

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

**April 8, 1999 Hearing Room 50**

**7:00 AM Tapes 78 - 79**

**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: Department of Fish and Wildlife Strategic Operational Plan**

**SB 834 Public Hearing and Work Session**

**HB 3226 Public Hearing**

**HB 2102 Public Hearing**

TAPE/#	Speaker	Comments
<b>TAPE 78, A</b>		
004	Chair Messerle	Calls the committee to order at 7:07 a.m.
<b><u>DEPARTMENT OF FISH AND WILDLIFE STRATEGIC OPERATIONAL PLAN</u></b>		
018	Jim Greer	Director, Department of Fish and Wildlife. Notes the concerns Chair Messerle expressed at a previous meeting about the need for timeframes. Comments on the timeframes of some of the activities outlined in the strategic operational plan.
057	Chair Messerle	Asks Mr. Greer to provide the committee with a written version of the timeframes he discussed. Asks when the strategic plan was written.
063	Greer	Responds that it is about two years old.
066	Chair Messerle	Asks when the plan was last updated.
067	Greer	Responds that they have an April update for this past year's accomplishments and activities at the printer right now.
074	Sen. Ferrioli	Asks Mr. Greer to explain why the permit process in the Hermiston area with the Inland Farms process was difficult, and what ODFW's role in this process was.
079	Greer	Responds that ODFW's role was to give input on the potential impacts to anadromous fish species in the Columbia relative to the water withdrawals that Inland Farms was asking for.
091	Sen. Ferrioli	Asks what ODFW's role in the mediation process was.
092	Greer	Responds that ODFW was called in to give their perspective on what they thought mitigation activities would look like relative to what they saw as potential impacts.
125	Sen. Ferrioli	Notes that the problem that was originally solved was the bucket-per-bucket mitigation concerns that NMFS had. Asks whether ODFW's role in this process was advisory to WRD, or did they have veto power over the project.
140	Greer	Responds that in this situation, ODFW's role was advisory.
174	Sen. Ferrioli	Asks Mr. Greer if it is his position that ODFW solved the problem.

176	Greer	Responds that they offered a number of different solutions.
183	Sen. Ferrioli	States that he heard this issue characterized differently. Suggests revisiting the issue with the permit applicants to get their perspective after the it has been settled. Notes that ODFW personnel have been traveling to other states to give input on those states' FERC relicensing processes directly to the federal permit processors. Asks if there is a policy to work with state governments, or do they just go to the federal licensing agencies.
200	Greer	Notes that the FERC relicensing process sets up a group of those affected agencies. Responds that ODFW is just a part of this group.
209	Sen. Ferrioli	Asks if the state gives input on Canadian projects.
210	Greer	Responds that if it does, it is through a negotiated situation.
218	Sen. Ferrioli	Expresses concern that he has heard that ODFW personnel give input directly to the FERC relicensing people. Asks Mr. Greer to comment on this friction that this kind of activity may have created.
228	Greer	Responds that whenever ODFW comments on fish related issues, there is bound to be some friction.
248	Sen. Ferrioli	Asks if Oregon receives comments from other states about its FERC relicensing projects.
252	Greer	Responds that if these states have an interest in those projects that may have an influence on the main stem of the Columbia River, they may have comments.
259	Sen. Ferrioli	Questions what state agencies' roles are in federal processes and whether the state agencies are setting policy for a wide variety of resource management outside of any coordination with other state agencies.
269	Rep. Thompson	Expresses concern about the issue of predatory control and dam removal. Asks if ODFW has addressed this issue.
291	Greer	Responds that they have not. Notes that the control of predators as a management tool is focused on mammal predators in particular.
309	Rep. Thompson	States that predator control in ODFW's policy is everywhere, not just on land. Expresses concern about this type of predator control.
326	Greer	Notes that some of the issues in regard to predator control were addressed.

348	Rep. King	Expresses concern that ODFW's mission principles say that they are going to rely on scientific information. Notes that identifying anecdotal information could be a valuable piece of research.
383	Greer	Notes that often times what they consider the best scientific information comes from a research project.
<b>TAPE 79, A</b>		
005	Rep. King	Comments on ODFW's marketing plan and states that he would like a chance to review it.
031	Sen. Tarno	Asks Mr. Greer what the current situation is with the Caspian Terns on Rice Island.
033	Greer	Responds that there has been some planting done and that some fencing will be put up.
053	Sen. Tarno	Asks if the Corps of Engineers is going to continue to drop the spoils from their dredging of the Columbia River on Rice Island.
055	Greer	Responds that they are looking for alternative sources right now.
063	Chair Messerle	Asks when the strategic plan update will be available.
064	Greer	Responds that it should be out within a week.
065	Chair Messerle	States that the committee should take a look at this when it is available. Referencing page 13 of the strategic plan, asks Mr. Greer to comment on the statement that ODFW would focus its response to nuisance complaints to landowners that cooperate to provide recreational access.
074	Greer	Explains that where they can get access for other hunters to get on to a property will be a priority.
091	Chair Messerle	States that the way he read this strategy, it did not sound like ODFW was referring to game type nuisance.
095	Greer	Notes that what they are trying to do in terms of smaller animal complaints is give people the information to try and address the problem themselves.
105	Sen. Nelson	Comments that there still seems to be a huge disconnect between what is going on at the local level and what is actually state policy.

117	Greer	States that when ODFW does establish a policy, they have the ability to be flexible at the local level.
127	Chair Messerle	Opens the public hearing on SB 834.
<b><u>SB 834 n PUBLIC HEARING</u></b>		
130	Judith Callens	Committee Administrator. Explains the provisions of the SB 834-2 amendments.
171	Rep. Thompson	States that it was his understanding that the committee was going to specifically refer to trout in the bill, rather than just aquaculture products.
175	Callens	Clarifies that they changed the term "aquaculture products" to "trout" in line 4(d) of the hand-engrossed version of the bill.
188	Russ Spencer	Representing Desert Springs Trout Farms. Notes that the clarification staff gave was correct.
195	Rep. Kruse	Notes that whenever changes are proposed in current programs, one of the first things the Legislature hears is a request for more people.
205	Jim Myron	Oregon Trout. Submits written testimony ( <b>EXHIBIT A</b> ) and testifies on his organization's concerns with SB 834.
225	Rep. Thompson	Asks why stocking with fish from private hatcheries should only be allowed in streams that have no outlets.
231	Myron	Notes that this bill is not limited to the one hatchery that has testified on the bill. Responds that Oregon Trout's concerns is that these hatcheries don't have the same disease protocols that the state hatcheries have.
239	Sen. Tarno	Suggests that in developing the rules to implement the program, ODFW could include an inspection process of the private hatchery.
244	Myron	States that this would be appropriate.
252	Joe Rohleder	Assistant to the Director, Department of Fish and Wildlife. Submits written testimony ( <b>EXHIBIT B</b> ) and suggests changes to SB 834.
284	Chair Messerle	Asks whether ODFW could handle the concerns Mr. Rohleder mentioned through their contracting.
287	Rohleder	Responds that before ODFW did anything, they would write a contract that

		would have these things spelled out.
292	Rep. Leonard	Asks Mr. Rohleder if he was responding to Mr. Myronis concerns regarding disease transmission.
298	Rohleder	Responds that this is correct.
299	Rep. Leonard	Asks whether ODFW feels that the 10% minimum purchase requirement is excessive.
303	Rohleder	Responds that the 10% requirement is the right limit for ODFW to have an effective program that they can evaluate.
320	Rep. Leonard	Asks if ODFW supports the 2 amendments.
322	Rohleder	Responds that they do.
329	Rep. Thompson	Asks Mr. Rohleder if he is comfortable that ODFW has the ability to monitor most of the diseases that could impact native fish.
334	Rohleder	Responds that ODFW has a good pathology program and can monitor these potential disease transfer problems.
338	Rep. Thompson	Asks for clarification that OSU has an extensive pathology program that can be brought in to help ODFW.
342	Rohleder	Responds that this is correct.
345	Chair Messerle	Closes the public hearing and opens the work session on SB 834.
<b><u>SB 834 2 WORK SESSION</u></b>		
349	Rep. Kruse	<b>MOTION: Moves to ADOPT SB 834-2 amendments dated 4/1/99.</b>
		<b>VOTE: 13-0</b> <b>EXCUSED: 1 - Dukes</b>
353	Chair Messerle	<b>Hearing no objection, declares the motion CARRIED.</b>
354	Rep. Kruse	<b>MOTION: Moves SB 834 to the floor with a DO PASS AS</b>

		<b>AMENDED recommendation.</b>
357	Sen. Tarno	Asks if SB 834 has a subsequent referral to Ways and Means.
358	Callens	Responds that it does not.
		<b>VOTE: 13-0</b> <b>EXCUSED: 1 ñ Dukes</b>
<b>361</b>	<b>Chair Messerle</b>	<b>Hearing no objection, declares the motion CARRIED.</b> <b>SEN. TARNO will lead discussion on the floor.</b>
374	Chair Messerle	Closes the work session on SB 834. Comments on the proposal to review HB 3225 section-by-section.
405	Rep. Kruse	States that it would be appropriate to bring the interest groups together to see where they can build consensus. Expresses his concerns about reviewing the bill section-by-section.
<b>TAPE 78, B</b>		
006	Rep. Thompson	Suggests that if the committee gets stuck on a section during the review, they could form a workgroup to work on that section.
019	Rep. Lundquist	States that he would favor reviewing the bill section-by-section with the modification suggested by Rep. Thompson.
024	Sen. Tarno	States that it is time for the committee to start get some work done on the Measure 66 structure.
031	Sen. Ferrioli	Comments that each of these options has advantages and disadvantages.
051	Rep. Morgan	States that the committee needs to accommodate the people that are going to address HB 3225 section-by-section and those that are going to have some different ways of looking at it then the initial bill.
061	Rep. Thompson	Asks whether they are talking about voting on the bill section-by-section.
066	Chair Messerle	Responds that they could either go through the sections on consensus, or hold a work session on each one and vote.

069	Sen. Ferrioli	Comments that voting on HB 3225 section-by-section locks people into things without seeing the whole picture.
080	Rep. Kruse	Expresses concern that the point of reference the committee is starting from with HB 3225 may not be the point of reference they want to begin with.
092	Rep. Jenson	Expresses support for reviewing HB 3225 section-by-section as modified by Rep. Thompson.
102	Sen. Ferrioli	Notes that reviewing the bill section-by-section will assist the committee members in explaining the legislation to other legislators.
113	Callens	Explains that she has put together a matrix that outlines how the committee can review the bill section-by-section.
134	Sen. Tarno	Questions whether the committee could meet on a Saturday and work through the whole bill.
143	Chair Messerle	States that it could come to this, but this is not a good place to start from. Opens the public hearing on HB 3226.
<b><u>HB 3226 ñ PUBLIC HEARING</u></b>		
152	Chair Messerle	Closes the public hearing on HB 3226 and opens the public hearing on HB 2102.
<b><u>HB 2102 ñ PUBLIC HEARING</u></b>		
185	Roy Elicker	Fish Screening and Passage Program Manager, Department of Fish and Wildlife. Submits written material ( <b>EXHIBIT C</b> ) and testifies on the work of the Fish Passage Task Force and in support of HB 2102 and the proposed -1 amendments.
232	Jan Lee	Executive Director, Oregon Water Resources Congress. Testifies on the work of the Fish Passage Task Force.
256	Myron	Comments on the work of the Fish Passage Task Force and in support of the -1 amendments.
286	Bob Hall	Representing Portland General Electric. Comments in support of the -1 amendments.
294	David Morman	Forest Practices Program Policy Unit Manager, Department of Forestry. Submits written testimony ( <b>EXHIBIT D</b> ) and testifies in support of HB 2102.



340	Chair Messerle	Asks Mr. Morman if he has specific language for an amendment to HB 2102.
343	Morman	Responds that he does not. Notes that ODF is seeking the same type of flexibility as provided in Section 4 of the bill for commercial forest operations already regulated by the Forest Practices Act.
Written testimony from Paul Cleary, Director, Division of State Lands, in support of HB 2102 submitted by Jenifer Robison, Special Assistant to the Director, Division of State Lands ( <b>EXHIBIT E</b> ).		
353	Chair Messerle	Notes that the committee is not conducting a work session on HB 2102 today and that Mr. Morman has time to submit proposed amendments to the committee. Closes the public hearing on HB 2102. Adjourns the committee at 8:26 a.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,

Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A ñ SB 834, written testimony, Jim Myron, 1 p**

**B ñ SB 834, written testimony, Joe Rohleder, 1 p**

**C ñ HB 2102, written material, Roy Elicker, 256 pp.**

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

**E ñ HB 2102, written testimony of Paul Cleary, Jenifer Robison, 1 p**