

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

**April 13, 1999 Hearing Room 50**

**4:30 PM Tapes 82 - 84**

**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. Lynn Lundquist**

**Rep. Susan Morgan**

**Rep. Bruce Starr**

**MEMBER EXCUSED: Rep. Randy Leonard**

**Rep. Terry Thompson**

**STAFF PRESENT: Judith Callens, Administrator**

**Stephen Kosiewicz, Administrative Support**

**MEASURE/ISSUES HEARD: HB 3225 Public Hearing**

**SB 1161 Public Hearing**

**SB 1196 Public Hearing**

TAPE/#	Speaker	Comments
<b>TAPE 82, A</b>		
004	Chair Messerle	Calls the committee to order at 4:48 p.m. Announces that the committee will be meeting this Saturday from 9:00 to 3:00. Announces that the committee will no longer meet on Friday morning. Opens the public hearing on HB 3225.
<b><u>HB 3225 n PUBLIC HEARING</u></b>		
017	Ken Bierly	Program Manager, Governor's Watershed Enhancement Board. Submits written material ( <b>EXHIBIT A</b> ) and begins testimony by giving background information on the creation of GWEB.
072	Bierly	Continues giving background information on GWEB.
105	Bierly	Comments on some things the committee should keep in mind when beginning its deliberations on creating the Measure 66 structure.
126	Jan Lee	Executive Director, Oregon Water Resources Congress. Submits written material ( <b>EXHIBIT B</b> ) and testifies on the work of the natural resource workgroup in developing a Measure 66 proposal.
179	Greg Miller	Representing Weyerhaeuser Co., Inc. Begins overhead presentation on the Measure 66 proposal developed by the natural resource workgroup.
236	Chair Messerle	Asks if the workgroup has given any thought to the organization chart above this level.
240	Miller	Responds that it is their view that the commission is a new entity.
250	Chair Messerle	Notes that all of these agencies and commissions have to be tied to the organization chart at some point. Notes that normally it comes from the Governor, and at some level the Governor interrelates with the other boards and commissions.
257	Miller	Continues overhead presentation on the Measure 66 proposal developed by the natural resource workgroup.
307	Lee	Notes that this is the five regions of the state under ORS 536.022, so that each of the five regions setup by WRD in their statutes has three to four basins in it.
314	Rep. King	Asks which area the Willamette River would be in.

317	Lee	Responds that it would be in the Willamette Basin. Notes that the Willamette Basin takes up much of the northwest region.
321	Rep. King	Asks for clarification that it would be in the northwest region.
322	Lee	Responds that this is correct.
323	Rep. King	Asks what other basins are in this region.
324	Lee	Responds that in this region there is the Sandy River and perhaps the Clackamas River.
329	Rep. King	Asks where the north coast would be included.
330	Lee	Responds that the north coast is also in the northwest region.
332	Miller	Continues overhead presentation on the Measure 66 proposal developed by the natural resource workgroup.
359	Chair Messerle	Asks where the soil and water conservation districts (SWCDs) fit in the workgroup proposal.
360	Miller	Responds that they fit in with their respective basins.
377	Chair Messerle	Asks Mr. Miller what he envisions the responsibilities of this commission would be over other departments.
379	Miller	Responds that it would have no rule writing or enforcement authority with the exception of how the funding is developed.
398	Chair Messerle	Asks if agencies like ODF and ODFW would support the basins in the same way that the SWCDs do.
<b>TAPE 83, A</b>		
003	Miller	Responds that they would. Notes that they hope to have the notion of these districts sharing resources as part of the complete package.
009	Sen. Tarno	Notes that Mr. Miller showed 17 basins on an overhead, but there are 19. Asks for clarification.
012	Miller	Responds that the Columbia and Snake River Basins have no land mass

		associated with them, but they are statutorily determined, so they are just accounting for the 17 that have land mass associated with them.
014	Sen. Tarno	Asks if the northwest region takes in part of the Willamette Valley and all the way over to Astoria and the coast range.
016	Miller	Responds that this is correct.
017	Sen. Tarno	Asks for clarification that they have included the coast range in the basins that would also be in the Willamette Valley.
018	Lee	Responds that this is correct.
021	Rep. King	Asks how they would address the Columbia River policy issues and fiscal issues since there is not a watershed council dedicated to this.
027	Lee	Responds that there is not the same kind of setting on the Columbia and Snake Rivers. Notes that the people in the Baker area are associated with another basin.
033	Rep. King	Asks if there has been any dialog with the watershed councils in terms of their getting themselves organized along this way.
039	Miller	Responds that what they are proposing is a bottom/up structure [response inaudible at times].
049	Rep. King	Notes that the structure they are proposing looks legislatively mandated, versus the watershed councils coming forward to get organized statewide. States that he wants to know if there is this kind of grass roots input into the proposed structure.
057	Miller	Responds that in other elements of their package they have the appropriate mechanisms to ensure that this happens.
068	Sen. Dukes	Asks if this is the group that will hand out the grants.
069	Miller	Responds that this is correct.
070	Sen. Dukes	Asks Mr. Miller if they have this process laid out yet.
078	Miller	Responds that they anticipated this question, but at this time they are still trying to establish processes and mechanisms.
084	Sen. Dukes	Notes that one of the reasons she is interested in this is because their proposal

		has the north coast in with the Willamette Valley. Notes that there are Columbia River watershed councils and states that she is interested in seeing how these councils fit into the proposed structure.
096	Miller	States that nothing was put in the mechanism or process that would prevent these watershed councils from applying for and receiving GWEB grants.
101	Sen. Dukes	Asks if these watershed councils are included in the northwest region.
102	Lee	Notes that the Columbia River runs along that border and that it hits two or three of these regions, so they will be split up. Notes that they have included the Governor's Natural Resources Director as one of the members of their advisory council to the commission.
112	Rep. Kruse	Notes that the Columbia is a river shared by four states. Asks if all of the watersheds in Oregon that feed the Columbia would already be included in their regional structure.
118	Lee	Responds that this is correct.
125	Rep. Kruse	Asks for clarification that they are treating the Columbia River like it is the ocean with full realization that there is a four state group that is dealing with the Columbia, which is beyond the scope of what they are doing.
127	Lee	Responds that this is a good way to look at it.
133	Chair Messerle	Asks Mr. Miller to identify what the problem is with the present system and how does their proposal address these problems.
139	Miller	[Response inaudible].
151	Lee	Notes that their proposal attempts to combine the Nebraska Plan with the current GWEB system.
161	Miller	Comments that they are trying to eliminate competition for the dollars on the ground.
171	Chair Messerle	Notes that what the committee has heard from the watershed councils is that the current GWEB structure only needs some minor changes. States that this is why he asked his previous question.
179	Sen. Dukes	Expresses concern about putting the Columbia River watershed councils in separate regions.

193	Rep. King	Comments that perhaps they have not weighed the various issues regarding the Columbia River in terms of their complexity.
209	Rep. Jenson	States that he shares the same concerns as Rep. King and Sen. Dukes. Comments that the Columbia River is a major concern of the people in eastern Oregon.
230	Rep. Kruse	Notes that what he has heard from watershed councils in the southern part of the states is a fear of losing funding.
246	Rep. Jenson	Asks what the reason was for coming up with the name for the Oregon Watershed Conservation Commission.
262	Lee	Responds that the name came about as a way to try and blend the conservation districts and the watershed councils.
274	Rep. Jenson	Questions the use of the term conservation versus enhancement in the name.
285	Lee	States that they like the structure and do not really care what the name is.
297	Chair Messerle	Announces that SB 1196 will only be given a "tap-tap" hearing at today's meeting.
307	Mike Propes	Polk County Commissioner, representing the Association of Oregon Counties (AOC). Comments on the presentation by Mr. Miller and Ms. Lee. Testifies on AOC's concerns with the ñ2 amendments.
350	Chair Messerle	Asks what section of the ñ2 amendments Mr. Propes is testifying on.
351	Propes	Responds that he is testifying in regard to page 17 of the ñ2 amendments.
361	Mike Swaim	Mayor, City of Salem, representing the League of Oregon Cities (LOC). Submits written testimony ( <b>EXHIBIT C</b> ) and testifies on his concerns with the cities' role in the proposed Measure 66 structure.
<b>TAPE 82, B</b>		
011	Swaim	Continues testimony by reviewing LOC's suggested changes to the ñ2 amendments.
049	Chair Messerle	Asks how the City of Salem is investing in local watershed councils.
053	Swaim	Responds that the city is providing staff and funding for local watershed councils.

060	Chair Messerle	Asks whether the urban watershed councils have coordinators.
061	Swaim	Responds that the city provides coordinators for these councils.
066	Sen. Dukes	Asks Mr. Swaim if he sees the system proposed by Ms. Lee and Mr. Miller working.
070	Swaim	Responds that he thinks this is unworkable based on what they are trying to accomplish, which is a simplification and a more direct line of responsibility between the several levels of interest involved.
078	Propes	States that one of the advantages of regional coordinators is that it does not advocate a "one size fits all" approach. Notes that his testimony is not in his role as a representative of AOC, but as an individual who has been involved in local watershed councils.
111	Roy Hemmingway	Oregon Plan Manager, Governor's Office. Submits written testimony ( <b>EXHIBIT D</b> ) and testifies on the Governor's concerns with Section 18 of the HB 3225-2 amendments.
155	Hemmingway	Continues testimony by discussing the Governor's concerns with Section 19 of the ñ2 amendments.
171	Chair Messerle	Notes that there have been grant requests from agencies for projects other than on the ground. Asks Mr. Hemmingway if he is suggesting that there be a policy that would only provide funding to state agencies for on-the-ground work.
176	Hemmingway	Responds that he is suggesting that they be able to look at each project on its own merits.
197	Hemmingway	Continues testimony by discussing the Governor's concerns with Section 21 of the ñ2 amendments. Notes that the Governor's Office has no concerns with Sections 22 and 23 of the ñ2 amendments.
209	Chair Messerle	Asks Mr. Hemmingway to comment on the proposal introduced by Ms. Lee and Mr. Miller.
212	Hemmingway	Notes that he did not see the proposal until today. Comments on the proposal.
228	Chair Messerle	Asks Mr. Hemmingway to comment on the part of the proposal regarding regional coordinators.
239	Bierly	Comments on the regional division of GWEB's current staffing.

256	Louise Solliday	Governor's Natural Resources Office. Notes that the proposal is using the WRD statute to define regions. States that their concern with this is that in the case of the Willamette Basin, it would be split into two separate regions, which does not make a whole lot of sense if they are looking at managing on a watershed level.
278	Chair Messerle	Expresses concern that the workgroup proposal could require much more staff. Asks Mr. Hemmingway to cost out the current system and the new proposal.
288	Hemmingway	States that they would be happy to do this and get back to the committee. Notes that they would have to consult with the proponents to determine what they have in mind in terms of a new function versus an existing function.
310	Deborah Boone	Coordinator, Necanicum Watershed Council. Questions how the committee is going to proceed in terms of their deliberations on HB 3225 and the proposed amendments.
328	Chair Messerle	Announces what sections of the amendments will be discussed over the next few committee meetings.
362	Chair Messerle	Closes the public hearing on HB 3225 and opens the public hearing on SB 1161.
<b><u>SB 1161 - PUBLIC HEARING</u></b>		
369	Judith Callens	Committee Administrator. Explains the provisions of SB 1161.
<b>TAPE 83, B</b>		
006	Callens	Continues explaining the provisions of SB 1161.
029	Rep. Kruse	Asks if there has been any input from the other states on this concept.
034	Chair Messerle	Responds that he does not recall any specific discussion regarding the language of the compact.
037	Rep. Morgan	Responds that conceptually there was agreement on this general direction [response inaudible at times].
041	Rep. Kruse	Explains the reason for his question.
044	Chair Messerle	Notes that Sen. Ferrioli would have more information about the compact.
046	Rep. King	Asks whether this compact would supercede the Columbia River Gorge Commission.



054	Rep. Jenson	Notes that the other states would have significant interest in the governance of the Columbia River [comments inaudible at times].
067	Leann Blakeney	Natural Resources Policy Analyst, House Majority Office. Notes that there was a prototype of the compact included in the materials that were handed out at the meeting in Spokane.
075	Rep. Kruse	Comments that in previous meetings among the states, this compact was the type of thing they were looking to have.
087	Chair Messerle	Expresses concern that there will be difficulty in getting the State of Washington to approve the compact.
093	Sen. Nelson	Asks whether there was any discussion about the funding aspect of the compact.
098	Chair Messerle	Responds that there was no discussion of budgets.
100	Rep. Jenson	Asks if there was any discussion about whether this compact conflicts with the Northwest Power Planning Council (NWPPC).
106	Blakeney	Notes that the NWPPC has two oversight functions.
115	Rep. Jenson	Asks if there is the possibility that the NWPPC might feel threatened by this compact.
122	Blakeney	Responds that she does not think there is. Notes that if anything, the NWPPC might appreciate having more state input.
128	Rep. Jenson	Comments that the Executive Department has been trying to make some structural changes as far as this whole issue is concerned [comments inaudible at times].
136	Rep. Morgan	Comments on the discussions regarding the Columbia River that took place at the meeting of the states [comments inaudible at times].
153	Rep. Jenson	Clarifies that he was wondering what perceptions might be.
164	Chair Messerle	States that one of the purposes of this group is to get better representation on the NWPPC and on the Governor's Forum. Notes that a big concern of Montana and Idaho is that they do not want to release more water so Oregon will use more water.
179	Rep. Morgan	Notes that another benefit of this organization is that the states have a stronger voice when they talk about the ESA and the Clean Water Act on the federal

		level.
190	Sen. Ferrioli	Comments on the reasons behind the creation of the Columbia River Natural Resources Management Compact.
236	Rep. King	Expresses support for the compact. Notes that they have to be prepared to possibly send money to another state for a project.
247	Sen. Ferrioli	Comments that the compact does not require the state to spend any money outside of its boundaries.
261	Rep. King	Notes that it was not clear that the compact would not be doing any capital projects.
264	Sen. Ferrioli	States that this would be a policy group that gets together to make decisions.
276	Callens	Referencing lines 14 and 15 on page 3 of SB 1161, notes that the compact only obligates the states to make available annual funds specifically for the support of the commission, not any sort of project.
284	Rep. Kruse	Asks Sen. Ferrioli if he likes the structure as proposed in SB 1161.
288	Sen. Ferrioli	Responds that he does.
294	Rep. Kruse	Asks why the bill is not being moved tonight.
303	Sen. Dukes	Expresses hope that the committee will be able to look at how this group would interact with the NWPPC, the Columbia River Forum, and the Columbia River Fish and Wildlife Basin Council.
334	Chair Messerle	States that he would be hesitant about moving SB 1161 tonight because a number of committee members are missing.
343	Sen. Ferrioli	Comments that he would like a majority of the members present before voting on the bill.
378	Chair Messerle	Asks whether SB 1161 would have a fiscal impact.
380	Sen. Ferrioli	Responds that the fiscal impact is indeterminate.
385	Sen. Dukes	Notes that each state has three people on the commission and one of them is an agency person. Asks where the other two people come from for each state.

397	Sen. Ferrioli	Responds that the way SB 1161 was drafted, they should be legislators.
404	Rep. Starr	Notes that this was a concern he had in regard to SB 1161.
<b>TAPE 84, A</b>		
006	Chair Messerle	Closes the public hearing on SB 1161 and opens the public hearing on SB 1196.
<b><u>SB 1196 ñ PUBLIC HEARING</u></b>		
008	Callens	Reviews the provisions of SB 1196.
013	Sen. Dukes	Asks if there has ever been a water pollution study of the Willamette River.
015	Sen. Ferrioli	Notes that Sen. Yih brought up this issue. Responds that a study was done, but the company that conducted it went out of business and the data was lost.
038	Chair Messerle	Closes the public hearing on SB 1196.
040	Rep. Starr	Asks whether the Saturday meeting will take place on April 17 or April 24.
042	Callens	Clarifies that the meeting will be held on April 17.
Discussion among the committee members regarding who will not be able to attend the Saturday meeting.		
055	Chair Messerle	Adjourns the committee at 6:41 p.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,  
Administrative Support Administrator

**EXHIBIT SUMMARY**

**A ñ HB 3225, written material, Ken Bierly, 96 pp.**

**B ñ HB 3225, written material, Jan Lee, 11 pp.**

**C ñ HB 3225, written testimony, Mike Swaim, 1 p**

**D ñ HB 3225, written testimony, Roy Hemmingway, 2 pp.**