 (Stream and Floodplain Protection Plan).
158	Chair Ferrioli	Asks if Metro has taken any position on dam removal, flow management, or flow augmentation.
164	Burton	Responds that they have not. Comments on the flood problems in the area.
183	Chair Ferrioli	Suggests that Metro take a position on dam removal.
188	Rep. Messerle	Comments on the restoration process in Oregon. Asks if Metro has taken a position on any part of this process that Oregon has been trying to deal with for sometime.
212	Burton	Responds that Metro needs to take a look at those elements that would have application to the rest of the state and see where they can be applied in Portland, and then add to these.
243	Chair Ferrioli	States that NMFS is not the final arbitrator of any recovery program and that it is up to the state to step up in terms of the commitment of human and financial resources.
254	Rep. Jenson	Asks if the City of Portland has taken a position on the issue of dam removal.

257	Katz	Responds that they have not. Notes that the city is working with one of the city's utilities on potentially removing the Little Sandy River dam.
268	Rep. Jenson	States that he is concerned about the dams on the Columbia River.
281	Saltzman	Notes that the city has not taken a position on dam removal, but they are willing to consider doing this if that is what the committee wants. Comments on the city's participation in the ESA effort.
304	Rep. Thompson	Comments on the problems the city is going to face in working with NMFS on the species listing.
327	Chair Ferrioli	Comments on the level of water they would be contemplating with dam destruction.
342	Katz	Thanks the committee for their counsel and advice to the city in dealing with the species listing.
347	Chair Ferrioli	Expresses hope that the city learns more on this issue than the Legislature did with the Spotted Owl issue.
379	Bill Atherton	Metro Councilor, District 2. Testifies on repealing the state mandate for a 20-year land supply inside urban growth boundaries. Notes that HB 2595 will do this.
434	Chair Ferrioli	States that the committee is only allowed to accept public testimony on the bills listed on the agenda for today's meeting.
<u>COLUMBIA SLOUGH OVERVIEW</u>		
463	Lauri Aunan	Assistant to the Director, Department of Environmental Quality. Submits written testimony (EXHIBIT C) and testifies on the steps being taken to solve water quality problems in the Columbia Slough.
TAPE 61, A		
001	Robert Baumgartner	Water Quality Manager for the Northwest Region, Department of Environmental Quality. Reads written testimony on the TMDL developed by DEQ for the Columbia Slough.
057	Baumgartner	Continues testimony on the Columbia Slough TMDL
096	Rep. Thompson	Referencing the submitted map, asks if there is a disconnect in the Columbia Slough from a lake system in the area of 13 th Avenue.

100	Baumgartner	Responds that the Columbia Slough used to be a variety of interconnected channels, wetlands, and lake areas, but it no longer exists in this fashion. Notes that it is more than just a water quality problem.
109	Rep. Thompson	Asks if there is any smolt production in the Columbia Slough.
112	Baumgartner	Responds that there is some Cutthroat in the upper part of the Columbia Slough, but there is generally no smolt production.
124	Rep. Thompson	Wishes DEQ luck on cleaning up the Columbia Slough.
130	Rep. Messerle	Asks how big of an impact the deicer has on the dissolved oxygen in the water, the number of days the airport uses deicer, and how long does this deicer have an impact on the dissolved oxygen in the water.
139	Baumgartner	Responds that the impact of the deicer on the water quality depends on how much deicer is used and discharged into the Columbia Slough, as well as what the stage in the Columbia River or the Willamette River is. Responds that the impact of deicing can last two to three weeks. Responds that he does not know the frequency of deicing.
161	Rep. Messerle	Asks how severe the impact is.
165	Baumgartner	Responds that the impact would be very severe. Notes that they have observed anoxic conditions.
178	Rep. Messerle	Referencing the submitted map, asks what the debris removal indicated is.
183	Baumgartner	Responds that he does not know what the removal of debris indicated on the map is.
196	Rep. Messerle	Asks if Mr. Baumgartner is referring to 13 th Avenue as where the separation is between the upper and lower Slough.
198	Baumgartner	Responds that this is correct.
201	Rep. Leonard	Referencing the submitted map, explains that HB 3311 calls for the two original openings from the Slough to the Columbia River to be reopened. Comments on a DEQ study regarding the impact of deicer.
249	Baumgartner	Comments on the DEQ study and the issue of toxicity.
278	Keith Leavitt	State Government Relations Manager, Port of Portland. Submits written material (EXHIBIT D) and comments on what their testimony will cover today.

296	David Lohman	Policy and Planning Director, Port of Portland. Begins testimony by giving background information on the Port of Portland and their environmental performance.
336	Lohman	Continues testimony by discussing Port of Portland finances and the Port's involvement in the Columbia Slough.
396	Lohman	Continues testimony by discussing the deicing that takes place at the Portland Airport.
449	Lohman	Continues testimony on the deicing activities at Portland Airport.
476	Lohman	Continues testimony by discussing how the Port will work to meet the requirements of the TMDL.
TAPE 61, B		
002	Lohman	Continues discussing the Port's work in meeting the requirements of the TMDL.
021	Rep. Leonard	Asks Mr. Lohman if he is aware of any technology to treat Glycol, rather than discharging it into the Slough.
026	Lohman	Responds that the Glycol can be treated in a water treatment facility. Notes that the amount of water and Glycol used at the airport could overwhelm a treatment facility.
034	Rep. Leonard	Asks for clarification that it is not the amount of Glycol but all of the storm water going in one direction at one time would overwhelm the city's sewage treatment plant.
046	Lohman	Responds that this is correct. States that even a portion of it can overwhelm the Columbia Boulevard treatment plant. Notes that they are proposing to collect the most concentrated material and send this to the treatment plant.
050	Rep. Leonard	Clarifies that this is the issue he is trying to get at. Asks for clarification that this concentrated amount would be collected in a separate discharge system and sent for treatment without overwhelming the plant with all the storm water runoff.
057	Lohman	Responds that this is correct. Notes that the limit is 5,000 to 10,000 pounds of BOD per day.
059	Rep. Leonard	Asks how much concentrated material would there be at one time.
060	Lohman	Responds that he is unable to answer this.

061	Chair Ferrioli	States that this line of questioning would be more appropriate under discussion on HB 3311.
063	Rep. Leonard	States that this is an important issue for the committee members to understand.
065	Chair Ferrioli	Summarizes what the issue is.
069	Rep. Leonard	Comments on how long it has taken the Port to deal with this issue.
080	Chair Ferrioli	Asks if DEQ has a list of the subjects of the MOAs and do they know how many are currently in effect between DEQ and other state and federal agencies.
087	Aunan	Responds that she will get back to the committee with an answer.
088	Chair Ferrioli	Notes that there is a proliferation of MOAs among state agencies and there is no record kept on them. Asks for clarification if the permitted activity created an out-fall below the permit specifications then this would be within the TMDL, and if it is above this, then there would be a remediation problem to address.
102	Baumgartner	Responds that this is correct. Notes that it is usually more complex then this.
107	Chair Ferrioli	Comments that there seems to be a disparity in the way water quality standards are applied in the state.
124	Chair Ferrioli	Opens the public hearing on HB 3311. Explains how testimony will be taken on the bill.
<u>HB 3311 n PUBLIC HEARING</u>		
132	Judith Callens	Committee Administrator. Explains the provisions of HB 3311.
168	Nina Bell	Executive Director, Northwest Environmental Advocates. Begins testimony by discussing her organization's interest in the Columbia Slough.
189	Bell	Continues testimony by discussing her organization's concerns with HB 3311.
240	Chair Ferrioli	Asks Ms. Bell if she knows of a better technique for sediment removal without distribution of the toxic material.
257	Bell	Notes that capping is one approach. Responds that it would be helpful to have an idea of solutions across the country.

275	Chair Ferrioli	Asks for clarification that Ms. Bellis response was that there is really no better removal process than to dredge the material out.
278	Bell	Responds that there are different techniques of removal. Notes that the question whether to remove or leave the contaminated sediment in place is water body specific.
285	Rep. Thompson	Asks for clarification that if the Slough is not cleaned and the dikes are breached, the polluted sediment would be flushed into the Columbia River during times of high flow.
291	Bell	Responds that she has not seen scientific analysis of this, but common sense would say that this is correct.
298	Rep. Thompson	Notes that HB 3311 gives a timeline of five years to breach the dikes. Expresses concern about this particular section of the bill.
305	Bell	States that this is what she was trying to address earlier in her testimony.
313	Rep. Thompson	Asks Ms. Bell if she knows what implementing HB 3311 would cost.
317	Bell	Responds that she does not.
318	Rep. Thompson	Asks Ms. Bell if she knows what it would cost to cleanup the Slough without breaching the dikes.
320	Bell	Responds that she does not.
321	Rep. Thompson	States that the committee needs to know about the costs involved before considering passing legislation like HB 3311.
325	Chair Ferrioli	Notes that the committee is just gathering public testimony on HB 3311. States that they could get a fiscal impact statement issued later, or refer the bill to the Ways and Means Committee.
331	Rep. Thompson	States that he was hoping to find out if this information was available from the public.
338	Rep. King	Asks whether the Slough could be dammed to dry up so the contaminated sediment could be removed in a drier form.
342	Bell	Responds that this is the first time she has heard of this as an option.

349	Saltzman	Submits and reads written testimony (EXHIBIT E) and comments on the projects the City of Portland has in place to clean up the Columbia Slough.
372	Saltzman	Continues testimony by testifying in support of HB 3311.
431	Rep. Leonard	Asks Mr. Saltzman to explain how it is that there is a drainage district within the city limits that is responsible for only a certain portion of the area in the city.
443	Saltzman	Responds that he is unable to explain this.
445	Rep. Leonard	Explains how the Multnomah County Drainage District was formed and came to be responsible for the Slough.
487	Chair Ferrioli	Notes that the Multnomah County Drainage District is signed up as invited testimony on this issue and that the committee may get more information at that time.
498	Anne Nickel	Executive Director, Columbia Corridor Association. Submits written testimony (EXHIBIT F) and testifies in opposition to HB 3311.
TAPE 62, A		
011	Nickel	Continues testimony in opposition to HB 3311.
053	Rep. Leonard	Clarifies that HB 3311 only requires the removal of those dikes within the Slough. Clarifies that the breaching of the dike at Marine Drive would be coordinated with the installation of a floodgate.
074	Rep. Thompson	Referencing the submitted map, comments that it appears there were connection points to the Columbia River around 13 th Avenue and around 138 th Avenue, and HB 3311 indicates that these connections would have to be put back together.
080	Rep. Leonard	Clarifies that the bill requires the two original openings to the Columbia River to be reopened.
086	Rep. Thompson	Asks Ms. Nickel if she would be satisfied if these were reopened and floodgates were installed.
088	Nickel	Responds that Mr. Hendricks from the Multnomah County Drainage District will be able to answer this question.
091	Bill Maris	Chief Financial Officer, Market Transport Limited, and representing Jubitz Corporation and Portland Freightliner. Testifies on his company's concerns with HB 3311.

149	Liz Callison	Member, West Multnomah Soil and Water Conservation District. Suggests changes to HB 3311. Testifies on the problem of sewage in the Columbia Slough.
210	Callison	Continues reading written testimony.
253	Eleanore Piltz	Citizen, Portland. Testifies in support of HB 3311 and on the need for healthy buffer zones.
286	Kevin O'Sullivan	Citizen, Portland. Submits written testimony (EXHIBIT G) and testifies on the impact proposed development on Leadbetter Peninsula may have on wildlife habitat at Bybee Lake.
330	O'Sullivan	Continues testimony on the impact proposed development on Leadbetter Peninsula may have on wildlife habitat at Bybee Lake.
381	O'Sullivan	Continues testimony on the impact proposed development on Leadbetter Peninsula may have on wildlife habitat at Bybee Lake.
407	Chair Ferrioli	States that Mr. O'Sullivan and other witnesses may submit material for the record up to 10 days after the meeting.
437	Kathleen Dotten	Representing Portland Wastewater Treatment Association and Oregon Metals Industry Council. Submits and reads written testimony in opposition to HB 3311 (EXHIBIT H).
480	Dotten	Continues reading written testimony.
TAPE 62, B		
010	Dotten	Continues reading written testimony.
037	Rep. Leonard	Clarifies that only the Port of Portland is required to connect to the city's sewer and wastewater treatment system.
047	Dotten	Comments that her remarks were directed toward Section 14 of HB 3587, relating to the requirements in terms of how the CSO procedure should be addressed.
054	Rep. Leonard	Clarifies that this is simply codification of the existing agreement that the City of Portland has signed with DEQ.
056	Dotten	States that the Portland Wastewater Treatment Association supports continuing to have a clause to reopen the agreement.

064	Bob Okren	President, Portland Wastewater Treatment Association. Begins testimony by urging the committee to let the response to the new ESA listings stay at the local level. Comments on the CSO issue.
123	Okren	Continues testimony by testifying in opposition to HB 3311.
175	Okren	Continues testimony in opposition to HB 3311.
203	Rep. Messerle	Comments on the problems of dealing with this issue at the local level.
221	Okren	Notes some examples of problems being solved at the local level in Portland.
238	Rep. Leonard	Explains the provision of HB 3311 that sets up a mechanism for the city to assume the responsibilities of the drainage district.
271	Okren	Explains that the problem for the Portland Wastewater Management Association is the management and administration of the drainage district.
292	Roger Martin	Representing Alaska Airlines and the Air Transportation Association. Comments in opposition to HB 3311. Discusses the history of contamination in the Columbia Slough.
369	Martin	Continues testimony by discussing HB 3316 and the issue of an aviation fuel tax.
403	Martin	Continues testimony by discussing the issue of deicing.
442	Rep. Leonard	Notes that Washington has a 5.5¢ per gallon tax on jet fuel, and that the tax proposed in HB 3316 would still put Oregon 1¢ below Washington's tax. Comments on the amount of leaching from the old Portland dump. Notes that he has seen documentation that there are species other than carp currently in the Slough.
507	Martin	Comments on Washington's jet fuel tax.
TAPE 63, A		
007	Martin	Comments on the issue of fish in the Slough. Notes that the Port of Portland and the airlines have already entered into an agreement with DEQ to cleanup 90% of all the Glycol.
022	Rep. Jenson	Asks Mr. Martin if he has any information on what an airport like Minneapolis, for example, would have in terms of deicing and how they deal with it and treat it.

024	Martin	Responds that the Portland Airport is way ahead of where most other airports are in terms of dealing with the deicing issue.
031	Rep. Jenson	Explains why he used Minneapolis airport as an example. Notes that he was trying to get an idea of how other major airports might deal with this problem.
039	Martin	States that he will get some information to the committee on this.
041	Rep. Thompson	Asks if there should be a different standard applied to the urban area than there is to the rural area.
050	Martin	Responds that the standards should be the same for all areas of the state.
052	Rep. Thompson	Asks for clarification that if rural areas are asked to cleanup their problems, then Portland will cleanup theirs.
056	Martin	Responds that he is unable to answer this.
057	Rep. Thompson	Expresses hope that the industries can move forward and solve this problem.
062	Jeff Allen	Executive Director, Oregon Environmental Council. Submits written testimony (EXHIBIT I) and testifies on the environmental problems in the Willamette River.
124	Allen	Continues testimony by discussing his organization's concerns with HB 3311 and HB 3587.
151	Rep. King	Notes that Waldo Lake, which is one of the most pristine lakes, is one of the headwaters of the Willamette River.
157	Rep. Thompson	Asks who is fishing in the Slough and what kind of species are they fishing for.
160	Allen	Responds that nobody knows.
171	Rep. Thompson	States that the City of Portland should be putting signs up to warn people about the potential hazard of eating fish from the Slough.
177	Allen	States that Northwest Environmental Advocates and the City of Portland both put up signs. Notes that there are five advisories against eating fish in the Willamette Basin, so the problem is not just the in the Slough.
192	Sen. Shields	Notes that refugee populations eat fish from the Slough.

222	Susan Barthel	Bureau of Environmental Services, City of Portland. Responds to Rep. Thompson's earlier question regarding who is fishing in the Slough and what they are catching.
242	Chair Ferrioli	Asks for the committee to receive a copy of the risk assessment that was conducted.
252	Jay Mower	Coordinator, Columbia Slough Watershed Council. Submits written testimony (EXHIBIT J) and testifies on the Council's concerns with HB 3311.
305	Mower	Continues testimony on the council's concerns with HB 3311.
333	Chair Ferrioli	Asks to receive a membership list and information on the composition and challenges faced by the Columbia Slough Watershed Council.
341	Rep. Thompson	Asks staff to find out if the ESA overrides federal dike policies.
352	Rep. King	States that he would like to see what kind of resources and capabilities the Columbia Slough Watershed Council has.
357	Mower	Notes that they have resources available through GWEB's grant process.
375	Rep. King	Asks to receive a summary of the Columbia Slough Watershed Council's resources and capabilities.
384	Chair Ferrioli	Announces changes to the meeting's agenda.
406	Dave Hendricks	Manager, Multnomah County Drainage District. Submits written testimony (EXHIBIT K) and testifies on the District's concerns with HB 3311.
461	Hendricks	Continues testimony on the District's concerns with HB 3311.
TAPE 63, B		
005	Hendricks	Continues testimony on the District's concerns with HB 3311.
032	Rep. Messerle	Asks if all of the floodwater is removed by pumping.
033	Hendricks	Responds that the storm water has to be pumped out in the upper Slough and is drained by gravity flow in the lower Slough.
046	Phil Donovan	Speaking on behalf of Steve Beyerlin, Oregon Guides and Packers Association.

		Comments on Mr. Beyerlin's work with Rep. Leonard on the Slough issue. Submits written testimony (EXHIBIT L) and testifies in support of HB 3311. Notes that Jim Virgin, American Whitewater, also supports HB 3311.
073	Lohman	Testifies on the Port of Portland's concerns with HB 3311.
104	Rep. Leonard	Clarifies that HB 3311 sets up a collaborative process by which the City of Portland can decide whether to take over the drainage district. Notes that the Port has known for five years that they have problems with Glycol going into the Slough. Notes the effectiveness of floodgates.
126	Chair Ferrioli	Closes the public hearing on HB 3311. Recesses the committee for a break at 8:33 p.m.
130	Chair Ferrioli	Calls the committee back to order at 8:50 p.m. Opens the public hearing on HB 3587.
<u>HB 3587 - PUBLIC HEARING</u>		
134	Callens	Explains the provisions of HB 3587.
183	Chair Ferrioli	Announces that the informational items on the agenda will not be heard at today's meeting. States that the combined sewer overflow issue will be discussed at a later meeting.
202	Bruce Frazier	Citizen, Portland. Submits and reads written testimony in support of HB 3587 (EXHIBIT M).
255	Frazier	Continues reading written testimony.
311	Don Francis	Co-Director, Willamette Riverkeeper. Submits written material (EXHIBIT N) and comments on the work of Willamette Riverkeeper.
339	Francis	Testifies in opposition to Sections 2 through 5 of HB 3587.
394	Francis	Continues testimony in opposition to Sections 2 through 5 of the bill.
455	Francis	Testifies in opposition to Section 6 of HB 3587.
485	Francis	Testifies in support of Sections 7, 9, 10, 11, and 12 of HB 3587.
TAPE 64, A		

009	Francis	Comments on the issue of combined sewer overflows.
037	Francis	Testifies on the need to clarify Sections 15 and 19. Testifies in support of Sections 16 through 18 of HB 3587.
071	Francis	Testifies in opposition to Section 20 of the bill. Continues testimony by commenting on the effect of passing of HB 3587.
121	Francis	Continues testimony by commenting on the issue of local control.
152	Chair Ferrioli	Asks for clarification as to whether Mr. Francis supports or opposes HB 3587.
154	Francis	Responds that they support some sections of the bill, oppose some sections, and have no comment on some sections.
157	Chair Ferrioli	Asks Mr. Francis to submit his testimony in writing to the committee. Asks whether Mr. Francis is advocating flexibility for compliance with the federal regulations.
163	Francis	Responds that the city needs to use its money as wisely as possible, and to the greatest benefit possible, when addressing the problems in the Willamette.
179	Chair Ferrioli	States that Mr. Francis is talking about a set of priorities. Questions whether what Mr. Francis is saying would extend to forestry, cattle, or dam operations.
186	Francis	Comments that they need to go to the bottom line that works.
197	Chair Ferrioli	Notes that Mr. Francis joins other witnesses in asking for an adaptive management strategy.
206	Rep. King	States that there needs to be more attention on the impact cars have on habitat. Asks Mr. Francis what the bill number is for the measure sponsored by Associated Oregon Industries that would rollback water quality standards.
218	Francis	Clarifies that the bill he was referring to would rollback cleanup of contaminated site standards.
224	Rep. King	States that he would like to know the bill number.
234	Rep. Starr	Asks Mr. Francis if he is aware of any cities upstream from Portland that have CSO's.
236	Francis	Responds that the City of Corvallis does. Clarifies that a CSO is where they mix

		storm water and sanitary sewage. Notes that during heavy rainfall there can be sanitary sewer overflows (SSO's).
245	Rep. Starr	Asks if there is any scientific data that shows that CSOs are damaging native salmonids.
248	Francis	Responds that he is not aware of any. Notes that the biggest problem for fish would be toxic compounds in the CSOs or a lack of oxygen in the water.
261	Rep. Starr	Comments that a lot of money is being spent on the CSO issue without knowing the real effect CSOs have on salmonids.
270	Chair Ferrioli	States that he does not feel the CSO issue is a small one.
278	Rep. Leonard	Notes that the CSO issue is not directly related to the ESA.
290	Rep. Starr	Expresses interest in knowing what the historical effects of CSOs have been.
296	Rep. Leonard	Notes the CSO reduction rates for Corvallis, Astoria, and Portland.
309	Mike Houck	Audubon Society of Portland. Comments on the issue of CSOs. Thanks the committee for their efforts in addressing the Willamette River and Columbia Slough issues. Thanks Rep. Leonard for proposing the legislation discussed at today's meeting.
343	Houck	Comments on the issue of rural versus urban commitments to ESA and environmental quality.
385	Chair Ferrioli	Questions whether Portland area residents really understand the financial impact of dealing with these issues.
409	Houck	Comments on his experience in informing rural citizens of the commitment by urban citizens to these issues.
440	Bell	Submits written testimony (EXHIBIT O) and testifies on Northwest Environmental Advocate's concerns with HB 3587.
498	Bell	Continues testimony on her organization's concerns with the bill.
TAPE 64, B		
015	Bell	Continues testimony on her organization's concerns with the bill.

053	Bell	Comments that the Willamette River issue is not a local one.
079	Lohman	Comments on the Port of Portland's position regarding the cleanup of Portland Harbor and disposal of hazardous waste on Ross Island.
102	Lohman	Continues testimony by discussing the Port's concerns with HB 3587.
122	Rep. Leonard	Asks what the Port's position is on prohibiting the dumping of toxic waste at Ross Island.
127	Lohman	Notes that the bill does not define what toxic waste is.
133	Rep. Leonard	Asks if the Port opposes dumping toxic waste at Ross Island.
135	Lohman	Responds that he does not want to speak specifically to Ross Island, but there are times when in-water disposal of toxic waste is appropriate.
138	Rep. Leonard	Asks for clarification that the Port supports toxic waste being dumped in the Ross Island lagoon.
140	Lohman	Responds that there are times when in-water disposal of toxic waste is the most appropriate way to handle it.
143	Rep. Leonard	Notes that there is scientific evidence that shows it is not a good idea.
149	Callison	Submits and reads written testimony regarding CSOs, the Columbia Slough, and Ross Island (EXHIBIT P).
197	Callison	Continues reading written testimony.
249	Jim Rue	General Manager for Environmental Affairs, Ross Island Sand and Gravel. Submits written testimony (EXHIBIT Q) and testifies in opposition to HB 3587.
298	Tom Lindley	Attorney, representing Ross Island Sand and Gravel. Submits written testimony (EXHIBIT R) and testifies in opposition to HB 3587.
348	Lindley	Continues testimony in opposition to HB 3587.
415	Rep. Leonard	Asks Mr. Lindley how he would characterize the management practices within the lagoon at Ross Island that allowed the dredging up of contaminated and toxic materials that were capped and marked.

421	Lindley	Responds that this situation has been rectified and there is a mechanism in place to insure that it never happens again.
432	Chair Ferrioli	Reminds the witness to direct his response through the chair.
437	Rep. Leonard	Asks if Ross Island Sand and Gravel supports the provisions of HB 3587 that prohibit the dumping of toxic waste in the lagoon at Ross Island.
446	Rue	Responds that these kinds of prohibitions are premature.
462	Chair Ferrioli	Notes that this particular question has implications throughout the Columbia River basin system and on the whole Willamette River system.
471	Rep. Leonard	Notes that Mr. Rue assured he and other legislators that they would oppose any further dumping of toxic waste in the lagoon. Asks Mr. Rue if he is rethinking this position.
481	Rue	Responds that Ross Island Sand and Gravel is not. Clarifies that they are opposed in the current regulatory environment.
492	Chair Ferrioli	Notes that the uncertainty issue is spread throughout the Columbia River basin with the listing of salmonids.
501	Rep. King	Asks how many acres is the Ross Island lagoon.
504	Rue	Responds that it is approximately 35 to 40 acres.
506	Rep. King	Comments on the problems in the lagoon.
TAPE 65, A		
001	Rep. King	Asks for clarification that Ross Island Sand and Gravel is not the only party to blame for the mess.
002	Rue	Responds that this is correct.
004	Rep. King	Asks for clarification that there are other parties who should be involved in resolving the problem.
007	Rue	Responds that this is part of the litigation.
008	Rep. King	Notes that the soils in the lagoon are very permeable. Asks for clarification that

		even though the contaminated material is capped, there is still leaching would continue to occur.
014	Rue	Responds that the purpose for the remedial investigation he mentioned earlier is to determine this.
019	Chair Ferrioli	States that it was his understanding that as long as the material was bound to sediments that were capped, they would not migrate.
023	Rue	Notes that this is the assumption and theory presented by confined in-water disposal.
025	Rep. King	States that it is his understanding that this is not the case.
029	Rep. Leonard	Notes that DEQ has raised this exact concern.
043	Lindley	States that all evidence so far points to the contrary. Notes that DEQ and others, and Ross Island Sand and Gravel and the Port of Portland, are conducting studies to confirm that there is no impact.
050	Chair Ferrioli	States that it was his understanding that in-water capping is best management practice for disposal of dredged contaminants of a certain kind. Asks if there is a better management practice.
054	Lindley	Responds that studies have indicated that this may be the best solution.
060	Rep. Leonard	Reads a section of a letter from the U.S. Fish and Wildlife Service expressing their opinion about how the dredged materials that were deposited in the lagoon should be stored.
068	Chair Ferrioli	Asks what the date on this correspondence is.
069	Rep. Leonard	Responds that it is August 24, 1992. Notes that this was the period in which the materials began to be deposited in the lagoon.
074	Rep. King	Comments that as the state is dealing with impacts of the salmon issue, people should not count on doing a lot of aggregate removal from streams.
079	Chair Ferrioli	States that this is not a local problem for Portland alone.
090	Chair Ferrioli	Closes the public hearing on HB 3587. Expresses appreciation for staff's efforts and work for today's meeting. Thanks the remaining members for staying. Adjourns the committee at 10:22 p.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ Proper response to address endangered species, written material, Mike Burton, 9 pp.

B ñ Proper response to address endangered species, written testimony, Vera Katz, 4 pp.

C ñ Columbia Slough overview, written testimony, Lauri Aunan, 7 pp.

D ñ Columbia Slough overview, written material, Keith Leavitt, 4 pp.

E ñ HB 3311, written testimony, Dan Saltzman, 7 pp.

F ñ HB 3311, written testimony, Anne Nickel, 1 p

G ñ HB 3311, written testimony, Kevin O'Sullivan, 1 p

H ñ HB 3311, written testimony, Kathleen Dotten, 2 pp.

I ñ HB 3311, written testimony, Jeff Allen, 5 pp.

J ñ HB 3311, written testimony, Jay Mower, 8 pp.

K ñ HB 3311, written testimony, Dave Hendricks, 4 pp.

L ñ HB 3311, written testimony, Phil Donovan, 1 p

M ñ HB 3587, written testimony, Bruce Frazier, 3 pp.

N ñ HB 3587, written material, Don Francis, 24 pp.

O ñ HB 3587, written testimony, Nina Bell, 6 pp.

P ñ HB 3587, written testimony, Liz Callison, 3 pp.

Q ñ HB 3587, written testimony, Jim Rue, 2 pp.

R ñ HB 3587, written testimony, Tom Lindley, 6 pp.