

HOUSE COMMITTEE ON WATER POLICY

April 29, 1997 Hearing Room D

3:00 P.M. Tapes 72 - 73

**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

**VISITING MEMBER: Rep. Bob Jenson**

**STAFF PRESENT: Pat Zwick, Policy Analyst**

Rebecca M. Scott, Administrative Support

**MEASURE/ISSUES HEARD: HB 2119 Work Session**

HB 3522 Work Session

HB 3720 Public Hearing

HB 2703 Public Hearing

HB 3322 Public Hearing and Work Session

**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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 72, A</b>		
002	Chair Messerle	Calls meeting to order at 3:15 p.m.
<b><u>HB 2119</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		

006	Chair Messerle	Opens work session on HB 2119.
010	Martha Pagel	Director, Water Resources Department, testifies in support of HB 2119 with amendments. Submits the -3 amendments ( <b>EXHIBIT A</b> ) and the -4 amendments ( <b>EXHIBIT B</b> ).
043	Rep. Josi	Asks the status of the -2 amendments.
044	Pat Zwick	Policy Analyst. The -2 amendments have not been adopted.
045	Rep. Josi	Asks if they are unchanged from the last public hearing.
046	Pagel	Yes.
047	Pagel	Continues testimony.
070	Zwick Pagel	Discussion of the amendments.
<b>093</b>	<b>Rep. Josi</b>	<b>MOTION: Moves to ADOPT HB 2119-2 amendments dated 04/07/97.</b>
	<b>Chair</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>098</b>	<b>Rep. Josi</b>	<b>MOTION: Moves to ADOPT HB 2119-3 amendments dated 04/28/97.</b>
	<b>Chair</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>100</b>	<b>Rep. Josi</b>	<b>MOTION: Moves to ADOPT HB 2119-4 amendments dated 04/28/97.</b>
	<b>Chair</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>108</b>	<b>Rep. Josi</b>	<b>MOTION: Moves HB 2119 BE REFERRED to the committee on Ways and Means with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-0</b>
		<b>EXCUSED: 2 - Bowman, Welsh</b>
	<b>Chair</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
112	Pagel	Comments on the inclusion of Idaho Power in future work groups.
114	Chair Messerle	Closes work session on HB 2119.
<b><u>HB 3522</u></b>		
<b><u>WORK</u></b>		
<b><u>SESSION</u></b>		
115	Chair Messerle	Opens work session on HB 3522.
123	Chair Messerle	Recesses work session on HB 3522.
<b><u>HB 3720</u></b>		

<b><u>PUBLIC HEARING</u></b>		
124	Chair Messerle	Opens public hearing on HB 3720.
130	Lynn Lundquist	State Representative, District 59, testifies in support of HB 3720.
180	Rep. Lundquist	Continues testimony.
207	Chair Messerle	Asks how much time will be allowed to work on this.
212	Rep. Lundquist	Will allow time necessary.
218	Rep. Josi	Asks if there are alternative methods to establish water quality standards at this time.
225	Rep. Lundquist	Does not have the expertise to answer the question. Others can answer that better.
232	Rep. Corcoran	Comments on concerns regarding voluntary compliance.
245	Rep. Lundquist	The agricultural community did not come forward directly with the Salmon Plan. But they have already accomplished many things toward that end. The potential of what the agricultural and the forestry industry will contribute towards this will exceed what was contributed toward the Salmon Plan.
280	Rep. Kruse	Comments on the contributions of the agricultural and forestry industries towards conservation. Comments on the potential reaction of Environmental Protection Agency (EPA) to the state changing the standards.
306	Rep. Lundquist	Comments on the potential of the water quality issue
329	Elizabeth Howard	Legislative Aide, Rep. Messerle, submits and reviews testimony in support of HB 3720. <b>(EXHIBIT C)</b>
368	Pete Test	Representing Oregon Farm Bureau, submits and reviews testimony in support of HB 3720. <b>(EXHIBIT D)</b>
<b>TAPE 73, A</b>		
005	Test	Continues review.
055	Test	Continues review.
058	Chair Messerle	Comments on the time constraints.
061	Test	Continues review.
070	Langdon Marsh	Director, Department of Environmental Quality (DEQ), submits and reviews testimony in opposition to HB 3720. <b>(EXHIBIT E)</b>
		Comments on the concerns of Chair Messerle and Speaker Lundquist

097	Rep. Josi	regarding the stringency of the water quality standards. Asks if he can work with them to help them achieve their objective in a way that will meet EPA standards.
109	Marsh	Refers to written testimony.
123	Rep. Josi	Asks if there have been discussions with the sponsors and the authors of the bill.
128	Marsh	There have been discussions regarding temperature and other water quality standards since the fall of 1996.
138	Chair Messerle	Comments regarding discussions and work on this bill.
150	Liz VanLeeuwen	State Representative, District 37, testifies in support of HB 3720.
184	Todd Heidgerken	Representing Water for Life, testifies in regard to HB 3720.
200	Richard Kosesan	Representing Water for Life, testifies in regard to HB 3720.
206	Gayle Killam	Representing Oregon Environmental Councils, discusses concerns regarding HB 3720. Suggests a regional approach and cautions that EPA will need to approve any changes.
240	Chair Messerle	Comments on discussions with DEQ.
247	Chair Messerle	Closes public hearing on HB 3720.
248	Chair Messerle	Reopens public hearing on HB 3720.
249	Stephen Kafoury	Representing American Fisheries Society, discusses concerns regarding HB 3720. Asks to be involved in the work group
258	Chair Messerle	Closes public hearing on HB 3720.
<b><u>HB 3522</u></b>		
<b><u>WORK</u></b>		
<b><u>SESSION</u></b>		
260	Chair Messerle	Reopens work session on HB 3522.
269	Steve Purchase	Assistant Director, Division of State Lands.
273	Chair Messerle	Asks for discussion on the amendments.
277	Purchase	Submits and reviews -2 amendments. <b>(EXHIBIT F)</b>
	Rep.	

287	Bowman Purchase	Discussion on "exceptional circumstances."
330	Chair Messerle	Committee stands at ease at 4:11 p.m.
331	Chair Messerle	Closes work session on HB 3522.
<b>HB 2703 PUBLIC HEARING</b>		
333	Chair Messerle	Opens public hearing on HB 2703.
347	Zwick	Summarizes HB 2703.
370	Jill Zarnowitz	Oregon Department of Fish and Wildlife, submits written testimony on HB 2703 and offers to answer any questions. <b>(EXHIBIT G)</b>
<b>TAPE 72, B</b>		
007	Chair Messerle	Asks what position the department holds in regard to HB 2703.
009	Zarnowitz	There are major concerns about dredging, but the proposed amendments for the pilot study are acceptable.
020	Rep. Bowman	Asks if it would be preferable to dredge in a more limited manner than is proposed.
033	Zarnowitz	Yes. It is the department's understanding that the entire 18 or 22 miles would not be dredged, but only particularly shallow spots within that range.
048	Chair Messerle	Asks if department's concerns would be addressed through the permitting process with the Division of State Lands.
050	Zarnowitz	Don't believe that there needs to be language added to the bill, but should be able to use the permitting process to address concerns and to develop the standards for the assessment of the fish impacts.
058	Rep. Bowman	Asks if there would be one permit to dredge anywhere within the 18 miles, or would there be site specific permits within that 18 miles.
064	Zarnowitz	Either could be done. The department would prefer the identification of the location that would be spot dredged. A study could then be designed around that location.
075	John Lilly	Assistant Director, Division of State Lands (DSL). The division would prefer that there be a coordinated approach, looking at where the limited spot dredging is needed. The permitting agencies would have the opportunity to look at the entire project for a reach of waterway at one time.
088	Chair Messerle	Asks if that would be specific sites, even though there would be only one permit.

088	Lilly	Correct.
089	Rep. Bowman	Comments that the testimony is unclear.
093	Lilly	The DSL would consider a single application that would have maps depicting specific sites, and the work to be done in those specific sites. A site for dredging may be an area a few hundred feet in length, or it may be a few thousand feet in length, and can vary in width. Those would constitute specific sites and would be looked at within the permit application. Much of the decision as to the type of dredging to be done would be dependent on the objective of the dredging. For example, if the dredging is for flood control, a project would need to be designed to create the container in the riverbed to contain that certain level of flood.
116	Rep. Bowman	Comments that it is unclear what the purpose of the dredging is, and what the limits are. Comments on the lack of controls.
134	Lilly	It would be preferable that a purpose statement be included in the -2 amendments. However, in the permit process, one of the key aspects for evaluating a project is the description of the project itself.
148	Rep. Bowman	Asks if environmental groups were involved in the work group. Comments that the work group needs to be expanded.
157	Lilly	The work group has not met for three weeks. It is the standard practice of the Corps. of Engineers and the Division of State Lands to include a review by environmental organizations as well as a wide range of natural resource agencies during the permitting process.
164	Chair Messerle	Asks for further discussion of the Mid-Willamette Council of Governments.
168	Lilly	Discusses the Mid-Willamette Council of Governments. They are particularly interested in work on the Willamette river because of flood control.
178	Zarnowitz	ODFW would be most comfortable to have HB 3322 enacted first, then a study design for HB 2703 set up. That would give a broad perspective of the information in the Willamette and what the effects might be on fish and wildlife habitat.
200	Chair Messerle	Closes public hearing on HB 2703.
<b><u>HB 3322</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
201	Chair Messerle	Opens public hearing on HB 3322.
203	Zwick	Summarizes HB 3322.
216	Michael Cape	Legislative Aide, Rep. VanLeeuwen, testifies in support of HB 3322.

240	Chair Messerle	Asks about time constraints.
242	Cape	There is little time left to the session, and it is the main concern that this legislation get passed.
245	Chair Messerle	Asks if Rep. VanLeeuwen's office would wait for amendments and then bring this legislation back to the committee.
245	Cape	No. Comments on the concerns expressed earlier about HB 2703 and HB 3322 conflicting with the Oregon Plan. Discusses a letter from Ken Williamson, Director, Oregon Water Resource Research Institute.
286	Chair Messerle	Asks if there has been any work on where the funding might come from.
293	Cape	The cost is estimated at \$250,000. Working with groups such as the Mid-Willamette Council of Governments for funding options. Would like the majority of funding to come from the General Fund, but the Mid-Willamette Council of Governments is looking for other avenues of funding for HB 3322 and HB 2703.
308	Chair Messerle	Asks if Ways and Means has been approached.
310	Cape	No.
312	Rep. Bowman	Asks if the estimate includes the cost of conducting an assessment of the impacts on fish and wildlife resources.
318	Cape	Yes.
328	Jill Zarnowitz	Oregon Department of Fish and Wildlife, submits written testimony on HB 3322 and offers to answer any questions. <b>(EXHIBIT H)</b>
355	Rep. Corcoran	Asks which amendments ODFW support.
359	Zarnowitz	The hand-engrossed with -2 amendments.
365	Zwick	Explanation of the various amendments.
<b>TAPE 73, B</b>		
004	Zwick	Explanation of the various amendments.
039	Rep. Bowman	Asks if the cost estimate is for one or two years.
040	Cape	The estimate is for the cost of entire study.
043	Zarnowitz	Supports the -3 amendments.
054	Chair Messerle	Closes public hearing on HB 3322.
<b>HB 3322 WORK SESSION</b>		
056	Chair	Opens work session on the HB 3322.

	Messerle	
057	Rep. Kruse	<b>MOTION: Moves to ADOPT HB 3322-3 amendments dated 04/16/97.</b>
		<b>VOTE: 4-2</b> <b>AYE: 4 - Harper, Kruse, Welsh, Messerle</b> <b>NAY: 2 - Bowman, Corcoran</b> <b>EXCUSED: 1 - Josi</b>
	Chair	<b>The motion CARRIES.</b>
066	Rep. Kruse	<b>MOTION: Moves HB 3322 BE REFERRED to the committee on Ways and Means by prior reference with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-2</b> <b>AYE: 4 - Harper, Kruse, Welsh, Messerle</b> <b>NAY: 2 - Bowman, Corcoran</b> <b>EXCUSED: 1 - Josi</b>
	Chair	<b>The motion CARRIES.</b>
075	Chair Messerle	Closes work session for HB 3322.
<b><u>HCR 27</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
077	Chair Messerle	Opens public hearing on HCR 27.
079	Zwick	Summarizes HCR 27 and submits -1 amendments dated 04/21/97. <b>(EXHIBIT I)</b>
101	Rep. Kruse	Discusses -1 amendment.
110	Chair Messerle	Closes public hearing on HCR 27.
<b><u>HCR 27</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
112	Chair Messerle	Opens work session on HCR 27.
113	Rep. Kruse	<b>MOTION: Moves to ADOPT HCR 27-1 amendments dated 04/21/97.</b>



		<b>VOTE: 6-1</b> <b>AYE: 6 - Bowman, Harper, Josi, Kruse, Welsh, Messerle</b> <b>NAY: 1 - Corcoran</b>
	<b>Chair</b>	<b>The motion CARRIES.</b>
<b>121</b>	<b>Rep. KRUSE:</b>	<b>MOTION: Moves HCR 27 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.</b>
		<b>VOTE: 5-2</b> <b>AYE: 5 - Harper, Josi, Kruse, Welsh, Messerle</b> <b>NAY: 2 - Bowman, Corcoran</b>
	<b>Chair</b>	<b>The motion CARRIES.</b> <b>REP. SIMMONS will lead discussion on the floor.</b>
<b>130</b>	<b>Chair Messerle</b>	<b>Closes work session on HCR 27.</b>
<b>131</b>	<b>Chair Messerle</b>	<b>Adjourns meeting at 4:51 p.m.</b>

Submitted By, Reviewed By,

Rebecca M. Scott, Pat Zwick,

Administrative Support Policy Analyst

**EXHIBIT SUMMARY**

**A - HB 2119, -3 Amendments dated 04/28/97, Martha Pagel, 1 p.**

**B - HB 2119, -4 Amendments dated 04/28/97, Martha Pagel, 1 p.**

**C - HB 3720, Written Testimony, Elizabeth Howard, 1 p.**

**D - HB 3720, Written Testimony, Pete Test, 1 p.**

**E - HB 3720, Written Testimony, Langdon Marsh, 2 pp.**

**F - HB 3522, -2 Amendments dated 04/24/97, Steve Purchase, 3 pp.**

**G - HB 2703, Written Testimony, Jill Zarnowitz, 3 pp.**

**H - HB 3322, Written Testimony, Jill Zarnowitz, 2 pp.**

**I - HCR 27, -1 Amendments dated 04/21/97, Staff, 1 p.**