

HOUSE COMMITTEE ON WATER POLICY

April 22, 1997 Hearing Room D

3:00 P.M. Tapes 68 - 69

MEMBERS PRESENT: Rep. Ken Messerle, Chair

Rep. Tim Josi, Vice-Chair

Rep. Jo Ann Bowman

Rep. Tony Corcoran

Rep. Steve Harper

Rep. Jeff Kruse

Rep. Jim Welsh

MEMBER EXCUSED:

VISITING MEMBER: Rep. Bob Jenson

STAFF PRESENT: Pat Zwick, Policy Analyst

Rebecca M. Scott, Administrative Support

MEASURE/ISSUES HEARD: HB 3525 Public Hearing

SB 598 A Public Hearing and Work Session

HB 2581 Public Hearing

HB 2628 Public Hearing

HB 2582 Public Hearing

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 68, A		
002	Chair Messerle	Calls meeting to order at 3:10 p.m.
HB 3525		

<u>PUBLIC HEARING</u>		
004	Chair Messerle	Opens public hearing on HB 3525.
009	Pete Test	Representing Oregon Farm Bureau, submits and reviews testimony in support of HB 3525. (EXHIBIT A)
059	Test	Continues review.
068	Rep. Harper	Asks if "pristine" is defined in any Oregon statutes.
072	Test	No.
073	Rep. Harper	Asks if there is a statute that says state is trying to return waters to pristine conditions.
075	Test	No. In the process of setting temperature standards, it has been alluded that that was the goal.
080	Rep. Harper	Asks if that was brought up in the rule-making.
081	Test	In the process of setting the water standards, it is mentioned several times that that was the direction the state was to go. There is no definition of "pristine."
093	Langdon Marsh	Director, Department of Environmental Quality (DEQ), submits and reviews testimony in opposition to HB 3525. (EXHIBIT B)
118	Neil Mullane	Water Quality Program, DEQ, continues review.
168	Mullane	Continues review.
203	Rep. Kruse	Asks if the Environmental Protection Agency (EPA) has been asked for their opinion of the change and what their reaction was.
207	Mullane	No.
209	Rep. Kruse	Asks if DEQ is assuming what the reaction of EPA will be.
212	Mullane	Assuming with experience.
214	Rep. Kruse	What is DEQ doing to keep Crater Lake clean.
218	Mullane	DEQ was requested to establish an outstanding resource category for Crater Lake. At this time there is a process which could be followed to develop one.
225	Rep. Kruse	Asks what DEQ is doing to keep Crater Lake clean.
227	Mullane	Work with the lodge in terms of permits for their discharge.
229	Rep. Kruse	Comments on his concerns.
241	Chair	Asks department to provide information on the EPA reaction to the

	Messerle	language changes.
242	Marsh	Will provide this information.
257	Deborah Kafoury	Representing American Fisheries Society, submits and reviews testimony in opposition to HB 3525. (EXHIBIT C)
303	Doug Myers	Representing Oregon Environmental Council. (EXHIBIT D)
347	Rep. Bowman	Asks how this bill would impact the Oregon Salmon Plan.
356	Myers	It would lower the standard. A standard that is near pristine needs to be established in order to ensure that the coastal Coho are recovered.
368	Rep. Kruse	Comments on Oregon Plan.
388	Jim Myron	Representing Oregon Trout, submits and reviews testimony in opposition to HB 3525. (EXHIBIT E)
TAPE 69, A		
002	Myron	Continues review.
023	Chair Messerle	Closes public hearing on HB 3525.
<u>SB 598A</u> <u>PUBLIC</u> <u>HEARING</u>		
025	Chair Messerle	Opens public hearing on SB 598 A.
032	Pat Zwick	Policy Analyst, summarizes SB 598 A.
038	Ron Yochim	Douglas County, introduces Frank Nielsen, John Younquist, and Chuck Willis who will review testimony in support of SB 598 A. (EXHIBIT F)
052	Frank Nielsen	Douglas County, continues review.
103	John Younquist	Douglas County, continues review.
119	Chuck Willis	Senior Fisheries Consultant, S.P. Cramer & Associates, Inc., submits and reviews testimony in support of SB 598 A. (EXHIBIT G)
169	Willis	Continues review.
210	Yochim	Summarizes testimony.
231	Chair Messerle	Asks Mr. Willis for clarification on his testimony.
237	Willis	The written testimony in correct.
241	Jill Zarnowitz	Oregon Department of Fish and Wildlife, submits and reviews testimony in support of SB 598 A. (EXHIBIT H)
271	Rep. Josi	Asks about outcome of vote on Senate Floor.

278	Zarnowitz	There was some very powerful testimony during the hearings which may have influenced their decisions.
302	Jim Myron	Representing Oregon Trout, submits and reviews testimony in opposition to SB 598 A. (EXHIBIT I)
345	Rep. Welsh	Asks if Mr. Myron has been to the site in question.
346	Myron	Not personally, but one of the staff members has been there.
352	Rep. Welsh	Comments on the site.
370	Pete Test	Representing Oregon Farm Bureau, submits and reviews testimony in support of SB 598 A. (EXHIBIT J)
TAPE 68, B		
003	Test	Continues testimony
019	Chair Messerle	Closes public hearing on SB 598 A.
022	Chair Messerle	Reopens public hearing on SB 598 A.
022	Onno Husing	Executive Director, Oregon Coastal Zone Management Association, testifies in support of SB 598 A.
048	Rep. Harper	Asks for estimate of cost for fish passage.
053	Younquist	The approximate cost for a concrete fish passage is \$3 to 5 million.
060	Chair Messerle	Closes public hearing on SB 598 A.
<u>SB 598 A</u> <u>WORK</u> <u>SESSION</u>		
061	Chair Messerle	Opens work session on SB 598 A.
062	Rep. Josi	MOTION: Moves SB 598A to the floor with a DO PASS recommendation.
065	Rep. Bowman	Comments on her concerns regarding the setting of a precedent with the waiver of fish passage requirements.
080	Chair Messerle	Comments that it was his decision not to move a policy change bill, but to look at each situation individually and to judge each based on its own merits.
089	Rep. Welsh	Comments on agency involvement.
097	Rep. Kruse	Comments that Douglas County has been working very hard to get this project through.

135		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
	Chair	The motion CARRIES. REP. WELSH will lead discussion on the floor.
143	Chair Messerle	Closes work session on SB 598 A.
<u>HB 2581</u> <u>PUBLIC</u> <u>HEARING</u>		
145	Chair Messerle	Opens public hearing on HB 2581.
151	Zwick	Summarizes HB 2581.
162	Jeff Kruse	State Representative, District 45, testifies in support of HB 2581.
173	Chair Messerle	Closes public hearing on HB 2581.
<u>HB 2628</u> <u>PUBLIC</u> <u>HEARING</u>		
174	Chair Messerle	Opens public hearing on HB 2628.
176	Zwick	Summarizes HB 2628.
187	Rep. Kruse	Testifies in regard to HB 2581 and discusses possible amendments.
200	Chair Messerle	Asks Martha Pagel about the impact of issuance of instream water rights on the availability of water for future uses.
214	Martha Pagel	Director, Water Resources Department. The impact is not addressed in HB 2628. Discusses the department's position on this situation.
265	Chair Messerle	Asks about fire hazard and use of water.
279	Pagel	Current rules allow exception to be made, even if water is not available, if there is a need to provide against fire hazard, or to serve a public facility or school.
306	Chair Messerle	Asks if public uses includes churches.
308	Pagel	It could.
312	Chair Messerle	Closes public hearing on HB 2628.

<u>HB 2582</u>		
<u>PUBLIC</u>		
<u>HEARING</u>		
316	Chair Messerle	Opens public hearing on HB 2582.
320	Zwick	Summarizes HB 2582.
330	Rep. Kruse	Testifies in regard to HB 2582.
359	Pagel	Testifies in opposition to HB 2582.
<u>TAPE 69, B</u>		
002	Pagel	Continues testimony.
022	Rep. Corcoran	Comments on the backlog issues and past difficulties with protest process.
043	Rep. Kruse	Asks about the percentage of protests.
048	Pagel	Under the old process, there were two steps. First was an objection, the informal registering of a complaint. The second step was the formal process. There was a great deal of backlog at the objection stage. At that time 100% of instream water right applications had received objections. Combined with the amount received for out of stream application, the average was 60%.
062	Rep. Kruse	Asks if new process has a test involved.
065	Pagel	Under current protest process, when a protest is received, it has to identify the nature of the protest and provide any evidence. Those are then evaluated and if they pose a policy or fact question, hearings are scheduled.
077	Rep. Kruse Pagel	Discussion of a hypothetical situation.
104	Rep. Kruse	Comments on the public perception of government agencies taking care of each other.
119	Pete Test	Representing Oregon Farm Bureau, testifies in support of HB 2582.
164	Rep. Kruse	Comments on possible amendments to HB 2582.
168	Rep. Harper	Asks why application fees can't be charged to state agencies.
172	Test	If a state agency had to pay for their water rights, then they might choose more wisely.
183	Rep. Harper	Comments that there may be other ways to meet the same goal.
188	Chair	Closes public hearing on HB 2582.

	Messerle	
189	Chair Messerle	Adjourns meeting at 4:47 p.m.

Submitted By, Reviewed By,

Rebecca M. Scott, Pat Zwick,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - HB 3525, Written Testimony, Pete Test, 1 p.

B - HB 3525, Written Testimony, Langdon Marsh, 6 pp.

C - HB 3525, Written Testimony, Deborah Kafoury, 2 pp.

D - HB 3525, Written Testimony, Doug Myers, 2 pp.

E - HB 3525, Written Testimony, Jim Myron, 1 p.

F - SB 598 A, Written Testimony, Ron Yochim, 13 pp.

G - SB 598 A, Written Testimony, Chuck Willis, 2 pp.

H - SB 598 A, Written Testimony, Jill Zarnowitz, 2 pp.

I - SB 598 A, Written Testimony, Jim Myron, 1 p.

J - SB 598 A, Written Testimony, Pete Test, 1 p.