

HOUSE COMMITTEE ON WATER POLICY

March 1, 1997 Hearing Room A

9:00 a.m. Tape 36 - 38

HOUSE WATER POLICY

SENATE WATER & LAND USE

MEMBERS PRESENT:

Rep. Ken Messerle, Co-Chair

Rep. Jo Ann Bowman

Rep. Jeff Kruse

Sen. Veral Tarno, Co-Chair

MEMBERS EXCUSED:

Rep. Tim Josi

Rep. Tony Corcoran

Rep. Steve Harper

Rep. Jim Welsh

Sen. Bob Kintigh

Sen. Ginny Burdick

Sen. Ted Ferrioli

Sen. Bill Fisher

Sen. David Nelson

Sen. Thomas Wilde

VISITING MEMBERS:

Rep. Bob Jenson

Rep. Larry Sowa

Rep. Terry Thompson

STAFF PRESENT:

Pat Zwick, Policy Analyst

Rebecca M. Nickel, Admin. Support

**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 36, A		
<u>OREGON COASTAL SALMON RESTORATION INITIATIVE AND HEALTHY STREAMS PARTNERSHIP</u>		
003	Co-Chair Messerle	Calls meeting to order at 9:05 a.m.
013	Co-Chair Messerle	Comments on funding sources for the Oregon Coastal Salmon Restoration Initiative (OCSRI) and Healthy Streams Partnership (HSP).
025	Lucie La Bonté	Chair, South Coast Coordinating Watershed Council, submits and reads written testimony regarding OCSRI and HSP. (EXHIBIT A)
075	La Bonté	Continues presentation.
101	Co-Chair Tarno	Asks if there is any indication of the future plans of the California counties.
103	La Bonté	Included with submitted testimony, lists of the groups working in California with various counties. Comments on the status of the northern California counties.
126	Co-Chair Tarno	Comments on the efforts in Northern California.
128	Co-Chair Messerle	Has there been any contact with William Stelle regarding this situation.
131	La Bonté	Minimal contact since Stelle's visit to Curry County. May be able to meet with him at a conference in California.
140	Rep.	Asks regarding the Letter of Agreement.

	Bowman	
145	La Bonté	They attempted to draft something simple in order to get something done immediately. There has been more action taken by local governments. Comments regarding the California counties and relationship with State of California.
167	Rep. Bowman	Asks if the officials of the five counties have met with Governor Pete Wilson.
170	La Bonté	There have been attempts, but this seems to have become a political situation, with Governor Wilson being pressured by interests. Comments on historical relationship of the northern counties with the rest of California.
191	John Wilson	Coordinator, South Coast Coordinating Watershed Council, and Chair of Salmon & Trout Enhancement Program Citizen Advisory Committee, submits and reads written testimony. (EXHIBIT B)
241	Wilson	Continues presentation.
291	Wilson	Continues presentation.
312	Rep. Bowman	Asks for discussion on voluntary compliance without regulatory oversight.
327	Wilson	The term "voluntary" is misinterpreted. It is the landowners stating that they will work with the state because they want to, not because the government says they have to. There is no need for additional regulations. SB 1010 (1993 Session) spells out the plan for Healthy Streams Partnership, and if the state adheres to that and implements it, the regulation process will follow it without being a major influence.
372	Co-Chair Messerle	Comments on experience with watershed association and voluntary compliance. It gives the landowner an opportunity to have input in the decision making process.
TAPE 37, A		
008	La Bonté	Comments on initial reaction to plan and the enforcement by the Oregon State Patrol (OSP). The OSP is available as a last resort for enforcement. First step is watershed coordinators, not OSP.
029	Rep. Thompson	Asks how many landowners are currently being worked with.
032	Wilson	Approximately 100. Comments regarding enforcement and the lack of enforcement ability of the Oregon Department of Fish and Wildlife (ODFW).
049	Rep. Thompson	Asks for an estimate of how much illegal activity goes on.
060	Wilson	Cannot give definitive answer, but there is still a need for additional enforcement.
068	Rep.	Ask for discussion on the effectiveness of the joint funding

	Bowman	process.
074	Wilson	One of the disadvantages is that some view it as the timber industry buying their way out of responsibility. Views this as a reduction of impacts on fish through better management, reduction of costs for mitigation of those impacts. Comments on the Western Oregon Severance Tax. If an <i>ad valorem</i> tax was placed on timber industry or agriculture like the commercial fishermen pay, the amount of money generated would be phenomenal.
111	Rep. Bowman	Asks if his role as a coordinator is being shifted, or if are there conflicting interests, because the industry and state are contributing money.
118	Wilson	Discusses his different duties. The main conflict is in choosing who to get on board regarding the OCSRI. This concern has been addressed.
133	La Bonté	Comments on the local timber industry. They have become partners in the watersheds. There have been many contributions toward the restoration of habitat on the ground. The Governor's Watershed Enhancement Board (GWEB) will be determining the granting of these funds.
158	Wilson	Comments on the timber industry.
164	Co-Chair Messerle	Comments on the importance of getting people involved in this process.
172	Rep. Sowa	Comments that it was the timber industry that stepped forward to assist with first Forest Practices Act, raised the standards of the act when critics found it to be lacking, and also proposed the harvest tax. They have already stepped forward in environmental concerns, and this shows their continuing effort.
188	La Bonté	Comments in support of watershed councils.
213	Diane	<p>Representing Oregon Natural Resources Council (ONRC).</p> <p>Supports reliable, long-term funding of OCSRI and full implementation of that plan. Also wants to make it clear that ONRC supports federal protection of Coho under the Endangered Species Act. Feels that the state and federal programs are not mutually exclusive. Need to use all of the tools that are available to ensure the recovery of Coho.</p> <p>The Endangered Species Act is not the regulatory force that it is often portrayed as. It puts forth minimum standards for private lands. A state and federal partnership, under the authority of the Endangered Species Act, offers the best opportunity to recover and restore Coho.</p> <p>Federal, as well as state protection, is necessary because of shortcomings in Oregon's plan:</p>

	Valentine	<ul style="list-style-type: none"> * failure to substantively reform logging and agricultural practices * concentrates on repair and restoration of damage already occurring * on-going damage is allowed to continue * inefficient use of resources * voluntary compliance is too slow to protect Coho * lack of assurance for continuing protection of Coho * funding is unreliable
279	Valentine	<p>Federal protection can provide things that are outside the scope of what the state can do:</p> <ul style="list-style-type: none"> * a state plan only has authority over state and private land * federal lands make up a significant portion of Coho habitat, up to one-quarter or one-third falls under federal ownership, or is otherwise subject to federal agency action * protection on these lands will happen easier with federal protection and an Endangered Species Listing. * the shared ESU (environmentally significant unit) with California * federal protection would ensure that this shared ESU was covered on both sides of the border <p>ONRC encourages the Legislature to support the OCSRI as the state's contribution to salmon recovery and not to fight the federal government's contribution of making an Endangered Species Act listing. The federal government is excited and encouraged by Oregon's work and it is very likely that the OCSRI would serve as basis for incidental take permit or the 4 (d) Rule. The notion of if there's a listing the state plan will be thrown out is erroneous. Encourages Oregon and it's industries to fund the plan because it is the right thing to do and not a way to get out from under needed federal regulations.</p>
		<p>Comments that there is no intention of throwing out the plan in the case of a listing. The Steelhead is the next to be looked at by NMFS. Encouraged by at least one environmental group in trying to avoid federal listing. Whenever there is a listing, there</p>

321	Co-Chair Tarno	hasn't been a recovery of a species. Comments on the Endangered Species Act and the lack of results. Oregon wants recovery and wants the federal government to name criteria for de-listing. Want the federal government to cooperate instead of making threats.
325	Valentine	The federal government is in a position to want to cooperate. It would be in their political favor to be cooperative. In regards to the Endangered Species Act either working or not, there is a problem. The Endangered Species Act is a safety net and a last ditch effort when other laws have been ignored. If a plan to recover the Coho had been instituted 10 or 15 years ago, this entire situation could have been avoided.
373	Rep. Thompson	Asks if she believes in early intervention with a species before it gets in trouble.
374	Valentine	Definitely.
375	Rep. Thompson	"If that is true, it seems like to me like you'd be a supporter of this. Because this is going to be the first opportunity there's ever going to be for states in the United States to have a mechanism on how to truly put money and manpower on the ground to keep species from getting in trouble. Would you agree with that?"
380	Valentine	Yes, and ONRC is supportive of the OCSRI and encourage it to be funded and implemented.
383	Rep. Thompson	"What do you think the federal government can do better than the State of Oregon?"
TAPE 36, B		
004	Valentine	"I think the federal Endangered Species Act would provide some enforceable safeguards so that it isn't just relying on promises. There is some legal mechanism if they do not work, to be able to ensure that they do. And also there would be further protection on federal lands and from federal agency actions that probably wouldn't happen under a purely state plan. Other than those two important additions, I think it would probably be very similar."
009	Rep. Thompson	Asks if it would be to the advantage of the state and to everyone involved, to step back and allow Oregon to prove that Coho can be recovered.
012	Valentine	It is not up to anyone to give a chance. The fish are in the position that they are already and that can't be changed now. The safety net is needed. There would have been a chance to avoid this if the effort had been made years ago. Hope that states would ensure that species wouldn't get to this point. Oregon started this effort at the 11th hour when Coho were already proposed for protection and already overdue for protection.
		Comments on the unwillingness of environmental groups to take

022	Rep. Thompson	a part in this recovery issue beyond bringing the state to the 11th hour.
030	Valentine	Responds to Rep. Thompson's comments. Restates her position that the state needs to allow federal protection to be implemented.
039	Rep. Kruse	"So, you maintain that the federal government needs to implement the ESU to make sure that the federal government does the right thing on their own land?"
041	Valentine	"That is certainly one reason, yes."
042	Rep. Kruse	Comments that this seems to be a contradiction of terms.
043	Valentine	Comments that this would be the same case for the state.
044	Rep. Kruse	Asks what measures, implemented under the Endangered Species Act, would recover fish.
045	Valentine	The most important thing is to stop damaging salmon habitat with logging and agricultural practices that are irresponsible. Forest Practices Act allows harvest on steep slopes which have direct impact on the fish habitat. If the timber industry is willing to put the money up for the restoration of the species, but not willing to take care of logging practices which harm the species, then their commitment is questionable.
054	Rep. Kruse	Asks why the populations of Coho are increasing.
055	Valentine	Has not seen any statistics which show that Coho are increasing.
056	Rep. Kruse	Comments that the committee has seen those statistics.
058	Valentine	Need to compare historical abundance levels to the very low levels that are seen now. Small differences are not indicative of improvement when the population is so small. Salmon populations tend to be consistent and there are many factors, such as ocean conditions, which impact them.
066	Rep. Kruse	Asks for clarification on historical abundance levels, and if there is verifiable information regarding population in 1900.
069	Valentine	Heard that there was about one million Coho. But it is very hard to reconstruct exact numbers. "Picking over numbers at this point is disingenuous." It is understood that Coho have declined dramatically.
076	Rep. Kruse	Comments that he is not disagreeing with the decline in populations. Comments that there have been other factors which have been part of this decline. Also there is not enough verifiable information regarding populations, and the abundance levels are based on assumption.
088	Rep. Bowman	Asks if ONRC has information on which impact is causing the decline in salmon.
		Non-human impacts are irrelevant as we have no control. There

100	Valentine	have been non-human impact for centuries without causing such a drastic decline. It has been human causes which have put the salmon at risk. Discusses human causes such as logging, and the need to stop habitat damage. The timber industry has its own motives for contributing money for salmon restoration. There is a need to stop the logging which impacts the salmon.
122	Rep. Bowman	Asks how ONRC weighs non-human factors.
127	Valentine	It is clear that many of the salmon populations are done due to ocean conditions.
133	Rep. Jenson	Asks if ONRC is assisting in any actual restoration efforts.
138	Valentine	ONRC works mainly on an advocacy level. Not a group that works on specific stream restoration projects.
143	Rep. Jenson	Asks if salmon would still be in danger of extinction if humans had not impacted them.
148	Valentine	Salmon have shown resiliency to range of natural fluctuations. Human impacts have reduced that resiliency to those natural fluctuations.
152	Co-Chair Tarno	Asks if the state is on the right track.
154	Valentine	Yes, but not the resistance to federal intervention.
163	Co-Chair Messerle	Comments on the Tillamook meeting.
172	Stanley Christensen	Chair, Yamhill Soil and Water Conservation District, presents and reviews written testimony in support of OCSRI. (EXHIBIT C)
222	Christensen	Continues presentation.
242	Co-Chair Messerle	Asks for explanation of the working relationship with Natural Resources Conservation Service (NRCS).
247	Christensen	There are 35 different memos of understanding with various levels of government and groups. The agreement with NRCS is to provide technical assistance. Work very closely with extension service and US Fish and Wildlife. When the district was formed there were more technical personnel available, now there are only two people available.
299	Glen Spain	Northwest Regional Director, Pacific Coast Federation of Fishermen's Associations submits and reviews written testimony in support of OCSRI. (EXHIBIT D)
349	Spain	Continues presentation.
399	Spain	Continues presentation.
TAPE 37, B		

012	Spain	Continues presentation.
062	Spain	Continues presentation.
071	Co-Chair Messerle	Comments that Mr. Spain has summarized the feelings of the committees.
077	Spain	Very few landowners will deny the problem. Whether there is a listing or not, there is still a problem, and it needs to be resolved.
080	Co-Chair Tarno	Comments on the need to work with California.
087	Spain	There has been a great deal of involvement with California..
097	Tom Wolf	State Council Chairman, Trout Unlimited. Supports the OCSRI, but there are concerns regarding the strength of the monitoring and enforcement components. There is alarm regarding the participation of the forest industry in the funding of the plan. Refers to Spain's testimony regarding the economical value of recreational fishing. The industry in the Pacific Northwest generates about \$1 billion of revenue annually. Supportive of the watershed councils and their contributions.
149	Wolf	There are concerns regarding the ability of the state to provide adequate enforcement. An Endangered Species Act listing is the last resort, and the Coho has reached the 11th hour. Encouraged by Sen. Tarno and the statement that the state will implement this plan whether there is a listing or not. Habitat restoration is a band-aid, the way to truly protect watersheds is to protect the whole watershed, and to prevent further damage.
180	Jeff Feldner	Commercial Fisherman. The state has been struggling with the Coho problem for 15 years. It has been the fishermen's problem for longer than that. The fisheries industry realizes that it is managed correctly under the principal of harvestable excess. Cooperative management works better than enforcement.
220	Feldner	Fishing regulations alone won't work. Proportional control has been tried before and it didn't work. Commercial fishery has had no access to Coho for five years and recreational fishery has had no access for three years. The commercial fleet thinks OCSRI can work. The fleet has had previous experience with trying to do things on the ground and has seen results. In the last two years, commercial fishermen have been involved in habitat restoration and ocean research projects to assist in Coho restoration. There have been results. This year, the returns have shown considerable improvement. Statewide preliminary estimates are about 43 fish per mile. North coast streams are not as improved , most of the work on the ground is taking place on the south coast
		A listing of the Coho, from the perspective of the fleet, will not affect the management of fisheries. From the perspective of the

270	Feldner	Commission of Fish and Wildlife, a listing will cause serious problems for state agencies. The fleet wants to know if others will take part. The offer of funding from other sources is encouraging. For this year, this funding approach is expedient, but for future years, dedicated funding would be preferable. Fishermen are willing to pay higher fees if it would benefit their sport. There is a need for long-term solutions.
326	Co-Chair Tarno	Comments on the \$30 million and the test period required to see what kind of annual fees will be needed to fund this process.
344	Feldner	There has been talk about raising fees and others sources of funding. Agrees that it is not known what level of funding will be needed over a period of time.
356	Rep. Thompson	Comments that federal government has had more influence in marine issues. Asks if the federal approach is basically paperwork and enforcement.
366	Feldner	Correct. His practical experience with the Endangered Species Act has been that the only regulatory authority has been directed at fisheries. Refers to the Northern California runs. They have been listed for some time there, and very little has happened East of San Francisco.
380	Rep. Thompson	Asks if spending funds on research and on the ground projects would be logical.
385	Feldner	That approach would be good because they provide visible results. The specific magnitude of those results is not important, but people see those results and get involved. Oregon needs to take ownership.
TAPE 38, A		
021	Jody Robindottir	Submits and reads written testimony. (EXHIBIT E)
071	Robindottir	Continues presentation.
081	Co-Chair Messerle	Notes receipt of testimony from the Douglas Timber Operators. (EXHIBIT F)
085	Co-Chair Messerle	Notes receipt of testimony from the League of Women Voters of Oregon. (EXHIBIT G)
091	Roz Vostinak	Secretary/Treasurer, Oregon Coast Charterboat Association, Inc., submits and reads letters from the Oregon Coast Charterboat Association, Inc., the Mayor of Newport, and from the Greater Newport Chamber of Commerce. (EXHIBIT H)
135	Vostinak	Continues presentation.
149	Rep. Thompson	Asks if more Coho are being sighted this year.
150	Vostinak	In 1996, they saw more Coho than the year before.
		School teacher, comments regarding classroom exercises

157	Eve Vogel	regarding salmon and restoration plans. Supports the State of Oregon and full funding for the plan.
203	Vogel	Concerned that some supporters of plan are using it to fight the Endangered Species Listing. Comments on the Snake River Chinook.
228	Rep. Thompson	Comments on her classroom exercises and the efforts of the teaching community in conservation.
241	Rep. Kruse	Comments on the Endangered Species Act and the listing of the Umpqua Cutthroat.
255	Rep. Bowman	Asks if students make funding decisions based on a very limited funding source, and if they determine how the money will be used.
262	Vogel	Not exactly, but costs have been put on different measures.
268	Co-Chair Messerle	Comments on the effort of Oregonians. Receipt of testimony from Ling-Jung Koong, Associate Dean, Oregon State University. (EXHIBIT I)
319	Co-Chair Messerle	Adjourns meeting at 11:10 a.m.

Submitted By, Reviewed By,

Rebecca M. Nickel, Pat Zwick,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - Oregon Coastal Salmon Restoration Initiative and Healthy Streams Partnership, Written Testimony, Lucie La Bonté, 6 pp.

B - Oregon Coastal Salmon Restoration Initiative and Healthy Streams Partnership, Written Testimony, John Wilson, 2 pp.

C - Oregon Coastal Salmon Restoration Initiative and Healthy Streams Partnership, Written Testimony, Stanley Christensen, 13 pp.

D - Oregon Coastal Salmon Restoration Initiative and Healthy Streams Partnership, Written Testimony, Glen Spain, 7 pp.

E - Oregon Coastal Salmon Restoration Initiative and Healthy Streams Partnership, Written Testimony, Jody Robindottir, 10 pp.

F - Oregon Coastal Salmon Restoration Initiative and Healthy Streams Partnership, Written Testimony, Cary Jones, 8 pp.

G - Oregon Coastal Salmon Restoration Initiative and Healthy Streams Partnership, Written Testimony, Louise Questad, 1 pp.

H - Oregon Coastal Salmon Restoration Initiative and Healthy Streams Partnership, Written Testimony, Roz Vostinak, 3 pp.

I - Oregon Coastal Salmon Restoration Initiative and Healthy Streams Partnership, Written

Testimony, Ling-Jung Koong, 5 pp.