

JOINT COMMITTEE ON STREAM RESTORATION
AND SPECIES RECOVERY

April 1, 1999 Hearing Room 50

7:00 AM Tapes 72 - 73

MEMBERS PRESENT: Sen. Ted Ferrioli, Co-Chair

Rep. Ken Messerle, Co-Chair

Sen. Joan Dukes, Vice-Chair

Rep. Bob Jenson, Vice-Chair

Sen. David Nelson

Sen. Frank Shields

Sen. Veral Tarno

Rep. Al King

Rep. Jeff Kruse

Rep. Randy Leonard

Rep. Susan Morgan

Rep. Bruce Starr

Rep. Terry Thompson

MEMBER EXCUSED: Rep. Lynn Lundquist

STAFF PRESENT: Judith Callens, Administrator

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: Department of Fish and Wildlife Strategic Operational Plan

HB 3226 Public Hearing

HJM 1 Public Hearing and Work Session

TAPE/#	Speaker	Comments
TAPE 72, A		
004	Chair Ferrioli	Calls the committee to order at 7:18 a.m. Reviews the agenda for today's meeting.
<u>DEPARTMENT OF FISH AND WILDLIFE STRATEGIC OPERATIONAL PLAN</u>		
013	Jim Greer	Director, Department of Fish and Wildlife. Submits written material (EXHIBIT A) and begins testimony by discussing current and past problems faced by ODFW.
053	Greer	Continues testimony by discussing ODFW's Strategic Operational Plan.
097	Greer	Continues testimony by discussing how ODFW will work to improve its customer service, commission decision making, and agency accountability.
149	Greer	Continues discussing how ODFW will work to improve its agency accountability.
195	Greer	Continues discussing how ODFW will work to improve its agency accountability.
230	Rep. Leonard	Expresses concern that there might be an imbalance in regard to ODFW's role and who they consider to be a customer. Asks Mr. Greer if he shares the concern that there is some effort to have ODFW be less vigilant in protecting fish habitat and wildlife so as to have more opportunities for economic development.
257	Greer	Responds that this is a difficult balance to maintain.
293	Rep. Leonard	Notes his involvement with the permitting process for Ross Island Sand and Gravel. Comments on his difficulty in reconciling ODFW's role in protecting fish and wildlife when economic interests enter into the picture.
324	Greer	Comments that there is a misperception that ODFW has the ability to make those kinds of decisions in permitting processes such as a sand and gravel operation. Notes that they serve as a consultant to the state in these kinds of situations.
342	Rep. Leonard	Asks how the state can get to the point of effectively changing stream conditions to enhance populations if ODFW does not have the authority to approve or deny a permit.

349	Greer	Responds that it is a delicate balance in regard to what authority ODFW should have over other agencies.
371	Rep. Morgan	Asks whether ODFW has a policy on dam removal on the Snake River.
379	Greer	Responds that they do not have a policy on this. Notes that the Fish and Wildlife Commission is reviewing the Path Report.
TAPE 73, A		
018	Rep. Morgan	Comments on a KATU Town Hall program that is going to take place on the issue of dam removal. Notes that Jim Martin, Department of Fish and Wildlife, is signed up on the pro-dam removal panel for the discussion.
025	Greer	States that he was not aware that Mr. Martin was listed as a participant on the pro-dam removal panel and that he will look into this.
032	Rep. Morgan	Asks Mr. Greer to comment on the issue of ODFW employees' involvement in the study recommending dam removal.
037	Greer	Notes that there were only one or two ODFW employees on the list of over 200 scientists that took a position on whether dams should be removed. States that he cannot control what employees do on their own time.
048	Rep. Morgan	Asks Mr. Greer to comment on the issue of their identifying themselves as ODFW employees.
050	Greer	Comments that if individuals identify themselves as ODFW employees and clarify that they are taking a position outside of their primal role at ODFW, this would be okay. Notes that he would be concerned if they were taking positions as employees, outside of ODFW policies.
059	Rep. Thompson	Comments on the large number of Coho expected to return to ODFW hatcheries next year, and asks how this problem is going to be dealt with.
077	Greer	Explains the issue that Rep. Thompson is talking about. Responds that the only way to address the issue is to do a better job of getting information out to the public as to what the situation is.
143	Rep. Thompson	Notes the numbers on interaction and hooking mortality and questions how they can take a non-harvest attitude toward this situation.
155	Greer	Comments on the issue of taking a conservative approach to protecting wild fish at all costs.

176	Rep. Thompson	Suggests the committee have a future meeting on this specific issue.
191	Greer	Notes that ODFW just reviewed the offshore Coho fisheries scenario with the Commission, and they have some information they can pass on to the committee.
199	Chair Messerle	Expresses concern that there are no timeframes established on the strategies that ODFW is hoping to accomplish. Expresses concern with the workload of ODFW staff and the Commission.
224	Chair Messerle	Notes that NMFS has come out with a new definition on what is a wild fish. Questions whether the Oregon ESA is needed.
237	Greer	Comments that there is a place for the Oregon ESA.
276	Sen. Dukes	Comments on the situation of ODFW supporting the establishment of a Coho ocean fishery and the Commission opposing it based on input from the IMST. Asks how a situation like this can be resolved.
295	Greer	Responds that he has suggested that the Scientific and Statistical Team (SST) take a look at the science to determine what the impacts might be on the wild fish if there was to be a fishery on hatchery Coho.
330	Sen. Dukes	Asks where the SST comes from and what is their involvement in all of this.
335	Joe Rohleder	Assistant to the Director, Department of Fish and Wildlife. Explains what the SST is. Notes that a decision should be made by next week about seasons in the ocean.
364	Sen. Dukes	Clarifies that she is talking about the issue of a state agency and its scientists, and another group of scientists, coming to different conclusions about a dwindling number of fish. Asks how this can be resolved.
376	Greer	Responds that it is not that there are two conflicting analyses, but that there are two different recommendations based on what those two groups of scientists feel should be done relative to long-term protection of wild stocks.
401	Sen. Dukes	States that she is not accustomed to the IMST issuing letters without a scientific report behind them. Notes that she would like to ask the IMST this question.
TAPE 72, B		
007	Chair Ferrioli	Suggests the committee take time to look over ODFW's strategic plan and then have Mr. Greer come back for further questioning and discussion.

032	Chair Ferrioli	Opens the public hearing on HJM 1.
<u>HJM 1 ñ PUBLIC HEARING</u>		
037	Judith Callens	Explains the provisions of HJM 1 and the proposed ñ1 amendments.
054	Chair Messerle	Closes the public hearing and opens the work session on HJM 1.
<u>HJM 1 ñ WORK SESSION</u>		
063	Sen. Tarno	MOTION: Moves to ADOPT HJM 1-1 amendments dated 3/29/99.
		VOTE: 12-0 EXCUSED: 2 - Ferrioli, Lundquist
065	Chair Messerle	Hearing no objection, declares the motion CARRIED.
066	Sen. TARNO:	MOTION: Moves HJM 1 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.
067	Sen. Tarno	Questions whether the motion needs to come from a House committee member.
068	Callens	Explains that any committee member can make a motion on any measure before the committee. Notes that the committee needs to designate the appropriate carrier based on where the bill is going.
077	Rep. Thompson	States that he would have worded the resolution a little stronger.
		VOTE: 12-1 AYE: 12 - Dukes, Jenson, King, Kruse, Morgan, Nelson, Shields, Starr, Tarno, Thompson, Ferrioli, Messerle NAY: 1 - Leonard EXCUSED: 1 - Lundquist
100	Chair Messerle	The motion CARRIES. REP. MORGAN will lead discussion on the floor.
103	Chair Ferrioli	Closes the work session on HJM 1 and opens the public hearing on HB 3226.

HB 3226 n PUBLIC HEARING

110	Callens	Explains the provisions of HB 3226.
126	Rep. Messerle	Comments on why he introduced HB 3226.
157	Lydia Taylor	Deputy Director, Department of Environmental Quality. Submits and reads written testimony in opposition to HB 3226 (EXHIBIT B).
210	Taylor	Continues reading written testimony in opposition to HB 3226.
241	Chair Ferrioli	Asks Ms. Taylor to characterize the perception that may have led to this bill being introduced.
246	Taylor	Responds that DEQ spoke with Rep. Messerle to find out what his concerns were and that he had concerns about some on-site activities where DEQ did not tell people about options that might be available to them.
277	Chair Ferrioli	Comments that the flexibility in the permit process seems to be used to limit people's options, rather than empower them.
294	Rep. Messerle	Supports the management technique of having decisions made at the lowest possible level. Notes that with this management technique there needs to be oversight.
304	Sen. Tarno	States that he is looking for assurances that new policy is not being established at the local level in the regional offices without the agency being aware of it.
312	Sen. Shields	Comments on his work last session on the issue of "green permits". States that he does not want to see anything derail this legislation.
Written testimony in opposition to HB 3226 submitted by Jim Greer, Director, Department of Fish and Wildlife (EXHIBIT C).		
342	Chair Ferrioli	Closes the public hearing on HB 3226. Adjourns the committee at 8:36 a.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ Department of Fish and Wildlife Strategic Operational Plan, written material, Jim Greer, 36 pp.

B ñ HB 3226, written testimony, Lydia Taylor, 5 pp.

C ñ HB 3226, written testimony, Jim Greer, 1 p