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**SENATE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**February 01, 1999 Hearing Room 50**

**4:30 P.M. Tapes 24 - 27**

**MEMBERS PRESENT: Sen. Thomas Wilde, Vice-Chair**

**Sen. Tony Corcoran**

**Sen. Joan Dukes**

**Sen. Ted Ferrioli**

**Sen. Bill Fisher**

**Sen. John Lim**

**MEMBER EXCUSED: Sen. Gary George, Chair**

**STAFF PRESENT: Brad Harper, Administrator**

**Kristal Hatton-Nease, Administrative Support**

**ISSUES HEARD: Informational Meeting**

**Oregon State Fair Overview**

- **Rusty Vernon, Director, Oregon State Fairgrounds and  
Exposition Center**

**Oregon County Fairs Overview**

- **Robert Johnstone, Yamhill County Commissioner**
- **John McCulley, Oregon Fairs Association**

**Predation Issues Relating to Salmon**

- **Steve Williams, Oregon Department of Fish & Wildlife**
- **Robin Brown, Oregon Department of Fish & Wildlife**
- **Dan Roby, Oregon State University (OSU)**

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
<b>TAPE 24, A</b>		
006	Chair Wilde	Opens meeting at 4:44 p.m. States Chair George is unable to attend and he will be presiding over the day's meeting.
<b><u>INFORMATIONAL MEETING</u></b>		
<b><u>Predation Issues Relating to Salmon</u></b>		
021	Rep. Terry Thompson	Gives testimony on the issue of marine mammals on the Oregon Coast. Says he is bringing a Memorial forward to urge Federal Government to reauthorize the Marine Mammal Act.
079	Rep. Thompson	Discusses a letter from the IMST that says it will not do anything until there is conclusive data. Says the fishing industry operates under the best scientific data available but in the case of predators Oregon must have verified scientific data.
089	Chair Wilde	Asks what has been the response from the Oregon Congressional delegation.
095	Rep. Thompson	Says they are worried about the overall approval of people in the United States.
111	Sen. Corcoran	Says he had some conversations with Steve Byerlin on pinniped research. Asks if a study can be constructed that could give us the data Oregon needs.
130	Rep. Thompson	Answers a study would take a lot of time and money. Says Robin Brown is the person to ask.
138	Sen. Ferrioli	Comments on the conclusive data mentioned by Rep. Thompson.
175	Rep. Thompson	Gives personal account of sea lions destroying docks in his district. Says sea lions move frequently and that could be problem in a study.
206	Chair Wilde	Asks if there are any natural predators that feed on sea lions
208	Rep. Thompson	Answers yes.

226	Chair Wilde	Comments the legislature will look into sending a memorial to the Congressional delegation again.
<b><u>Oregon State Fair Overview</u></b>		
241	Rusty Vernon	Gives testimony on funding issues. Describes the State Fair operation. Says he expects good things to come out of the legislative session to the State Fair.
295	Vernon	Discusses operating costs of the State Fair and what is done with the net profit from each fair.
352	Vernon	Explains what has been done since he became director in 1995 and what the state fair means to Oregonians.
411	Vernon	Discusses the functions of the Oregon State Fair and why the State Fair needs money. Says there will be discussions about the maintenance of State Fair buildings.
<b>TAPE 25, A</b>		
005	Vernon	Comments on state fair legislation that will come up in the 1999 legislative session.
027	Vernon	Says the State Fair is closely linked to Oregon county fairs and urges support of Oregon county fairs.
037	Sen. Lim	Comments he enjoys the State Fair. Says the legislature needs to help the State Fair operation.
050	Sen. Fisher	Asks how long the maintenance budget has taken second place to everything else.
055	Vernon	Says that since he has been at the State Fair there has been no maintenance budget. Suggests there may not have been maintenance to buildings in ten or fifteen years.
073	Sen. Fisher	Asks who made the decision to keep the status quo and not to maintain the buildings.
075	Vernon	Says he doesn't know. Says LFO estimated it would take \$2 million per year to maintain the building.
089	Chair Wilde	Asks what is the backlog on building maintenance.

091	Vernon	Says a Department of Administrative Services audit showed it would cost \$11.5 million to restore buildings to maintainable conditions.
112	Chair Wilde	Asks what is the gate receipts and horse racing profits amounted to at the 1998 Oregon State Fair.
121	Vernon	Answers the gate receipts total approximately \$2.5 million and horse racing was not profitable at all.
135	Chair Wilde	Asks if he has any idea as to why there was such a decrease in horse racing revenues.
143	Vernon	Explains changes that have led to the decrease in the interest for horse racing.
170	Sen. Fisher	Asks how the Emergency Fund allocation during the interim was spent. Asks if the \$450,000 in lost revenue was helped by the allocation.
186	Vernon	Replies the \$450,000 lost was covered by the Emergency Board funds.
197	Sen. Lim	Asks for thoughts on the State Fair being privatized in the future.
213	Vernon	Says privatization of the State Fair has been looked at for the past several years. Says a group determined in 1995 that privatization was not in the best interest of the State Fair. Says he does not think privatization would be good for the State Fair. Says sponsorship and the ability to receive gifts would lower the public obligation.
<b><u>Oregon County Fairs Overview</u></b>		
278	Robert Johnstone	Yamhill County Board of Commissioners Chair. Submits [EXHIBIT A]. Gives testimony in support of county fairs. Says Yamhill County Fair is the oldest county fair in Oregon and relies heavily on volunteerism. Adds the county survives on an annual budget of \$229,000.
349	Johnstone	Says the Governor's proposed budget eliminates the \$3 million biennial appropriation for county fairs.
395	Sen. Fisher	Asks about the population of the Yamhill County.
402	Johnstone	Says Yamhill County's population is 81,900 people.
427	Sen. Fisher	Asks if witness knows how many Yamhill residents go to the fair.

430	Johnstone	Answers he doesn't know that.
<b>TAPE 24, B</b>		
003	John McCulley	Gives testimony on county fairs and submits <b>[EXHIBIT B]</b> . Urges support of county fairs and to fund the \$3 million left out of the Governor's budget.
<b><u>Predation Issues Relating to Salmon</u></b>		
055	Steve Williams	Deputy Director, Oregon Department of Fish and Wildlife. Submits <b>[EXHIBIT C]</b> . Gives testimony on the report of the Independent Multidisciplinary Science Team, Oregon Plan for Salmon and Watersheds.
094	Robin Brown	Oregon Department of Fish and Wildlife. Submits <b>[EXHIBIT D]</b> . Gives testimony on the Marine Mammal Protection Act of 1972.
150	Chair Wilde	Asks if the drop-off of California sea lion pups in 1998 is actual and if there is an explanation.
156	Brown	Replies the drop in the number of sea lion pups is actual and explains the drop.
167	Chair Wilde	Asks if they are expected to rebound.
170	Brown	Replies yes. Continues discussing the exhibit.
224	Brown	Says the Oregon Department of Fish and Wildlife will take part in the reauthorization of the Marine Mammal Act.
247	Sen. Fisher	Asks if the number of sea lion pups keeps declining will Oregon be required to buy fish from other countries.
262	Brown	Says the act was passed by Congressional members from the entire U.S. who do not deal with these issues on a day to day basis.
307	Brown	Says he believes the near complete protection of a group of animals above everything else is inappropriate.
339	Chair Wilde	Asks if Dan Roby has any information to add.
352	Dan Roby	Associate Professor, Oregon State University. Submits <b>[EXHIBIT E]</b> . Says he has been the principal researcher on the issue of avian predation on juvenile salmonids in the lower Columbia River.

380	Roby	Says the research results from 1997 and 1998 showed that Caspian terns were most reliant on salmonids as a food source and double crested cormorants were less reliant.
<b>TAPE 25, B</b>		
010	Roby	Says the research suggests that translocation of the Caspian tern colony from Rice Island to East Sand Island near the mouth of the river is a feasible short-term management option for reducing tern predation on juvenile salmonids.
020	Sen. Fisher	Asks what wheat does to the terns. Asks if they like to eat it.
024	Roby	Replies yes and says this particular species prefers bare sand for nesting and so they seek out such land to lay their eggs. Adds if there is vegetation on the site when they return in the spring it is likely they will look elsewhere for an alternate nesting site.
038	Sen. Fisher	Asks if precautions are being taken to ensure the birds do not get into landfills.
052	Roby	Says the issue has been raised and says the Caspian tern workgroup is devising a plan to fall back on when the winter wheat does not establish itself.
066	Sen. Fisher	Comments on how many seagulls and terns he sees in Eastern Oregon in the John Day region.
076	Williams	Adds information on the interface of freshwater to saltwater in Ross Island. Says there is a lot more impact to fish in that region than upstream.
086	Sen. Fisher	Says he doesn't think Caspian terns are native birds in Eastern Oregon. Asks if that is the case why aren't they dispelled out the region.
094	Roby	Replies they are not native birds and says they are not listed under the Endangered Species Act. Says that along the Pacific Coast Caspian terns are a growing species.
127	Sen. Fisher	Says that is the first good news he has heard in a while.
133	Chair Wilde	Asks if non-indigenous fish species have been shown to have an impact on the salmonids.
143	Williams	Replies in some areas of Oregon non-indigenous fish species do have impact. Says one such area is at Tenmile Lake.
183	Joe Scordino	National Marine Fisheries Service, Northwest Region. Submits <b>[EXHIBIT F]</b>

		and gives testimony on pinniped impacts on salmon. Discusses the changes to the Marine Mammal Act in 1994.
245	Scordino	Discusses recommendations to Congress.
302	Scordino	Continues explaining the report recommendations. Comments on the effect of non-lethal techniques.
335	Sen. Wilde	Asks by behavior modification or by relocating them.
340	Scordino	Replies. Says Congress needs to look at estuaries on a case by case basis.
386	Chair Wilde	Asks if studies of salmonid are held at the appropriate time of year.
413	Scordino	Discusses the coast flight effort.
431	Sen. Lim	Asks why so many sea lions are coming onto the land.
441	Scordino	Says there are many hypotheses. Explains the hypotheses.
<b>TAPE 26, A</b>		
003	Sen. Lim	Comments the sea lions may not be finding enough food in the ocean.
007	Scordino	Replies that is possible. Says another hypotheses is that some animals develop prey preferences.
009	Sen. Lim	Asks what are ēpinnipedsí.
022	Scordino	Says ēpinnipedí is a collective name for animals with flippers.
031	Steve Byerlin	Oregon Guides and Packers Association. Submits <b>[EXHIBIT H]</b> and gives testimony on the impact marine mammals are having on out migrating juveniles and whether studying marine mammal impacts on the Oregon Coast is enough.
097	Byerlin	Discusses the impact marine mammals are having on important food sources for salmonids. Says the legislature needs to direct where the research funding should go.
163	Byerlin	States sea lions are putting people on the estuary at risk and says the law needs to be changed so fishermen can defend themselves.

195	Sen. Fisher	Asks if self-defense is a proper course of pleading a case.
198	Byerlin	Says commercial fishermen are allowed to shoot a seal or sea lion.
200	Sen. Fisher	Asks if he is sure commercial fishermen can shoot them.
203	Scordino	Answers no, the commercial fishermen cannot shoot seals or sea lions.
211	Sen. Wilde	Comments on the presentation of statistics in the witnessí exhibit.
246	Byerlin	Says his main point was to show the unreliability of the study. Comments he has not seen any information on what impacts marine mammals are having on out-migrating juveniles.
311	Sen. Fisher	Asks what he wanted to get out of the research information from the Center for the Study of the Environment.
316	Byerlin	Says the Center was willing to do the study and to lobby the states of Washington and California for the money to match Oregonís.
333	Sen. Fisher	Asks if he feels the Center for the Study of the Environment can adequately do that.
334	Byerlin	Responds yes.
337	Sen. Wilde	Calls Steve Williams, Robin Brown, and Dan Roby up to counter a letter from Paul Hannemen regarding the study conducted [EXHIBIT G].
364	Sen. Fisher	Asks if they have a copy of the letter.
369	Williams	Comments on the aspect of the cormorant hazing program mentioned in the letter.
396	Roby	Explains why he has been impressed by the need for an estuary by estuary approach to the problem.
419	Brown	Disagrees existing data hadnít been reviewed by the IMST. Says the IMST did consider the research in the preparation of their report. Adds the research budget has been very small.
TAPE 27, A		



019	Sen. Fisher	Comments on a situation at Diamond Lake and says Oregon needs to put common sense back into the issues. Comments on how the fun is being taken away from the Oregonians who are responsible and take care of the environment.
054	Williams	Replies he is not familiar with the situation at Diamond Lake. Says he does not know if certain recreational sports will change the ecology of the lake.
115	Chair Wilde	Asks if Mr. Scordino will get the documents discussed earlier to the committee. Adjourns meeting at 7:13 p.m.

Submitted By, Reviewed By,

Kristal Hatton-Nease, Brad Harper,  
Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A ñ Written testimony, Robert Johnstone, 2 pp.**

**B ñ County Fairs Information, John McCulley, 2 pp.**

**C ñ Technical Report 1998-2, Steve Williams, 28 pp.**

**D ñ Marine Mammal Act of 1972, Robin Brown, 14 pp.**

**E ñ Written testimony, Dan Roby, 9 pp.**

**F ñ "Pinniped Impacts on Salmon" information, Joe Scordino, 1 p.**

**G ñ Written testimony, Steve Byerlin, 5 pp.**

**H ñ Letter to Chair Norris of the Independent Multidisciplinary Science Team, Paul Hanneman, 1 p.**

**I ñ Umatilla County Commissionerís letter to Chair George, Emile Hansen, 1 p.**