

JOINT COMMITTEE ON STREAM RESTORATION
AND SPECIES RECOVERY

April 29, 1999 Hearing Room 50

7:00 AM Tapes 108 - 109

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. Lynn Lundquist

Rep. Susan Morgan

Rep. Bruce Starr

Rep. Terry Thompson

STAFF PRESENT: Judith Callens, Administrator

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: HB 2881 Public Hearing and Work Session

SB 1166 Public Hearing and 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.

--	--	--

TAPE/#	Speaker	Comments
TAPE 108, A		
004	Chair Messerle	Calls the committee to order at 7:12 a.m. Announces changes to today's agenda. Opens the public hearing on HB 2881.
<u>HB 2881 ñ PUBLIC HEARING</u>		
012	Judith Callens	Committee Administrator. Explains the provisions of the HB 2881-2 amendments.
038	Jon Chandler	Director of Government Affairs, Oregon Building Industry Association. Testifies in support of HB 2881 and the ñ2 amendments.
065	Callens	Notes that the ñ2 amendments take out the language about the quorum voting requirement.
076	Rep. Morgan	Asks if there is language in the amendments that says when the work of the committee would be done and who they would report to.
079	Callens	Responds that these will be addressed by the interim rules that the committee would operate under.
089	Chair Messerle	Closes the public hearing and opens the work session on HB 2881.
[Committee at ease while they wait for Sen. Ferrioli to return]		
<u>HB 2881 ñ WORK SESSION</u>		
115	Chair Messerle	Closes the work session on HB 2881 and opens the public hearing on SB 1166.
<u>SB 1166 ñ PUBLIC HEARING</u>		
128	Callens	Explains the provisions of SB 1166 and the ñ3 amendments.
165	Jean Underhill Wilkinson	Oregon Cattlemen's Association. Submits written testimony (EXHIBIT A) and testifies in support of the ñ3 amendments.
217	Wilkinson	Continues testimony in support of the ñ3 amendments.

229	Rep. Thompson	Notes that Crater Lake and Waldo Lake would not qualify under the criteria in HB 2881 [comments inaudible at times].
238	Wilkinson	Clarifies that they have amended the original bill to remove the fish requirement.
245	Callens	Notes the difference between the HB 2881-1 amendments and the ñ3 amendments.
257	Rep. King	Asks if there is a need to have this kind of definition of waters that are in a wilderness area.
271	Wilkinson	Responds that if water bodies are already protected by some regulations there is no need to have overlapping regulations.
285	Rep. King	Notes that Waldo Lake does not have fish species in it. Asks if a water body like this could be designated an ORW if it does not meet the criteria itself, but it is connected to a system that does.
299	Wilkinson	Responds that this might be a consideration.
315	Rep. King	Asks whether an ORW designation could prevent the use of things such as chemical retardants in fighting forest fires.
326	Wilkinson	Responds that practices that occur around the water body could be prohibited.
357	Rep. King	Asks if a water body that is restored to a pristine state could be designated as an ORW.
364	Wilkinson	Responds that it could.
372	Rep. Thompson	Comments on why he is still opposed to the ORW designation program [comments inaudible at times].
396	Wilkinson	Comments that a lot is being learned scientifically about streams.
TAPE 109, A		
019	Rep. Thompson	Suggests that research be conducted in this area.
039	Pete Test	Associate Director, Oregon Farm Bureau. Testifies in support of HB 2881 and the ñ3 amendments.

065	Test	Suggests changes to the ñ3 amendments. Continues testimony in support of the ñ3 amendments.
094	Lauri Aunan	Department of Environmental Quality. Notes that the language in the ñ3 amendments is more limited than DEQ's current approach. Comments on the intent of the ORW program.
118	Chair Messerle	Asks for clarification that waters other than what has been presented to the committee still have to meet the water quality standards.
124	Aunan	Responds that under the Clean Water Act, DEQ is trying to get rivers and streams in the state to meet water quality standards.
133	Rep. Morgan	Asks if the EPA has put the state under any deadline to implement this program.
135	Aunan	Responds that she is not aware of any.
141	Rep. Lundquist	Asks if DEQ agrees that the chart Ms. Wilkinson referred to would allow Crater Lake to be designated an ORW.
148	Aunan	Responds that DEQ's draft criteria is that the water body would not have to meet every criteria.
160	Test	Notes that Crater Lake could be designated an ORW if his suggested change is incorporated into the bill.
168	Sen. Tarno	Asks if DEQ feels that if a stream is water quality limited, or 303(d) listed, it should not be eligible for ORW designation.
171	Aunan	Responds that this is a policy they are looking at.
176	Sen. Tarno	Asks for clarification that DEQ has not come out with a position on this yet.
178	Aunan	Responds that the Environmental Quality Commission (EQC) has not adopted any guidelines or criteria yet.
182	Wilkinson	Notes that the EQC may not adopt the criteria DEQ is drafting. States that this program is being put together by policy, not by administrative rule.
203	Rep. King	Asks if it is correct that DEQ has been unable to define high quality waters because they have not been budgeted money to conduct this process.
216	Aunan	Responds that it is her understanding that the key thing DEQ would be looking at

		in terms of ORWs is the Governor's Executive Order. Notes that they do not have plans to move forward aggressively with designations at this time.
232	Rep. King	States that there could be some cost savings if guidelines are developed legislatively versus DEQ developing them scientifically.
237	Aunan	Notes that the issue is that when they get to doing the actual designations they would have to follow the criteria set out in the rule, and this is where the time-intensive work comes in.
252	Glen Spain	Northwest Regional Director, Pacific Coast Federation of Fishermen's Associations. Testifies in support of the ñ3 amendments. Expresses concern about the language in section 5, subsection C of the ñ3 amendments and suggests new language.
295	Sen. Ferrioli	Asks Mr. Spain if he remembers the 10 water bodies that were designated ORWs.
297	Spain	Responds that he does not. Notes that Crater Lake and Waldo Lake were two of them.
304	Rep. King	Notes that there are four pristine lakes in the world.
309	Chair Messerle	Closes the public hearing and opens the work session on SB 1166.
<u>SB 1166 ñ WORK SESSION</u>		
329	Sen. Tarno	Expresses support for the change suggested by Mr. Spain.
335	Rep. Thompson	Suggests a change to subsection 5(c) ñ3 amendments.
349	Rep. King	Notes that the suggested changes are somewhat subjective.
359	Rep. Thompson	States that this is why the word "unique" is used.
368	Callens	Restates the changes suggested by Rep. Thompson.
391	Rep. Thompson	Clarifies that he included the term "aquatic habitat".
398	Rep. King	Notes that high quality water would include pure water, and this addresses his concern.

406	Rep. Thompson	MOTION: Moves to AMEND SB 1166-3 amendments on page 2, in line 27, by changing subsection 5(c) to "Are of extremely high quality water or very productive aquatic habitat or are unique waters of the state".
TAPE 108, B		
		VOTE: 12-0 EXCUSED: 2 - Shields, Starr
003	Chair Messerle	Hearing no objection, declares the motion CARRIED.
004	Rep. Thompson	MOTION: Moves to ADOPT SB 1166-3 amendments dated 4/28/99 AS AMENDED.
		VOTE: 11-1 EXCUSED: 2 - Shields, Starr
007	Chair Messerle	Noting the objection by Rep. Leonard, declares the motion CARRIED.
009	Rep. Thompson	MOTION: Moves SB 1166 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 11-1 AYE: 11 - Dukes, Jenson, King, Kruse, Lundquist, Morgan, Nelson, Tarno, Thompson, Ferrioli, Messerle NAY: 1 - Leonard EXCUSED: 2 - Shields, Starr
024	Chair Messerle	The motion CARRIES. SEN. FERRIOLI will lead discussion on the floor.
029	Chair Messerle	Closes the work session on SB 1166 and reopens the work session on HB 2881.
<u>HB 2881 n WORK SESSION</u>		
031	Rep. Kruse	MOTION: Moves to ADOPT HB 2881-2 amendments dated 4/28/99.

033	Callens	Asks whether the committee wants to consider deleting the word "joint" on page 1, line 5.
035	Rep. Kruse	Withdraws his previous motion.
036	Rep. Kruse	MOTION: Moves to AMEND HB 2881-2 amendments on page 1, in line 5, by deleting the word "joint".
039	Sen. Tarno	Asks why they are considering deleting the word "joint".
041	Callens	Clarifies that the current language in the ñ2 amendments would require that a joint committee be designated by the Speaker and the President. Notes that there are very few joint committee during the interim and this change would give leadership flexibility.
		VOTE: 11-0 EXCUSED: 3 - Leonard, Shields, Starr
045	Chair Messerle	Hearing no objection, declares the motion CARRIED.
046	Rep. Kruse	MOTION: Moves to ADOPT HB 2881-2 amendments dated 4/28/99 AS AMENDED.
		VOTE: 11-0 EXCUSED: 3 - Leonard, Shields, Starr
049	Chair Messerle	Hearing no objection, declares the motion CARRIED.
050	Rep. Kruse	MOTION: Moves HB 2881 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 11-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Leonard, Shields, Starr
058	Chair Messerle	The motion CARRIES. REP. KRUSE will lead discussion on the floor.
060	Chair Messerle	Closes the work session on HB 2881. Adjourns the committee at 8:15 a.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 1166, written testimony, Jean Underhill Wilkinson, 1 p