

JOINT COMMITTEE ON STREAM RESTORATION
AND SPECIES RECOVERY

June 21, 1999 Hearing Room 50

3:00 PM Tapes 135 - 137

MEMBERS PRESENT: Sen. Ted Ferrioli, Co-Chair

Rep. Ken Messerle, Co-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. Terry Thompson

MEMBER EXCUSED: Sen. Joan Dukes, Vice-Chair

Rep. Bruce Starr

STAFF PRESENT: Judith Callens, Administrator

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: Water Use Attainability Analysis

Oregon Plan Annual Report

Independent Multidisciplinary Science Team Report

HB 3225 ñ Measure 66 Update

Governor's Watershed Enhancement Board Biennial Report

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 135, A		
004	Chair Messerle	Calls the committee to order at 3:13 p.m.
<u>WATER USE ATTAINABILITY ANALYSIS</u>		
017	Dick Nichols	Bend Water Quality Section Manager, Department of Environmental Quality. Submits and reads written testimony on specific activities relative to use attainability analysis (EXHIBIT A).
058	Chair Messerle	Asks Mr. Nichols if he is seeing a pattern that might be applied to basins other than those studied.
061	Nichols	Responds that with the Lahontan cutthroat trout they will be able to extrapolate the information to other basins. Notes that it will be more difficult to extrapolate information relative to the Redband trout.
069	Bruce Hammon	Field Biologist, Department of Environmental Quality. Submits written material (EXHIBIT B) and begins overhead presentation on the use attainability analysis required by HB 3720 (1997 Session).
115	Hammon	Continues overhead presentation: <ul style="list-style-type: none"> • Use attainability analysis program goals • Use attainability analysis program objectives
168	Hammon	Continues overhead presentation: <ul style="list-style-type: none"> • Water body surveys • Fish research
226	Hammon	Continues overhead presentation: <ul style="list-style-type: none"> • Involve people in the process • Willow Creek use attainability analysis
279	Sen. Ferrioli	Notes that there is a variability in habitat. Asks for clarification that if the Lahontan cutthroat trout is at the very edge of its range, this would expand and contract with normal climate fluctuations.

295	Hammon	Responds that this is correct.
296	Sen. Ferrioli	Asks if we are approaching management for all species everywhere all the time in all conditions.
299	Hammon	Responds that they are trying to account for that range of variability specific to the Lahontan cutthroat trout in Willow Creek.
314	Sen. Ferrioli	Comments that it seems like an awful lot of burden is being put on manipulating the landscape to optimize conditions for a species that may be at the very outer edge of its normal range of variability.
343	Hammon	Explains that in their study of the Lahontan cutthroat trout they are finding exactly what Sen. Ferrioli is saying.
352	Sen. Ferrioli	Asks if they are going to build a new standard that can be met.
353	Hammon	Responds that they will.
355	Rep. Kruse	Asks how much of Willow Creek looks like the picture Mr. Hammon showed in the overhead presentation.
363	Hammon	Responds that two-thirds of Willow Creek looks like this.
364	Rep. Kruse	Notes that this looks like prime riparian habitat to him.
366	Hammon	States that it is. Comments on the Willow Creek system.
402	Rep. Kruse	Expresses surprise that Willow Creek is on the 303(d) list.
TAPE 136, A		
003	Rep. King	Asks if there are trees along Willow Creek.
005	Hammon	Responds that there are. Comments on how important it is to look at a system based on its natural potential.
024	Hammon	Continues overhead presentation: <ul style="list-style-type: none"> • Methods • Findings • Recommendations • Where do we go from here?

079	Hammon	Continues overhead presentation by summarizing the High Desert ecoregion project.
089	Sen. Ferrioli	Notes that he has heard a number of species characterized as Redband trout. Asks what a Redband trout is.
097	Hammon	Responds that it is a subspecies of the Rainbow trout.
116	Nichols	Notes that different populations may have different temperature needs and they can take the species as a whole and then adopt the criteria that fits the most sensitive one.
127	Pete Test	Associate Director of Governmental Affairs, Oregon Farm Bureau and Chairman, DEQ Use Attainability Analysis Program Advisory Committee. Submits written testimony (EXHIBIT C) and testifies on the need for additional funding for further use attainability analysis.
176	Chair Messerle	Asks Mr. Test if it is his sense that this use attainability will hold up in court.
179	Test	Responds that he believes it will.
<u>OREGON PLAN ANNUAL REPORT</u>		
194	Jay Nicholas	Oregon Plan Project Leader, Governor's Office. Submits written material (EXHIBIT D) and begins testimony by reviewing the purpose and content of the second annual Oregon Plan report.
242	Nicholas	Continues testimony by discussing themes in the Oregon Plan annual report.
274	Nicholas	Continues testimony by reviewing some of the highlights of the Oregon Plan annual report.
326	Nicholas	Continues reviewing highlights of the Oregon Plan annual report.
360	Chair Messerle	Notes that some of Mr. Nicholas's numbers seem rather low. Asks if his information comes from watershed councils and SWCDs.
367	Nicholas	Responds that it does.
385	Chair Messerle	Asks how this impacts when they report to NMFS and the EPA.
391	Nicholas	Responds that it depends on what individuals they work with in these federal agencies.

406	Chair Messerle	Asks if there is a sense that the state is winning the battle to restore fish species.
TAPE 135, B		
006	Nicholas	Responds that it is difficult for him to give a statewide response to this question. Notes that he gets different answers in different areas.
030	Sen. Ferrioli	Comments on the design and ease of readability of the Oregon Plan annual report.
042	Rep. Kruse	Thanks Mr. Nicholas for the work he has done regarding the Oregon Plan.
<u>INDEPENDENT MULTIDISCIPLINARY SCIENCE TEAM REPORT</u>		
066	Dr. Logan Norris	Chair, Independent Multidisciplinary Science Team. Comments on the monitoring report produced by the IMST.
095	Norris	Continues testimony by testifying on some of the key projects the IMST is working on.
146	Norris	Continues testimony on the key projects the IMST is working on.
180	Rep. Kruse	Asks if the agricultural land study is duplicative of the 1010 process.
187	Norris	Responds that the intent of the IMST's study is to look at and identify what the scientific basis is on which agricultural lands are managed and the various practices that are used.
197	Rep. Kruse	Questions the timing of the IMST's study since the 1010 process is currently in progress.
208	Norris	Notes that a portion of what they do will be to examine some of the management plans to determine whether there is a sound scientific basis on which they are proceeding or not.
222	Chair Messerle	Asks for clarification that the IMST's study will analyze whether they are heading towards the right goals and not necessarily what timeframe they ought to get there or how they ought to achieve those goals.
226	Norris	Responds that this is correct.
227	Rep. Kruse	Comments on the 1010 process.

245	Chair Messerle	States that it is healthy to have an oversight of this process.
254	Norris	Comments that having a critical evaluation of the scientific and technical aspects of this is important to achieving the goals of the Oregon Plan.
263	Rep. Kruse	Notes that the success of the Oregon Plan has always depended on a bottom-up approach and anything that jeopardizes the cooperative efforts would be counterproductive.
271	Sen. Ferrioli	States that the work of the IMST has been very valuable.
278	Norris	Notes that one of the strategies the IMST is using to make sure they stay connected and informed is to have various team members act as liaisons with various groups around the state.
291	Norris	Submits written material (EXHIBIT E) and testifies on the IMST's proposed budget for next biennium.
337	Chair Messerle	Asks if this budget has been presented to the Governor or the Co-Chairs of the Ways and Means Committee.
339	Norris	Responds that it has not.
347	Rep. Kruse	Clarifies that he was expressing concerns about the impact the IMST's agricultural land study might have on local efforts and was not criticizing the work of the IMST.
362	Chair Messerle	Expresses appreciation for the work that the IMST has done.
<u>HB 3225 n MEASURE 66 UPDATE</u>		
386	Jeannette Holman	Legislative Counsel Office. Reviews the work the Ways and Means Natural Resources Subcommittee has been doing on HB 3225.
TAPE 136, B		
017	Holman	Continues reviewing the work the Ways and Means Natural Resources Subcommittee has been doing on HB 3225.
076	Rep. Kruse	Asks for clarification that when Ms. Holman was talking about the grant program with the SWCDs she was referring to the small grant program not in GWEB, not the grant program in ODA.

081	Holman	Responds that the language they have been changing was the language that was in GWEB statute that allowed a person to apply directly to an SWCD for a grant under a certain amount.
089	Rep. Lundquist	Asks who will administer the Restoration and Protection Research Fund.
090	Holman	Responds that it will continue to be administered by OWEB.
<u>GOVERNOR'S WATERSHED ENHANCEMENT BOARD BIENNIAL REPORT</u>		
098	Ken Bierly	Program Manager, Governor's Watershed Enhancement Board. Submits written material (EXHIBIT F) and begins testimony on lessons learned from the biennium: <ul style="list-style-type: none"> • Watershed enhancement funding • Program demands • Supporting watershed councils
152	Chair Messerle	Asks for clarification that there are now 92 watershed councils.
154	Bierly	Responds that there are approximately 90. Continues testimony on lessons learned from the biennium regarding supporting watershed councils.
182	Bierly	Continues testimony on lessons learned from the biennium: <ul style="list-style-type: none"> • Additional resources for SWCDs • Providing industry incentives • Creating new tools
245	Bierly	Continues testimony on lessons learned from the biennium regarding criteria for grants.
302	Bierly	Continues testimony on lessons learned from the biennium regarding the grant review process.
349	Bierly	Continues testimony on lessons learned from the biennium: <ul style="list-style-type: none"> • Grant program focus • Continuing the progress of the Oregon Plan
368	Chair Messerle	Expresses appreciation for the work that Mr. Bierly has done. Asks if the Board is prepared to take on the additional responsibilities and money that is expected in the next biennium.
393	Bierly	Responds that the Board is prepared to take on the responsibilities. Notes that they are seeking additional staff.

TAPE 137, A		
018	Rep. Kruse	Asks if the Board will continue the practice of borrowing staff from other agencies.
023	Bierly	Responds that under the current option package they would have full-time positions independent of the Governor's Office instead of limited duration or shared positions.
028	Rep. Kruse	Clarifies his previous question.
038	Bierly	Responds that the only activity in which GWEB has utilized other agency staff is on their advisory committees. Notes that they will continue this practice.
051	Wayne Krieger	Member, Governor's Watershed Enhancement Board. Comments on the importance of watershed council coordinators.
069	Chair Messerle	Adjourns the committee at 5:06 p.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ Water use attainability analysis, written testimony, Dick Nichols, 2 pp.

B ñ Water use attainability analysis, written material, Bruce Hammon, 2 pp.

C ñ Water use attainability analysis, written testimony, Pete Test, 1 p

D ñ Oregon Plan annual report, written material, Jay Nicholas, 3 pp.

E ñ Independent Multidisciplinary Science Team report, Dr. Logan Norris, 1 p

F ñ Governor's Watershed Enhancement Board biennial report, Ken Bierly, 23 pp.