

HOUSE COMMITTEE ON WATER POLICY

February 26, 1997 Hearing Room A

5:00 P.M. Tapes 31- 33

MEMBERS PRESENT:

House Water Policy

Rep. Ken Messerle, Co-Chair

Rep. Tim Josi

Rep. Jo Ann Bowman

Rep. Steve Harper

Rep. Jeff Kruse

Rep. Jim Welsh

Senate Water & Land Use

Sen. Veral Tarno, Co-Chair

Sen. Bob Kintigh

Sen. Ted Ferrioli

Sen. Bill Fisher

Sen. Thomas Wilde

MEMBERS EXCUSED:

Rep. Tony Corcoran

Sen. Ginny Burdick

VISITING MEMBER:

Rep. Bob Jenson

STAFF PRESENT:

Pat Zwick, Policy Analyst

Rebecca Nickel, Administrative Support

Mark Volmert, Committee Administrator

MEASURE/ISSUES HEARD: Oregon Coastal Salmon Restoration Initiative and

Healthy Streams Partnership

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 31, A		
003	Co-Chair Tarno	Calls meeting to order at 5:04 p.m.
014	Co-Chair Tarno	Comments on today's press conference with Speaker Lundquist.
<u>OREGON SALMON RESTORATION INITIATIVE AND HEALTHY STREAMS PARTNERSHIP</u>		
028	Hugh Black	Deputy Director, Natural Resources, US Forest Service, submits and reads written testimony. (EXHIBIT A)
078	Black	Continues presentation.
082	Mike Crouse	Chief of Biological Services, Bureau of Land Management (BLM), continues presentation - page 2.
132	Crouse	Continues presentation.
149	Sen. Fisher	Asks for clarification of the National Forests covered by the Coastal Salmon Restoration Initiative (CSRI).
154	Black	The Siuslaw, Umpqua, Siskiyou, and Rogue River National Forests.
159	Sen. Tarno	Comments regarding SB 1010 (1993 Session) and the 303(d) listing requirements and the connection of those with the coho. Comments on the need to consider the state as a whole because of the other issues. Asks if the 303(d) listing issue can be addressed by BLM. Concerned that some of the listed waterbodies are on federal land.
177	Black	The Federal Aquatic Conservation strategy covers a much larger area than just the coastal region. Would want to work cooperatively in meeting these goals.
187	Dave Heller	Forest Service Program Manager, Pacific Northwest Regional Fisheries. The Forest Service and BLM have counterparts of the Aquatic Conservation Strategy in place on the Eastside. Provide the same management protection as contained in the Northwest

		Plan. The focus of this is to maintain or restore conditions, including water quality.
198	Crouse	Have been working on the interior Columbia Basin environmental impact statements (EIS), trying to get Aquatic Conservation Strategy that not only addresses fisheries issues, but also water quality issues. EPA has been at the table working on the drafts of the EIS, hope that when the plan comes out it will be comprehensive enough to address water quality issues as well as fisheries issues.
207	Sen. Tarno	Comments on the limited time frame. Asks if the US Forest Service and BLM could itemize what has been done to deal with the issues that the State is currently faced with.
231	Co-Chair Messerle	Comments on working experience with federal agencies on the south coast. Concerned that Washington, DC does not take Oregon seriously. Asks what percentage of federal land is taken out of production because of riparian reserves.
253	Heller	Overlapping land allocations, but possibly 30-40%. Not necessarily taken out of production, but the riparian reserves are managed to emphasize riparian dependent resources (water quality and fisheries) which does not preclude vegetative management. There is some sylvacultural management in some areas to accelerate conifer growth.
271	Sen. Nelson	Asks for discussion on how the federal agencies plan on interacting with the local farmers, ranchers, loggers, and other citizens.
278	Crouse	Uses the Coquille Watershed Council as an example of how the agencies want to work with local people. There are federal employees who live and work in the community providing technical assistance to the watershed council. Focus on trying to offer assistance instead of coming across strongly as a federal presence.
295	Sen. Nelson	Comments on the public perception of federal agencies.
300	Heller	It is easy to get too focused on implementation of the plan and to forget to involve the local people. Need to spend more time explaining to the communities what is being done, why we're doing it, and why they need to be part of it.
312	Sen. Kintigh	Asks for discussion on interagency and tribal coordination.
319	Crouse	These are areas where there has been coordination for some time. Taking time to reexamine these relationships to see if they can be improved.
	Sen.	Comments on the Cooperative Mortality Report (published yearly by the Forest Service and the Oregon Department of Forestry) that states that there is up to 40% mortality on some of the

329	Ferrioli	federally managed tracks, especially in Eastern Oregon. Asks for discussion on the contribution of forest health on federal lands to healthy fisheries.
350	Black	Forest health, watershed health, and healthy fish are all inter-related. When doing a watershed analysis on an area, one has to examine all the components of the watershed. Recognize that they are connected and take that into account.
364	Sen. Ferrioli	Comments on the Governor's Eastside Forest Health Report and it's recommendations regarding aggressive management in the uplands. Cites many of the concerns listed in that report. "How do we get the federal agencies to understand their responsibilities to other Oregon landowners to maintain forest health, since that is so contributory to fisheries health? How do we get the action on that ground that we need?"
TAPE 32, A		
009	Crouse	One of the main components of the science assessment and the Eastside EISs are the forest health issues and their relationship to ecosystem health, to watershed health, and to fisheries. It is being addressed in those plans.
019	Sen. Ferrioli	Asks for discussion on implementation of these plans.
024	Black	There are accomplishment reports which show what has been done over the last few years. The team of scientists visited BLM and US Forest Service field personnel and there is no disagreement that forest health needs to be addressed.
038	Sen. Ferrioli	Comments on concerns regarding fires, harvests and other forest health issues.
046	Rep. Welsh	Asks if State develops plan and funds it, will there be dedicated dollars from the agencies for the areas that are under their management, and if there is a listing, will dollars be dedicated for restoration purposes.
054	Crouse	The budget outlook for FY 98 is comparable to past funding levels. The Oregon plan will help BLM to look at prioritization of funding uses. If coho is listed, it is expected that a portion of BLM resources and personnel will be used to go through consultation process with NMFS. That is a strong motivating factor for supporting the plan.
070	Heller	US Forest Service has dedicated funds for restoration (\$12 million per year for 13 national forests). It is unsure if that amount would be increased in the case of a listing, would continue dedicated funds at the current level.
085	Rep. Welsh	Asks to know the level of funding and the number of individuals that would be assisting in restoration with or without listing.
092	Black	Can provide these numbers a later date.

095	Rep. Bowman	Asks how monitoring and evaluation process will change based on new Oregon plan, and what is being done now and how that will change.
102	Crouse	Have been working with interagency group of scientists to come up with an effectiveness monitoring plan for the Northwest Forest Plan. Have invited a representative of State's salmon team to participate. The goal is to continue the process so that when the State's plan is completed, BLM and US Forest Service monitoring efforts will be incorporated as much as possible.
117	Rep. Bowman	Asks how federal monitoring and evaluation will fit with state level monitoring.
123	Heller	Until the development of the effectiveness monitoring plan for the Northwest Forest Plan, each forest will continue to do its own monitoring. There is room for improvement in terms of integrating activities between the BLM, US Forest Service, and ODFW. For example, BLM, US Forest Service, and ODFW are all monitoring the output of smolts from river systems.
144	Rep. Bowman	Asks how long the process will take. Comments on the amount of duplication that seems to be occurring among the agencies.
156	Heller	In the near term, the agencies need to ask the same questions to ensure that monitoring can be integrated. Intend to have proposals within next month to present to salmon team.
170	Rep. Kruse	Comments on the involvement of BLM and US Forest Service with the watershed councils. This is more than just salmon restoration, but the development of a statewide effort. Asks for discussion on federal involvement and relationships at the local level.
197	Black	There has been a great deal of improvement in interagency cooperation. This is an opportunity to have more cooperation between state and federal agencies.
211	Rep. Jenson	Asks how it is determined which agency is appropriate to work with local watershed council, and what assurances can be made that there is not duplication of efforts.
223	Crouse	This is determined on a watershed-by-watershed basis, depending on federal land ownership, expertise, and the strength of the council. Has been asked by his director to learn more about watershed councils and how BLM could be a more effective partner. "We don't really want to take the lead, we just want to participate as appropriate."
242	Black	"Don't take a leadership role, be there as a partner and a supporter. Quite often federal folks stand up and take the lead, and they don't need to do that."
		Compliments federal agencies' involvement with watershed councils. Has concerns that in counties where there is a high percentage of federal land ownership, there is also a high

248	Co-Chair Messerle	unemployment rate. There is a commitment from the General Fund of \$15 million and a commitment from industry of \$15 million, with an additional \$130 million from the timber industry for in-kind improvements. Concerned that as a major landowner, the federal government has not been able to offer any more assistance.
276	Crouse	There has been a great deal of watershed restoration and forest health on federal lands, and there will be a greater effort trying to coordinate efforts that will benefit an entire watershed. Will be emphasizing a whole watershed approach.
287	Black	Comments on the budget reductions.
292	Co-Chair Messerle	Comments that everyone has been doing a tremendous job with limited funding over the last 10 years, but everyone, on an equal basis, should contribute more.
300	Black	In the Columbia Basin, five federal agencies are putting together a joint budget on what the needs are going to be.
307	Co-Chair Messerle	Comments that the agencies need to make a point of stating that the federal government can't afford the listing either.
310	Co-Chair Tarno	Asks if when there is a listing, does that listing drive funding toward the area where the listing occurs.
315	Black	True.
316	Tarno	Asks that if that hold true, can the State expect some financial assistance from the federal government. And if there is no listing, there mostly likely wouldn't be any assistance.
318	Crouse	Has not been the case with the Northwest Forest Plan. Additional funds were not received when the Spotted Owl was listed. There were substantial requests by the agencies for additional funding, but no more funding was received. The funds were simply reprioritized. If the coho is listed, existing funds will probably be reprioritized.
334	Sen. Tarno	Comments on the irony that Oregon is being held accountable for the quality of water for coho salmon, and asks how Oregon can hold the federal government accountable for their portion of the clean forest and clean water.
340	Black	Agrees.
344	Co-Chair Tarno	Comments on the frustration of dealing with a mandate that came from the federal government.
349	Black	The new chief is asking for more accountability from forest supervisors and regional foresters.
353	Sen. Ferrioli	"Accountability is going to be measured acre by acre across Oregon, and every watershed, on every acre of public land that happens to be managed by a federal agency. This is an Oregon plan and we expect full partnership."
TAPE 31, B		

003	Russell Peterson	Oregon State Supervisor, US Fish and Wildlife Service (USFWS), submits and reads written testimony. (EXHIBIT B)
053	Peterson	Continues presentation.
059	Sen. Kintigh	Asks how many species have been recovered.
063	Peterson	Not many, but there are few who have shown improvement. The Bald Eagle has been changed from endangered to threatened.
070	Sen. Kintigh	Comments on the Wood Duck.
075	Peterson	The North American Waterfowl Management Plan takes advantage of local efforts and there have been dramatic improvements in waterfowl populations.
077	Sen. Ferrioli	<p>Reads from the preamble of the Endangered Species Act:</p> <p>* "It is declared to be the policy of the Congress that the federal agency shall cooperate with the State and local agencies to resolve water resource issues in concert with the conservation of the Endangered Species Act."</p> <p>Asks if that policy is equally applicable in both the absence and presence of a listing.</p>
086	Peterson	Would interpret it that way, USFWS is interested in working with any level of government and private landowners to the conservation of fish and wildlife resources. Ideally, prior to listing.
097	Sen. Ferrioli	Comments that in Section 6 of Endangered Species Act, Cooperation with the States, USFWS is directed to cooperate to the maximum extent possible with the States. Asks if USFWS could contract with the State of Oregon through a management agreement for management of the species in its habitat range, whether or not there is a listing.
101	Peterson	There are some agreements with ODFW and Department of Agriculture, and under those agreements, funds are transferred to the state to help in a variety of ways.
108	Sen. Ferrioli	Specifically referring to authority to contract for management of areas designated to be areas for conservation of endangered or threatened species. Asks if that management authority would be conferred to USFWS in the case of a listing or a non-listing decision.
116	Peterson	Specific question has not been addressed. Believes that USFWS would want to interpret it the way that Sen. Ferrioli is suggesting.
119	Sen. Ferrioli	Observes that if the Oregon Plan is to be effective, it will have to be subject to the kinds of cooperative agreements that confer management authority for the Oregon Plan to be implemented

		across jurisdictional lines.
122	Co-Chair Messerle	Comments on the factors that can affect salmon populations and water quality. Asks if this is the most critical area where money and effort should be spent. Comments that this may be a change in direction and priority in watershed.
151	Peterson	Not aware of a better approach, or one that has greater potential for success. Very encouraged by the State's effort and would like to help out where possible.
166	Co-Chair Messerle	Comments that if the coho should get listed, the fisheries would be in worse shape, and it would be counterproductive.
171	Rep. Kruse	Asks how much money is being requested by USFWS for the Flood Plain Restoration Plan.
174	Peterson	The proposal has been sent to national headquarters in Washington, to the Department of the Interior, and the Office of Management and Budget. Those numbers could be adjusted at any of those levels. "If it was fully funded there would be potentially be maybe several million dollars that could be dedicated towards the Initiative."
186	Rep. Kruse	Asks what amount could be expected statewide.
187	Peterson	The proposal was approximately \$4 -5 million being available specifically for restoration efforts.
196	Rep. Kruse	Asks if these funds would be incorporated into ongoing work that the state, other federal agencies, and local people are doing
211	Peterson	Yes. Had not intended to invent another planning mechanism, but to take advantage of the watershed council mechanism and soil and water conservation districts that are already in place.
239	Bob Graham	State Conservationist, US Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), submits and reads written testimony. (EXHIBIT C)
289	Graham	Continues presentation.
339	Graham	Continues presentation.
376	Sen. Fisher	Asks if the 15 offices which will be closed are all in Oregon.
TAPE 32, B		
004	Graham	Yes.
005	Sen. Fisher	Asks how many would be left.
006	Graham	Thirty-five.
009	Sen. Nelson	Comments on his experience with the program.
016	Sen.	Asks for copy of joint memorandum of understanding.

	Ferrioli	
023	Rep. Kruse	Comments that the closures were not random, but were done in connection with state and local partnership. Declining revenues forced this restructuring. Asks if there will still be access to help for training people to perform monitoring.
041	Graham	Yes.
041	Rep. Kruse	Comments.
044	Rep. Harper	Asks for discussion on funding to districts to hire local technicians.
050	Graham	<p>We have an agreement with NOAA (National Oceanographic and Atmospheric Administration) and the Oregon Department of Agriculture and then through conservation districts, which contributed \$1.2 million last year and \$1.4 million this year for the Hire the Fisher program. This program strengthened the conservation districts' involvement with local people.</p> <p>As we work with the landowner, through their plans, we offer alternatives that meet quality criteria for regulatory requirements. It is the landowners' decision as they develop their plan. In the case of terraces, they are very costly and require a great deal of technical assistance to survey, construct, and inspect.</p>
080	Rep. Harper	Asks how many technicians are needed.
081	Graham	The estimation is one per district to begin.
084	Co-Chair Tarno	Asks if he has reviewed the CSRI.
085	Graham	Briefly.
088	Co-Chair Tarno	Asks for his impression of plan.
089	Graham	"I think it is excellent. I'm proud to be part of Oregon and I'm proud to be part of the Oregon Plan. I'm anxious and excited to see what we can do to help out and implement it. A lot of work and thought has gone into it."
096	Rep. Josi	Asks if he thinks it will bring coho back.
098	Graham	"If they come back, the home will be there ready for them. If we're able to implement the Oregon Plan. If you can get them to the private landowners, and we can do our part, I think they'll have a home."
115	Rep. Josi	Asks if he thinks the federal government can do better job restoring the coho salmon.
119	Graham	Neither the federal nor the state government can do a better job, the local people can do the best job.

124	Sen. Kintigh	Referring to the loss of technicians, asks if some of that slack is being picked up by private consultants or engineers.
129	Graham	Only in the area of irrigation management.
141	Eric Glover	Manager, Pacific Northwest Region, Department of Interior, Bureau of Reclamation submits and reads written testimony. (EXHIBIT D)
184	Sen. Kintigh	Asks what is the nature of the work being done on the Rogue River.
186	Glover	Activities fall into several categories. The only construction activity that is on going right now is the improvement of fish passage and protective facilities to bring them up to standards required by NMFS. Will be spending about \$1.13 million on that this year, and a like amount next year. There are a number of planning activities in progress. Funded to do water conservation planning in Bear Creek River Basin, Little Butte Basins, and the Rogue. Also have water conservation field services program wherein we are involved in repairing water conservation plans and implementing pilot projects.
216	Patricia Perry	Executive Director, Grand Ronde Model Watershed, submits and reviews written testimony. (EXHIBIT E)
266	Perry	Continues review.
316	Perry	Continues review.
366	Perry	Continues review.
378	Sen. Tarno	Asks if there are any Spring Chinook coming back.
379	Perry	The redd count this year was up considerably from 129 to 432. Recognizing there are many factors, not just the restoration project, that would have an effect on that.
TAPE 33, A		
003	Sen. Tarno	Asks if the watershed councils are monitoring the runs as they come in.
005	Perry	ODFW monitors the runs as they come in.
006	Sen. Nelson	Asks for discussion on stream temperatures.
009	Perry	Many streams in the basin are listed on the 303(d) list for temperature and sediment. The habitat restoration programs are long term, and they won't change the temperature immediately. Striving toward establishing a baseline to understand where the temperatures are, what we're working toward, and a good set of data. Have begun an effectiveness monitoring strategy program. This will allow us to establish a baseline, if it doesn't currently exist, and then monitor the changes. If a baseline is established, this will be the critical time to perform monitoring so that the changes are recorded.

023	Sen. Tarno	Asks who is gathering the baseline data.
024	Perry	Currently, the watershed works with the Willowa Conservation District to fund a coordinator who is looking at this cumulative effectiveness monitoring. Have pulled together everyone who is doing monitoring in the watershed, and have agreed on a protocol for monitoring which will ensure non-duplication of efforts. It will be the responsibility of the coordinator to pull together this information each year and provide a consolidated report.
035	Sen. Tarno	Asks when the monitoring process was started.
036	Perry	1996 was the first year the cumulative effect monitoring was performed.
037	Sen. Tarno	Asks if there was any previous data prior to that time.
038	Perry	There had been some previous data and we are gathering it. Some is scattered and it is very inconsistent. Trying to consolidate the data to give indication of where we are, and to provide a starting point. Every project that is put on the ground has a monitoring component that is project specific.
043	Rep. Kruse	Comments on the work of the watershed council and the coordination of monitoring.
052	Sen. Tarno	Comments on future joint meetings.
060	Sen. Tarno	Adjourns meeting at 6:53 p.m.

Submitted By, Reviewed By,

Rebecca M. Nickel, Pat Zwick,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - Oregon Coastal Salmon Restoration Initiative & Healthy Streams Partnership, Written Testimony, Hugh Black, 3 pp.

B - Oregon Coastal Salmon Restoration Initiative & Healthy Streams Partnership, Written Testimony, Russell Peterson, 2 pp.

C - Oregon Coastal Salmon Restoration Initiative & Healthy Streams Partnership, Written Testimony, Bob Graham, 5 pp.