

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

**April 19, 1999 Hearing Room 50**

**7:00 AM Tapes 92 - 93**

**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**

**Rep. Al King**

**Rep. Jeff Kruse**

**Rep. Randy Leonard**

**Rep. Lynn Lundquist**

**Rep. Susan Morgan**

**Rep. Bruce Starr**

**Rep. Terry Thompson**

**MEMBER EXCUSED: Sen. Veral Tarno**

**STAFF PRESENT: Judith Callens, Administrator**

**Stephen Kosiewicz, Administrative Support**

**MEASURE/ISSUES HEARD: HJM 11 Public Hearing and Work Session**

**HB 3225 Public Hearing**

**HB 2102 Public Hearing and Work Session**

TAPE/#	Speaker	Comments
<b>TAPE 92, A</b>		
004	Chair Ferrioli	Calls the committee to order at 7:17 a.m. Announces change in today's agenda. Opens the public hearing on HJM 11.
<b><u>HJM 11 ñ PUBLIC HEARING</u></b>		
019	Rep. Jenson	Explains why he introduced HJM 11.
051	Doug Riggs	Board member, Hanford Information Network. Submits written testimony <b>(EXHIBIT A)</b> and testifies in support of Hanford cleanup.
105	Riggs	Continues testimony in support of Hanford cleanup.
124	Riggs	Testifies in support of HJM 11.
141	Chair Ferrioli	Asks how serious the issue of cleaning up Hanford is.
144	Riggs	Responds that this is the largest environmental cleanup that the country is facing and is the most pressing. Notes that the single-shell tanks are what the state needs to worry about because they are deteriorating.
156	Rep. Kruse	Comments on the national debate that has been going on over the repository of spent fuel rods. Asks Mr. Riggs if his organization is involved in this issue.
166	Riggs	Responds that his group has not gotten involved in this issue, but it is an important one.
178	Rep. Kruse	States that he would hate to get into a mode of saying that the cleanup of Hanford would be done at the expense of Nevada or some other state.
186	Rep. Thompson	Asks if rust is what is causing the single-shell tanks to deteriorate.
189	Riggs	Responds that this is correct. Notes that some of these tanks have leaked in the past, but they do not believe any are currently leaking.
209	Chair Ferrioli	Asks for further information on the issue of the tanks leaking.
212	Riggs	Responds that a number of tanks have leaked. Notes that the liquids have been

		pumped out of most of these tanks.
234	Rep. Thompson	Asks what else is in the groundwater now that has the potential to get to the Columbia River in the near future.
238	Riggs	Responds that there are a number of both radioactive and non-radioactive materials in the groundwater.
248	Rep. Thompson	Asks what the potential damage to people living in the area from carbon tetrachloride is.
253	Riggs	Responds that he does not know. Submits written testimony from Paige Knight, President, Hanford Watch, in support of Hanford cleanup ( <b>EXHIBIT B</b> ).
263	Mike Grainey	Office of Energy. Submits written material ( <b>EXHIBIT C</b> ) and testifies in support of HJM 11 and the proposed rule amendments.
295	Sen. Nelson	Asks if there is any truth to the rumor that if the dams are breached, there is the potential that there is radioactive contamination in the sediment.
301	Grainey	Responds that the only evidence they have of radioactive sediment is behind McNary Dam. Notes that the Columbia River is monitored for radiation.
314	Sen. Nelson	Asks if any environmental groups are involved in the cleanup effort.
320	Grainey	Responds that there are a number of citizen groups involved in Hanford issues.
329	Sen. Nelson	Asks what the relative dangers of the radiation are versus commercial pesticide use.
335	Grainey	Responds that he has no way of comparing these. Notes the comparison between radiation and the commercial nuclear power industry.
350	Rep. Thompson	Asks how much radioactive material is in the sediment behind McNary Dam, and why has this not been assessed.
355	Grainey	Responds that he cannot give a good answer to this question. Notes the concern that stirring up the sediment could make it worse.
367	Rep. Thompson	States that there must be some kind of report as to the volume of the sediment.
370	Grainey	States that he will get this information to the committee.

385	Chair Ferrioli	Closes the public hearing and opens the work session on HJM 11.
<b><u>HJM 11 ñ WORK SESSION</u></b>		
410	Rep. Thompson	<b>MOTION: Moves to ADOPT HJM 11-1 amendments dated 4/14/99.</b>
<b>TAPE 93, A</b>		
002	Sen. Dukes	Notes her support for HJM 11.
005	Sen. Nelson	States that the big problem in the Northwest for contamination is the radioactive material in Hanford, not the use of pesticide.
014	Rep. Thompson	Comments on the need to look at all pollution problems in the state.
		<b>VOTE: 13-0</b> <b>EXCUSED: 1 - Tarno</b>
035	Chair Ferrioli	<b>Hearing no objection, declares the motion CARRIED.</b>
037	Rep. Thompson	<b>MOTION: Moves HJM 11 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.</b>
		<b>VOTE: 13-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 ñ Tarno</b>  <b>[Rep. Leonard was excused during the initial vote. A later motion is made to allow him to be recorded as voting aye.]</b>
048	Chair Ferrioli	<b>The motion CARRIES.</b>  <b>REP. JENSON will lead discussion on the floor.</b>
057	Chair Ferrioli	Closes the work session on HJM 11 and opens the public hearing on HB 3225.
<b><u>HB 3225 ñ PUBLIC HEARING</u></b>		
066	Roy Hemmingway	Oregon Plan Manager, Governorís Office. Submits written testimony ( <b>EXHIBIT D</b> ) and testifies in support of sections 2 through 6, 9 through 15, and 16, and

		offers suggestions for changes to Section 20 of the HB 3225-2 amendments.
097	Chair Ferrioli	Expresses appreciation for the Governor's Office's interaction and cooperation with the committee on the Measure 66 issues.
104	Rep. King	Asks for clarification on what the Governor's Office is suggestion for WRD's oversight role versus ONRO's oversight role.
119	Hemmingway	Responds that their objective is to keep WRD as largely responsible for the fiscal aspects of the watershed enhancement program.
125	Louise Solliday	Governor's Natural Resources Office. Clarifies that the suggested language is intended to reflect the current structure of GWEB.
135	Rep. King	Asks whether they are want to have the fiscal and management aspects separated indefinitely or for some period of time.
137	Hemmingway	Responds that they have found the fiscal responsibilities to work very well through WRD.
149	Rep. Jenson	Asks Mr. Hemmingway if he will have testimony on the proposal from the natural resources work group.
155	Hemmingway	Responds that when it is before the committee they will have testimony to provide. Notes that they have not had time to review this proposal yet.
160	Chair Ferrioli	Notes that it is valuable to hear, in general terms, the focus of the Governor's Office on these issues.
168	Sen. Dukes	Asks what happens with Mr. Bierly if the committee takes Mr. Hemmingway's suggestion and put this under WRD.
172	Solliday	Responds that the proposed language would legislate what the current structure is with GWEB.
183	Sen. Dukes	Asks for clarification that if they go back and use WRD and delete the reference to ONRO it will come out similar to the current structure.
185	Solliday	Responds that this is correct.
187	Rep. Messerle	Asks what the Natural Heritage Program is.
191	Hemmingway	Responds that he does not know.

197	Jenifer Robison	Special Assistant to the Director, Division of States Lands. Explains what the Natural Heritage Program is.
230	Rep. Messerle	Questions whether they want to include this kind of task in a policy office.
236	Robison	Notes that it might make more sense for a couple of elements of this program to go into ONRO or OWEB.
266	Rep. Thompson	Asks for clarification of the language on page 13, subsection C of the HB 3225-2 amendments.
276	Robison	Clarifies the language in this subsection.
294	Rep. Thompson	Notes that according to the language the office may terminate the dedication.
297	Robison	Clarifies that it would be the proposed ONRO.
300	Rep. Thompson	Notes that this is unusual since the dedication can be terminated by an office that can be controlled in a political sense.
307	Robison	Clarifies that this is one of the reasons why she suggested splitting out some of the functions.
312	Solliday	States that in sections 9 through 15 the committee needs to look at where the State Land Board was replaced by either ONRO or OWEB.
328	Chair Ferrioli	Closes the public hearing on HB 3225 and reopens the work session on HJM 11.
<b><u>HJM 11 n WORK SESSION</u></b>		
332	Chair Ferrioli	<b>MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. LEONARD to BE RECORDED as voting AYE on the motion that HJM 11 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.</b>
		<b>VOTE: 13-0</b> <b>EXCUSED: 1 - Tarno</b>
336	Chair Ferrioli	<b>Hearing no objection, declares the motion CARRIED.</b>
345	Chair Ferrioli	Closes the work session on HJM 11 and reopens the public hearing on HB 3225.

**HB 3225 ñ PUBLIC HEARING (CONTINUED)**

351	Deborah Boone	Coordinator, Necanicum Watershed Council. Testifies in support of sections 1 through 7, 9, and 20 of the ñ2 amendments. Suggests including tribal and fishery representatives on the two different boards in sections 10 and 18.
412	Chair Ferrioli	Closes the public hearing on HB 3225 and opens the public hearing on HB 2102.

**HB 2102 ñ PUBLIC HEARING****TAPE 92, B**

004	Judith Callens	Committee Administrator. Explains the provisions of HB 2102 and the proposed ñ1 amendments.
041	Roy Elicker	Fish Screening and Passage Program Manager, Department of Fish and Wildlife. Submits written material ( <b>EXHIBIT E</b> ) and testifies in support of the proposed ñ1 amendments.
057	Rep. Messerle	Referencing page 3, line 9 of the ñ1 amendments, asks why "or" was used regarding the 9.2 acre-feet and 10 feet or higher dam standards.
067	Elicker	Notes there was a lot of discussion about this issue. Responds that this was an attempt by the task force to come up with language to allow ODFW to take as hard a look as possible at what the extent of the problem is.
077	Rep. Messerle	Notes that this could make a big difference in the fiscal aspect of this.
078	Elicker	States that this is correct.
082	Rep. Kruse	Referencing section 4 of the ñ1 amendments, expresses concern about the size of the task force. Asks if the intent is to just reauthorize the task force.
089	Elicker	Responds that this is the same language from last session.
092	Rep. King	Asks whether HB 2102 is adding an unfunded mandate to ODFW, or is it helping them operate more efficiently.
099	Elicker	Responds that this does not place an unfunded mandate on ODFW.
109	Rep. King	Asks if this process is already included in ODFW's budget.

126	Elicker	Responds that ODFW currently has a fish passage program that is funded.
136	Rep. King	Asks if this would be a bigger project.
138	Elicker	Responds that ODFW would need additional funds for the inventory.
143	Rep. King	Questions how this additional work will be paid for.
146	Chair Ferrioli	Notes that this bill can be sent to Ways and Means to figure out how the work will be paid for.
150	David Morman	Department of Forestry. Submits written testimony ( <b>EXHIBIT F</b> ) and comments in support of the ñ1 amendments.
153	Jan Lee	Executive Director, Oregon Water Resources Congress. Testifies on the need for funding the inventory.
169	Rep. Morgan	Asks if there is a plan in mind for how to accomplish the inventory.
175	Elicker	Responds that they will have to spend some time on the ground doing this inventory.
186	Rep. Morgan	Asks if they will be able to complete this inventory in the next biennium.
189	Elicker	Responds that they are hoping to have some information to provide to the fish passage task force early in the biennium.
196	Rep. Morgan	States that she is hearing Mr. Elicker say that they may not finish this inventory during the next biennium.
200	Elicker	Clarifies that the inventory will be finished next biennium.
205	Rep. Kruse	Asks if ODFW has contacted the various state and federal agencies to get their inventory of the dams.
214	Elicker	Responds that they have not formally requested data from all the agencies.
223	Rep. Kruse	Suggests that ODFW do this.
235	Robison	Testifies in support of HB 2102 and the ñ1 amendments.



244	Rep. Messerle	Asks if DSL is in favor of changing the "or" to "and" in line 9 on page 3 of the ñ1 amendments.
247	Robison	Responds that she does not know the difference between using "and" or "or" in regard to the dam standards.
250	Richard Kosesan	Water for Life. Comments that the clarification being suggested in line 9 is a matter of consistency with provisions dealing with dam safety.
264	Rep. Kruse	Asks if the language in Section 5 of the ñ1 amendments is the way the federal government reads it now.
271	Kosesan	Responds that he cannot speak to the federal interpretation of this. Notes that the general state interpretation is that the structure would need to meet both standards.
293	Rep. Kruse	Expresses concern that changing the "or" to "and" could result in dams meeting the standards for engineering purposes, but not for fish passage.
308	Chair Ferrioli	Comments on the need for this information to determine how big the problem is. Explains how the ñ1 amendments were developed.
339	Chair Ferrioli	Closes the public hearing and opens the work session on HB 2102.
<b><u>HB 2102 ñ WORK SESSION</u></b>		
342	Sen. Dukes	<b>MOTION: Moves to ADOPT HB 2102-1 amendments dated 3/5/99 and that the amendments be FURTHER AMENDED on page 3, line 9, by changing the second "or" to "and".</b>
		<b>VOTE: 12-0</b> <b>EXCUSED: 2 - Shields, Tarno</b>
352	Chair Ferrioli	<b>Hearing no objection, declares the motion CARRIED.</b>
363	Sen. Dukes	<b>MOTION: Moves HB 2102 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.</b>
		<b>VOTE: 12-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>

		<b>EXCUSED: 2 - Shields, Tarno</b>
<b>375</b>	<b>Chair Ferrioli</b>	<b>The motion CARRIES.</b>
378	Chair Ferrioli	Closes the work session on HB 2102. Adjourns the committee at 8:37 a.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,  
Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A ñ HJM 11, written testimony, Doug Riggs, 2 pp.**

**B ñ HJM 11, written testimony of Paige Knight, Doug Riggs, 1 p**

**C ñ HJM 11, written material, Mike Grainey, 26 pp.**

**D ñ HB 3225, written testimony, Roy Hemmingway, 1 p**

**E ñ HB 2102, written material, Roy Elicker, 2 pp.**

**F ñ HB 2102, written testimony, David Morman, 2 pp.**