

JOINT COMMITTEE ON STREAM RESTORATION
AND SPECIES RECOVERY

July 8, 1999 Hearing Room 50

3:00 PM Tapes 138 - 140

MEMBERS PRESENT: Sen. Ted Ferrioli, Co-Chair

Rep. Ken Messerle, Co-Chair

Sen. Joan Dukes, Vice-Chair

Rep. Bob Jenson, Vice-Chair

Sen. Veral Tarno

Rep. Al King

Rep. Jeff Kruse

Rep. Randy Leonard

Rep. Lynn Lundquist

Rep. Susan Morgan

Rep. Terry Thompson

MEMBER EXCUSED: Sen. David Nelson

Sen. Frank Shields

Rep. Bruce Starr

STAFF PRESENT: Judith Callens, Administrator

Stephen Kosiewicz, Administrative Support

MEASURE/ISSUES HEARD: Wild Fish Policy

Umpqua Land Exchange Project

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 138, A		
004	Chair Ferrioli	Calls the committee to order at 3:23 p.m.
<u>WILD FISH POLICY</u>		
013	Steve Smith	Chief, Hatcheries and Inland Fisheries, National Marine Fisheries Service. Reviews the contents of the NMFS letters that members received in their meeting packet.
055	Smith	Submits written material (EXHIBIT A) and begins overhead presentation on ocean conditions and their role in salmon production.
087	Rep. Thompson	Questions whether there should be another component to the production scale.
095	Smith	Comments that he would probably include this under good ocean conditions.
104	Rep. Kruse	Asks what Oregon's wild fish policy is in NMFS' opinion, and what is NMFS' wild fish policy.
108	Smith	Responds that NMFS looks at Oregon's wild fish policy and sees directions to maintain, protect, and restore habitat that can provide the fresh water diversity that is indicated in the submitted material.
117	Rep. Kruse	Asks what a wild fish is.
118	Smith	Responds that for NMFS it is a naturally produced fish.
123	Rep. Kruse	Asks if a hatchery fish's offspring would be considered wild fish.
126	Smith	Responds that they would be naturally produced fish.
127	Rep. Kruse	Asks for clarification that from NMFS' position there would be no reason to prevent hatchery fish from returning and spawning.
130	Smith	Responds that it depends on the circumstances.
138	Rep. Kruse	Expresses confusion about this and notes the appearance of a contradiction.

144	Smith	Comments that there have been scientific studies regarding to what extent hatchery production can restore self-sustaining natural populations.
162	Chair Ferrioli	Notes that the committee has been striving to get a definition of wild fish. Asks for clarification that a hatchery fish's offspring are considered wild fish.
177	Smith	Responds that under the ESA, this is true.
183	Chair Ferrioli	Notes the members' frustration with ODFW's management practice of clubbing returning hatchery fish.
189	Smith	States that NMFS funds a lot of hatcheries in the Pacific Northwest and that a lot of the surplus from these hatcheries is destroyed.
199	Rep. Thompson	Asks if NMFS goes along with the theory that there is very few genetically pure fish Northwest now due to hatchery practices over the years.
202	Smith	Responds that there are certain streams that have no record of hatchery stocking. Notes that there has been a lot of change in the fish of the Northwest.
209	Rep. Thompson	Asks what NMFS's purpose was in going to the ESU system instead of stream-by-stream.
215	Smith	States that this is not his area of expertise. Responds that it was a matter of finding a common sense area or middle ground in the biological field.
228	Rep. Thompson	Notes his understanding that part of the reason they went to ESUs is so natural straying fish were grouped together. Asks if hatchery practices utilizing fish from the same ESU would be a good practice.
235	Smith	Responds that it would be. Notes that NMFS is not anti-hatchery, but they feel they need to reform many of the hatchery practices.
251	Rep. Thompson	Comments on the situation involving the destruction of hatchery fish at the Fall Creek Hatchery.
262	Smith	Comments that NMFS had heard that for various reasons the state decided they were not going to continue this hatchery program and that in shutting it down they killed the fish coming back.
278	Rep. Thompson	Asks for clarification that NMFS instructed that these fish be destroyed because the fish returned early and not because of genetic reasons. Expresses concern that this kind of policy will hurt hatcheries rather than result in good science.

288	Smith	Clarifies that NMFS did not order the destruction of these fish.
304	Rep. Thompson	Questions why these fish are not protected under the ESA.
313	Smith	Comments that NMFS only lists the natural brood fish and that hatchery fish that come back are not listed. Notes that in some instances NMFS has listed hatchery fish.
335	Chair Ferrioli	Notes that ODFW has a policy for destruction of hatchery fish that has nothing to do with the closing down of hatcheries.
361	Rep. King	Comments that it appears they do not have enough descriptions to explain what they are dealing with in terms of wild fish.
398	Smith	Notes that the data is not really black and white.
TAPE 139, A		
011	Sen. Tarno	Referencing NMFS' letter to Senate President Adams, asks Mr. Smith to explain why the letter indicated that the Oregon wild fish management policy was inadequate as a conservation measure.
018	Smith	States that NMFS has supported the wild fish policy based on the information they have to date. Notes that there are some areas of the policy that NMFS thought should be stricter.
025	Sen. Tarno	Asks if Oregon's wild fish policy is an acceptable standard.
027	Smith	Responds that it is a good policy. Notes that if NMFS were to write it today they would change a few things.
037	Sen. Tarno	Asks Mr. Smith if he is aware of any other state that has a better policy than Oregon.
038	Smith	Responds that he is not. Notes that the State of Washington has adopted a wild fish policy, but he has not reviewed it.
041	Chair Messerle	Expresses concern about the difficulty in finding funding for programs. Notes that conditions in the ocean are improving. Asks if they should be putting extra effort into stocking the ocean through hatchery programs.
050	Smith	Responds that this is one of the big questions that NMFS has of the scientists at this point.

069	Rep. Messerle	Asks whether using stocks from the local ESUs in the hatcheries would help build the wild stocks and whether this would be an effective way to bring the total fisheries back.
078	Smith	Responds that if they have improving ocean conditions over time, putting hatchery fish out there is an effective strategy to build up the number of fish available for fishing. Notes that the best strategy is to allow the wild stock to build up on their own.
089	Rep. Messerle	Asks Mr. Smith to prioritize or rate the different impacts that affected the loss of fisheries in the 1970s.
097	Smith	Responds that it is hard to put them all in line. Comments that at some point harvest was a major factor in the decline of Coho salmon in the Lower Columbia River.
109	Rep. Messerle	Asks how far back NMFS' history or research goes to establish whether all of the species they are trying to save are actually native species.
116	Smith	Responds that NMFS has fairly good data about Coho and Chinook being native on the Oregon coast. Notes that there have been introductions of fish, but he is not aware of whole species being introduced.
126	Rep. Messerle	Asks for clarification that NMFS has historical data indicating that the Coho in some rivers are truly native and were not introduced by hatchery programs.
129	Smith	Responds that he is not that familiar with every stream and all of the hatchery programs. Comments on fish species in the Puget Sound.
138	Rep. Messerle	Asks if there are any success stories for NMFS' recovery programs where the fisheries population has been increased.
141	Smith	Responds that the whole region has been investing a lot of money. Comments that NMFS has been investing a lot in preserving freshwater diversity in fish passage in the Columbia and in the habitat.
159	Rep. Messerle	Expresses concern about how ocean conditions are measured. Asks if the food chain and habitat structure are measured and asks how closely predation is monitored.
169	Smith	Notes that the ocean is an important part of a salmon's life cycle. Responds that they are going to see a lot more research in the ocean.
188	Rep. Kruse	Asks how fry from wild fish that are hatched in a hatchbox and then released into the stream are different from fry that start out in the gravel.

205	Smith	Responds that in using hatchboxes there is the question of whether there were selection pressures present that would not have occurred if the fish had stayed in the ocean, and if this is done generation after generation, whether it results in a different fish. Comments that the ESA goal is for self-sustaining naturally produced populations.
222	Rep. Kruse	Question how they can say that a hatchery produced wild-wild cross that is genetically identical to the naturally produced fish is not naturally produced.
228	Rep. Thompson	States that if the genetics are the same, the fish are the same.
235	Smith	States that when the genetics are taken into the hatchery then the fish are the same. Comments that the problem is what is done in that hatchery selectively.
253	Rep. Thompson	Questions why the Yaquina and Coos Rivers, which are the most introduced rivers on the west coast, have the largest natural runs today. States that there is something wrong with NMFS science.
270	Chair Ferrioli	States that he is hearing Mr. Smith say that it is not the fish that are different but the adaptive management that has been used to manipulate earlier runs.
282	Smith	Comments that based on the information they have today, NMFS is training their hatchery managers to do the right thing as best they understand in terms of producing fish.
301	Rep. Kruse	Expresses hope that at some point they will know what a wild fish is.
311	Chair Ferrioli	Notes that the committee heard testimony at an earlier meeting regarding the new design of fish hatcheries.
321	Rep. Jenson	Asks Mr. Smith if he is familiar with a study or report from the Department of Fisheries and Ocean in Canada which stated that the harvest in Canada and Alaska may have as much or more to do with the fish runs in the Columbia River and the Washington/Oregon coast than all of the habitat issues they are attempting to address.
340	Smith	Responds that he has not seen a report or study that indicates this level of harvest. Notes that while NMFS is trying to reform hatcheries, this does not mean they are anti-hatchery.
356	Chair Ferrioli	Comments that regardless of the intent of NMFS' communication, it is being translated into outward hostility at ODFW against hatcheries.
376	Chair Ferrioli	Notes that the history of the relationship between ODFW and the wild fish policy has been one of litigation and asks Mr. Smith to characterize the relationship between NMFS and the tribes under the ESA.

386	Smith	Responds that NMFS has its ESA responsibilities and its federal government treaty trust responsibilities. Notes that this is the main topic of negotiation in <i>US v. Oregon</i> .
TAPE 138, B		
001	Chair Ferrioli	Asks if the relationship is one of co-management.
002	Smith	Responds that it is. Notes that there is a lot of compromise going on in different places.
005	Chair Ferrioli	Notes that this is another example of differences in understanding between the characterization that Mr. Smith has made of NMFS policy and what legislators hear from ODFW regarding co-management. Comments on the issue of straying and questions the reasoning behind the limit that NMFS has put on the number of strays they will allow in a river system.
017	Smith	Notes that natural populations do stray, but to his understanding it is minimal. Explains how NMFS developed its policy of limiting the number of strays allowed.
037	Chair Ferrioli	Thanks Mr. Smith for his testimony at today's meeting.
<u>UMPQUA LAND EXCHANGE PROJECT</u>		
052	Marc Kelley	Project Director, Umpqua Land Exchange Project (ULEP). Submits written material (EXHIBIT B) and testifies on the history of the Umpqua Land Exchange Project.
112	Kelley	Continues reviewing the history of the ULEP.
133	Dr. Steve Hobbes	Coordinator, ULEP Consulting Science Team. Explains what his testimony will cover.
144	Kelley	Notes that they have been working closely with ODFW, ODF, DEQ, and GNRO.
150	Hobbes	Begins overhead presentation on the ULEP: <ul style="list-style-type: none"> • Goal of the Umpqua Land Exchange Project • Umpqua Basin ownership • Organizational structure • ULEP Consulting Science Team • Science steps
219	Hobbes	Continues overhead presentation:

		<ul style="list-style-type: none"> • Comparing habitat suitability
236	Chair Ferrioli	Asks if the model they are using is four-plan, in-plan, or an input-output model that the committee would be familiar with.
239	Hobbes	Responds that it is a totally unique model.
246	Chair Ferrioli	Asks if this Umpqua model came out of the forestry intensive research program.
247	Hobbes	Responds that it did not. Continues overhead presentation: <ul style="list-style-type: none"> • Comparing habitat suitability • Umpqua Basin and ULEP pilot study • Pilot study area current ownership • Study units and pilot area ñ Umpqua Basin • Current land ownership ñ Coast range unit • The ULEP model
311	Dr. John Sessions	Umpqua Land Exchange Project. Begins overhead presentation on the ULEP pilot study and demonstrating the Umpqua model.
378	Sessions	Continues overhead presentation.
TAPE 139, B		
021	Sessions	Continues overhead presentation.
083	Sessions	Continues overhead presentation.
156	Sessions	Continues overhead presentation.
209	Sessions	Continues overhead presentation.
252	Kelley	Clarifies the difference between the Umpqua model and other models.
269	Rep. Morgan	Comments on her interest in the project. Asks what the results of the peer review of the project were.
278	Hobbes	Responds that the peer review was very productive and positive.
291	Rep. Morgan	Asks Dr. Hobbes to explain some of the strong and weak points critiqued in the peer review.

295	Hobbes	Reviews some of the strengths and weaknesses pointed out in the peer review.
332	Rep. Morgan	Notes that another place where there were a lot of questions and not very many answers had to do with how the ONC funds distribution and the Forest Service funds distribution was going to be worked out during the land exchange process. Asks if this issue has been resolved.
343	Kelley	Responds that they have a memorandum of understanding between ULEP and the Oregon Association of ONC Counties.
360	Rep. Morgan	Asks if they are applying this same concept to the U.S. Forest Service lands.
363	Kelley	Responds that in this next phase, they do not see the Forest Service lands as being in the trade pool.
370	Sessions	Comments that they would carry out the management intentions of the federal forest managers as they interpret them under the Northwest Forest Plan.
381	Rep. Morgan	Asks what they are hearing from the Bureau of Land Management in terms of their willingness to become involved in this program.
390	Kelley	Responds that they have had terrific cooperation with the state agencies and have had numerous conversations and ongoing participation at the federal level. Notes that they still have a couple of solvable issues to work out with the U.S. Forest Service and the BLM.
TAPE 140, A		
012	Rep. Morgan	Asks what the nature of these issues is.
013	Kelley	Responds that the regional LSR issue still needs to be ironed out and really understood in terms of how it is going to be handled. Responds that the BLM would like a little more explanation from them on if more sensitive lands would transfer into their ownership, how are they going to be able to maintain their timber supply responsibilities.
023	Rep. Morgan	Asks if they are moving the project into an implementation phase.
025	Kelley	Responds that they are.
035	Rep. Morgan	Asks how this project is going to be paid for when they get to the land exchange part.
037	Kelley	Notes that they have agreed with the federal land managers that they will focus

		on the science and will not stray off into land exchanges yet. Clarifies that the project has three phases. Responds that when they get to land exchanges they will be paid for like they always are.
049	Rep. Jenson	Asks if they are able to be selective in their model when it comes to choosing land exchanges.
050	Kelley	Responds that they are.
051	Rep. Jenson	Asks if they are able to identify the better options for exchanges in this selective choice of land exchanges.
055	Kelley	Responds that this gets down to the collaborative feature that Dr. Sessions talked about.
062	Rep. Jenson	Asks if there are any attempts being made to look at changes or adaptability of species in the areas, and how this may effect their modeling.
068	Kelley	Responds that the goal right now is to focus on the rare, threatened, and endangered species list.
074	Rep. Jenson	Asks if, in terms of the threatened or endangered species, they have been able to look at any modeling of changes and adaptability of these species to different environments.
080	Dr. Tim Hardin	Fisheries Biologist. Responds that the way they are modeling now, they are taking their best estimates of what goes into making good habitat for a species and then they make a simulated exchange to predict what is going to happen in the future.
085	Rep. Jenson	Asks for clarification that they are holding the species constant.
085	Hardin	Responds that they are.
088	Chair Ferrioli	Notes the similarity of Dr. Session's map to the pattern of Western Oregon lands. Comments on the issue of buffers in comparing private land with federal forestland. Comments that this project is a good opportunity to get socio-economic data and analysis on rural communities in Eastern Oregon. States that he would be interested to see how this model compares with the modeling coming out of the Forest Service and the BLM for their planning.
145	Chair Ferrioli	Asks if the same effect could be achieved without a land base transfer.
151	Sessions	Responds that it could.

153	Chair Ferrioli	Suggests that they make contact with the Oregon Benchmark people. Notes that with federal land management it appears they get the answer and then they ask the question and asks how they deal with this.
177	Kelley	Responds that the premise of this project is that you start with the science first.
192	Chair Ferrioli	Asks if there is some action Mr. Kelley would like the committee to take.
195	Kelley	Responds that they would like the committee to take a look at the project and see if they can endorse it.
226	Rep. Morgan	Comments on the interest from Douglas County in this project and encourages Mr. Kelley to continue his work on the project.
245	Chair Ferrioli	Suggests drafting a letter from the committee that encourages this project.
252	Rep. Kruse	Comments on his involvement with the project.
265	Kelley	Notes that he has left copies of the peer review and the pilot study for the committee to take a look at.
266	Rep. Jenson	Suggests that the witnesses come back during the interim to give the committee another presentation on the project.
279	Chair Ferrioli	Notes the next meeting date for the IMST. Adjourns the committee at 5:30 p.m.

Submitted By, Reviewed By,

Stephen Kosiewicz, Judith Callens,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ Wild fish policy, written material, Steve Smith, 1 p

B ñ Umpqua Land Exchange Project, written material, Marc Kelley, 10 pp.