

HOUSE COMMITTEE ON WATER POLICY

January 28, 1997 Hearing Room D

3:00 P.M. Tape 9 - 11

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. Nickel, Administrative Support

ISSUES HEARD: Interest Group Presentations

*** Association of Northwest Steelheaders**

*** Oregon Outdoors Association**

*** Oregon Farm Bureau Federation**

*** Oregon Water Resources Congress**

*** Water for Life**

*** Oregonians for Food and Shelter**

*** Oregon Wheat Growers League**

Agency Overview

*** Oregon Department of Forestry**

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 9, A		
003	Chair Messerle	Calls the meeting to order at 3:09 p.m.
005	Chair Messerle	Discusses the agenda.
<u>THE ASSOCIATION OF NORTHWEST STEELHEADERS</u>		
016	Joe Rohleder	Representing the Association of Northwest Steelheaders, presents and reviews written testimony providing background information on the Association of Northwest Steelheaders and other sportfishing groups which he represents, and the 1997 legislative goals of those groups in regards to Governor's Coastal Salmon Initiative and the Healthy Streams Partnership. (EXHIBIT A)
022	Rep. Josi	Asks for meaning of "NSIA."
023	Rohleder	The Northwest Sportfishing Industry Association.
033	Rohleder	Review - Identification of Funding
055	Rohleder	Review - Funding Sources for Oregon Department of Fish and Wildlife (ODFW) * Sportsmen are willing to pay an increase in the Restoration and Enhancement (R&E) Angling Surcharge
094	Rep. Bowman	Comments regarding the increase of fees for sportsmen.
097	Rohleder	It is an investment in "better fishing opportunity," and "quality of life."
105	Rep. Bowman	Commends Mr. Rohleder for making this recommendation.
106	Rep. Kruse	Asks for projections on the amount of fees generated by an increase.
112	Rohleder	Breakdown of fees

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| 126 | Rep.
Harper | Asks for specific example of an unfunded state mandate. |
| 129 | Rohleder | State land use plans which require review by the Oregon Department of Fish and Wildlife (ODFW) of county planning. |
| 135 | Rep.
Harper | Asks if that is a new situation. |
| 135 | Rohleder | No, has been growing in the amount of time it takes to complete. |
| 142 | Rep.
Harper | Asks for a list of mandates that could be eliminated without increasing fees. |
| 144 | Rohleder | Has not completed that type of analysis. |
| 146 | Chair
Messerle | Comments on the amount of work that the sport fisheries have done in cooperation with watershed associations. |

**OREGON
OUTDOORS
ASSOCIATION**

President, Oregon Outdoors Association (formerly Oregon Guides and Packers) provides background information with regards to Endangered Species Listing (ESL).

- | | | |
|-----|-------------------|--|
| 154 | Steve
Beyerlin | * National Marine Fisheries Service (NMFS) is not consistent in its listings |
|-----|-------------------|--|

* Evolutionary Significance Unit (ESU) stretches from Klamath River to Cape Blanco, including the Elk, Rogue, Chetco, Winchuk rivers of Oregon and the Klamath and Smith rivers of California.

Discusses the California Fish & Game's refusal to comply with NMFS's order to stop fishing for wild coho in the State of California. Concerned about Oregon being "thrown in the same pot with California" in spite of the progress which Oregon has already made. In order for Oregon to possibly avoid this, there will need to be:

* a solid funding package

* a solid recovery fund

- 204 Beyerlin * good biological data
- NMFS programs require that they allow a recovery plan to be put in place. Oregon has a good chance at achieving this if there is cooperation among all those involved.
- 236 Rep. Welsh Asks which should come first, the funding package or the plan; or if they should go together.
- 241 Beyerlin They do go together, but the funding package must be within the plan. Refers to the Governor's plan and stresses the need for additional information regarding federal requirements to ensure that the plan is complete.
- 257 Chair Messerle There is an effort to have NMFS and the Environmental Protection Agency (EPA) appear before the committee to clarify federal requirements.
- 262 Rep. Corcoran Asks if Mr. Beyerlin is familiar with the Montana listing and the reason for the listing.
- 269 Beyerlin Is not familiar with Montana case, has more knowledge of the Idaho situation and some of requirements for commercial outfitters.
- 285 Rep. Corcoran Asks for further clarification regarding the Idaho situation and whether or not those requirements were put in place by the state or the federal government.
- 291 Beyerlin Idaho Guides and Outfitters were part of the recovery plan in order to maintain their livelihood.
- 303 Rep. Kruse Asks for NMFS response to the California situation.
- 315 Beyerlin There has been no response at this time. Considers it to be a "slap in the face" to the States of Oregon and Washington because the ESU includes California. Oregon and Washington fish are healthy enough to avoid a listing, however the ESU includes California and as a result, the entire ESU will be listed. Personally feels that this will end up in court.
- 339 Chair Messerle Excuses Mr. Beyerlin. Comments regarding the lack of time available for presentations.

**OREGON FARM
BUREAU
FEDERATION**

- 354 Pete Test Assistant Director, Oregon Farm Bureau Federation (OFBF), presents and reviews written testimony regarding water resources issues of interest to OFBF. **(EXHIBIT B)**
- 394 Test Review - Issues of Interest to OFBF

TAPE 10, A

050	Test	Review - Temperature Standard		
074	Test	Review - 303(d) Listing and SB 1010 (1993 Legislative Session)		
100	Test	Review - Coastal Salmon Initiative		
123	Rep. Corcoran	Asks for clarification of the conflicts regarding the standard. Feel that if the standards could be readjusted to be acceptable to EPA and NMFS: * naturally occurring streams are not statewide 64(134	Test	* there is a lack of data on natural habitat * if a stream is functioning properly with healthy fish populations, then that should be the standard * it takes three years to evaluate the process
179	Rep. Josi	Asks for clarification regarding the three year process to reevaluate the standard.		
189	Test	Idaho "got in trouble" by not going through the proper process. Oregon needs to show a high level of intent in this issue in order to avoid possible lawsuits.		
204	Rep. Bowman	Asks for the length of time the regulation for temperature has been in effect. The standard was 67(/68(statewide which was not enforced, three years ago the standard was studied and reset at 64(. The Department of Environmental Quality (DEQ) based their standard on data from fishery biologists alone, without consulting other specialists (hydrologist, range scientists, etc.). The new standard is not approved by the EPA.		
207	Test			
230	Chair Messerle	Excuses Mr. Test.		

OREGON WATER RESOURCES CONGRESS

237	Jan Lee	Representing Oregon Water Resources Congress, presents and reviews written testimony regarding water quality issues and sections of law from other western states. (EXHIBIT C)
300	Lee	Review - Water Rights and Water Temperature

WATER FOR LIFE

Todd Heidgerken, Executive Director, and Richard Kosesan representing Water for Life. Major issues discussed:

- 318 Kosesan * Healthy Stream Partnership
- * Coastal Salmon Restoration
- * Water Quality Listing
- 338 Kosesan Funding for these programs should be a general fund obligation as the programs are for the benefit of the state. Funding should not come from any specific population segment.
- Healthy Streams Partnership Concerns:
- * the 19 full-time employees (FTE) dedicated to the Department of Agriculture and 19 FTE dedicated to DEQ with a budget of \$5.8 million and other positions which are built into the budget aside from, but associated with, the Healthy Streams Partnership
- 348 Kosesan * the designation of an investment fund (approximately \$20 million) for programs associated with healthy streams, repair and restoration programs
- * use of funds for acquisition of water rights or land
- * like the watershed health program, this program needs to be "driven" at the local level
- Coastal Salmon Restoration Concerns:
- * similar questions in regards to budget needs and staff as in the Healthy Streams Partnership Program
- 382 Kosesan * timelines in terms of NMFS
- * identification and delineation of essential indigenous anadromous salmonid habitat by Division of State Lands
- TAPE 9, B**
- Water Quality Issues:
- * committee needs to delineate the amount of authority state has over water quality standards in regards to the Clean Water Act
- 014 Kosesan * DEQ prioritization of listed stream segments and the establishment of total maximum daily loads (TMDL's)
- * water quality management plans developed as required by SB 1010 to suffice in place of TMDL in case of a non-point pollutant
- There is a difficult task ahead for the committee in completely

- 039 Kosesan identifying all the programs and budgets and how they fit together, determining the amount of authority the state has and the need to expend some state moneys to catalogue the progress of watershed health.
- 051 Rep. Bowman Asks for clarification of position in regards to the Governor's Plan as it is written.
- 055 Kosesan Does not necessarily disagree, but there is some confusion as to where all the pieces fit.
- 064 Rep. Bowman Asks for additional clarification of position in regards to how the plan is carried out.
- 067 Kosesan Questions the need and placement of 38 FTE.
- 071 Rep. Welsh Comments regarding the plan and the identification of budget needs.
- 076 Kosesan Comments on the limited time-line.

**OREGONIANS
FOR FOOD AND
SHELTER**

Executive Director, Oregonians for Food and Shelter (OFS), supports the need to deal with the water quality programs. Participant in the Governor's Healthy Streams Partnership working group. Quotes the objective of the program:

* "To reach agreement on a cooperative, integrated programs involving on-the-ground participation, practices and improvements that will protect and restore healthy conditions on Oregon's streams and secure commitments for the full funding and timely implementation of that partnership program."

Discusses the five main points of this objective:

- 088 Terry Witt
- * program is cooperative and integrated
 - * promotion of on-the-ground improvements
 - * protection and restoration of healthy conditions
 - * full and adequate funding in order to attain objectives without placing the burden on a specific population segment
 - * timely implementation

In regards to Mr. Kosesan concerns about the linking of the programs and the budgets, it is important to have all the agencies involved to justify their budget needs and any new FTE's.

- 173 Chair Asks if there is any one else in the audience who would like to

Messerle comment.

**OREGON WHEAT
GROWERS
LEAGUE**

Representing the Oregon Wheat Growers League. Discusses the Governor's plan, 303(d) Listing, and the search for a solution among the agricultural community in cooperation with the forestry community, the coastal salmon issue, and the urban environments.

177

Mike
Dewey

* urban runoff is major part of the problem

* not entirely an agricultural or forestry problem

* there is a problem with public relations

The wheat growers became part of this plan later than other groups as there were already conservation programs in place. There was concern that new programs would be required and the wheat growers wanted assurance that new programs would not be in opposition or in contradiction to the programs already in place. Submits letter from Paul Schanno, Legislative Chairman, Oregon Wheat Growers League, regarding the role of the soil and water conservation districts. **(EXHIBIT D)** Continues discussion of the plan:

220

Dewey

* a program needs to be developed that will work

* agricultural community has been developing a list of questions regarding funding

* there need to be rules in place to "ensure that the money is spent wisely"

Responds to testimony of Richard Kosesan, representing Water for Life, regarding the FTE's and the lack of information regarding these positions.

* the duties of the FTE's

247

Dewey

* number of FTE's

* the need for them to be temporary

* there needs to be an "off-ramp" if the water standard becomes unattainable

"The agricultural community is dedicated to developing a good, sensible program."

**DEPARTMENT OF
FORESTRY-
AGENCY
OVERVIEW**

289	Jim Brown	State Forester, Department of Forestry, presents and reviews written testimony. Discusses those areas most closely related to water quality issues. (EXHIBIT E)
356	Brown	Review - Forestry Assistance Program
373	Rep. Corcoran	Asks for the yearly timber severance exemption.
378	Brown	250,000 board feet per year.
380	Brown	Review - Resource Planning Programs
TAPE 10, B		
015	Brown	Review - Forest Practices
079	Brown	Review - Fish Presence Surveys
087	Chair Messerle	Asks if the Department of Forestry has ability to track miles of spawning streams which have been opened up through the use of culverts, or the removal of obstacles.
090	Brown	At this point, no.
091	Chair Messerle	Comments on the importance of this data because of the opening up of miles of streams, and because of the expansion of riparian zones.
097	Brown	Forestry can use Geographic Information System (GIS) to track that type of information.
107	Chair Messerle	Comments on the contributions of watershed associations.
110	Brown	The watershed associations have worked very well at the local level. There are several different associations in place which can contribute to the Governor's restoration plan and the stream issue without increasing the state budget and the building of "bigger bureaucracy."
134	Rep. Kruse	Asks if the state GIS is compatible with Federal GIS.
139	Brown	Some of it is, and staff are working with BLM and other Federal agencies to ensure that compatible standards are being used so that the systems can mesh more completely.
145	Rep. Kruse	Asks about the procedure for de-listing a stream if the assessment shows that there is no point source for pollution.
155	Brown	There would be a need for a watershed analysis to determine cause.
165	Brown	Review - Forestry Assistance
191	Brown	Slide presentation - An Atlas of Oregon's Forest * General Land Ownership * Major forest types

* Major Watershed Basins

- 220 Chair Messerle Asks what the statistics are for loss of forest since the settlement of Oregon.
- 225 Brown Three or four million acres of forest land from pre-European settlement.
- 234 Chair Messerle Asks for additional information regarding the volume of timber.
- 235 Brown The total volume is down from that of 200 years ago. In the case of old growth forests, there was more board feet per acre than there is presently. Therefore the volume of timber standing on a given acre is somewhat less than it was prior to settlement.
- 245 Rep. Kruse Asks about the results of reforestation in the last 20 years.
- There has been 99% reforestation.
- 250 Brown * long-term sustainability is 7.5 billion board feet
- * today the level is at 4.2 billion board feet
- * more timber is grown than harvested on privately owned land
- 262 Rep. Bowman Comments on the image of clearcuts to someone who is not aware of the reforestation process.
- 274 Brown It takes about 5-8 years after harvest to see visible regeneration. Enforcement is 100% on the private level and an audit is performed on the commercial level.
- 295 Rep. Josi Asks if he could come back and discuss new forest management techniques which are being developed, especially in the Tillamook Forest.
- 316 Rep. Corcoran Comments regarding the visual proof of regeneration and the amount of change which is obvious within 3-6 years.
- 326 Rep. Welsh Comments about experiences with reforestation.
- 340 Rep. Bowman Thanks the committee members for their comments.
- 345 Brown * People need to consider the past when making plans for the future.
- 378 Brown Slide Presentation - Northwest Oregon Fire History
- There is a great deal of information available, however it is difficult to gather this information and put it into a usable format..
- 398 Brown In the context of water quality issues and the Governor's Salmon Plan, information is very valuable for answering policy questions and it is usable for the Department of Forestry for presentation at the local level.

TAPE 11,A

- 019 Chair Asks for expansion of the water quality standards and temperature

Messerle standards.

There are many concerns about the temperature standard. It is difficult to determine the natural temperature of individual streams.

021 Brown The target temperature needs to be examined and perhaps the streams need to be examined on a case-by-case basis. If there is a problem, a more in-depth study should be performed.

030 Chair Thanks Mr. Brown for his presentation and discusses the changes in
Messerle the agenda for the January 30, 1997 meeting.

043 Chair
Messerle Adjourns meeting at 5:00 p.m.

Submitted By, Reviewed By,

Rebecca M. Nickel, Pat Zwick,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - Association of Northwest Steelheaders, Written Testimony, Joe Rohleder, 13 pp.

B - Oregon Farm Bureau Federation, Written Testimony, Pete Test, 17 pp.

C - Oregon Water Resources Congress, Written Testimony, Jan Lee, 38 pp.

D - Oregon Wheat Growers League, Letter from Paul Schanno, Mike Dewey, 1 pp.

E - Oregon Department of Forestry, Written Testimony, Jim Brown, 43 pp.