

CONFERENCE COMMITTEE ON HB 2607

June 12, 1997 Hearing Room E

2:00 p.m. Tape 1

MEMBERS PRESENT: Rep. Ken Messerle, Chair

Sen. Bill Dwyer

Sen. Bob Kintigh

Rep. Mike Lehman

Sen. Veral Tarno

Rep. Jim Welsh

STAFF PRESENT: Pat Zwick, Policy Analyst

Rebecca M. Scott, Administrative Support

MEASURE/ISSUES HEARD: HB 2607-B 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.

Tape/#	Speaker	Comments
TAPE 1, A		
002	Chair Messerle	Calls meeting to order at 2:07 p.m.
<u>HB 2607- B WORK SESSION</u>		
003	Chair Messerle	Opens work session on HB 2607-B
004	Pat Zwick	Policy Analyst, submits and reviews the -B12 amendments. (EXHIBIT A)
013	Zwick	Submits and reviews the -B11 amendments. (EXHIBIT B)
020	Sen. Dwyer	Asks who requested the -B11 amendments.

021	Chair Messerle	Water Resources Department.
022	Sen. Dwyer	Asks why it is necessary to include hydroelectric power.
023	Martha Pagel	Director, Water Resources Department. HB 2119 (1997 Session) is a major piece of legislation regarding a reauthorization process for existing hydroelectric projects. Under current law, there is no provision to extend those projects once their current licenses expire. The measure was very important to hydroelectric industry operators of existing projects who don't want to lose their current state authorization and the priority date on their water right. As the fish passage issue was evolving there were questions about whether existing hydroelectric projects that were about to go into the reauthorization process would be subject to the existing fish passage requirement, would be subject to any changes made in HB 2607, and if they would be expected to comply with any fish passage requirement in some process outside the comprehensive review in the reauthorization process. The goal would be to have fish passage issues addressed for existing hydroelectric projects at the time they come forward for reauthorization. For the next two years, hydroelectric projects are subject to the fish passage, but existing hydroelectric projects will not be required to go through a separate process for dealing with fish passage until they are engaged in the reauthorization process. This is a two year provision to give WRD time to find a permanent solution. There is also a provision that hydroelectric interests will be represented on the task force that deals with fish passage, and that the fish passage task force will coordinate with the hydroelectric task force.
073	Sen. Tarno	Asks if this measure has become broader than the original intent, and if it now encompasses issues of state wide concerns as it pertains to water storage facilities.
080	Pagel	Correct. The broadening came about as a result of a work group brought together to try to promote a version of this measure which would address the concerns of the Milltown Hill Project and the Coos Bay Projects, but in a more generic form. As the hydroelectric issues became apparent, the amendments were further changed, and the -B11 provides the assurance that the hydroelectric interests will support HB 2607B with these amendments.
090	Chair Messerle	Asks if the -B11 amendments protect the priority dates of the water rights.
094	Pagel	The amendments to HB 2607B do not protect the priority date, HB 2119 protects the priority date. The HB 2706B amendments give assurance that an existing hydroelectric project will not have to go through some process with the Fish and Wildlife Commission to deal with fish passage, and then have to go through a separate process with all the agencies to deal with reauthorization. Under the amendments, the fish passage issues would only be brought forward in the forum of the reauthorization process.
103	Sen. Dwyer	Asks if this means that these issues can't be brought forward for another 50 years when the next reauthorization process takes place.

105	Pagel	It only means that during the next two years, and only for existing hydroelectric projects, it can only be brought forward in the reauthorization process. After two years, this will no longer be valid. The hydroelectric task force will develop a set of permanent recommendations that will then take affect.
111	Sen. Dwyer	Asks why it is necessary to include an emergency clause.
112	Pagel	Because there may be some projects which may be trying to move forward, and they want to be able to proceed as quickly as possible.
117	Rep. Lehman	Asks if anyone opposes this measure as a result of the amendments relating to hydroelectricity.
122	Pagel	No. The hydroelectric interests, and particularly the environmental groups involved, would oppose this measure without these amendments.
126	Rep. Lehman	Asks if the Governor's office supports the measure with the hydroelectric provisions.
129	Pagel	Roy Hemmingway, the Governor's Energy and Salmon Advisor, has indicated his support.
132	Rep. Welsh	Asks if fish passage is a question which arises during the reauthorization process.
136	Pagel	Yes. It would most certainly be addressed in the reauthorization process under the standards that are included in HB 2119. Part of the concern is whether there would be two different sets of standards.
143	Chair Messerle	Asks why this concern surfaced at such a late date.
145	Pagel	The overhaul to HB 2607 to make it more generic happened in the last few weeks. The department's attention has been focused on HB 2119. After the changes to HB 2607 were made in the Senate, the department was made aware that not everyone on the Hydroelectric Task Force was comfortable with the changes.
153	Rep. Welsh	Asks if the memorandum of understanding process is taking away from the public process.
158	Pagel	It is expected that the process of approving the memorandum of understanding, and therefore the waiver, would occur at a formal Fish and Wildlife Commission meeting, which is a public process. It was assumed that there would be opportunity for public involvement and comment. The amendments make that issue more clear.
166	Sen. Kintigh	Asks if this amendment refers only to the Oregon Open Meetings Law, or is there some other process.
174	Jim Myron	Representing Oregon Trout. The language about sufficient opportunity for public review and comment intends to provide the public with an opportunity to review these project proposals as early as possible so that the concerns can be addressed and resolved before the formal presentation before the Fish and Wildlife Commission. This does not direct the Fish and Wildlife Commission on how to facilitate the public process, they can do so in any manner they

		choose. Oregon Trout was suggesting that the public involvement start as early as possible so that issues of concern can be resolved early on.
191	Sen. Kintigh	Asks if that would follow normal procedures.
193	Myron	Yes.
194	Sen. Tarno	Asks for Mr. Myron's opinion regarding the addition of the language about hydroelectricity.
196	Myron	Support the addition.
202	Sen. Tarno	Asks how this will affect the Milltown Hill Project.
208	Myron	The inclusion of the language about hydroelectricity would not affect the Milltown Hill Project or the Coos Bay projects because neither of those have a hydroelectric component.
215	Chair Messerle	Refers to letters received from Jan Lee of the Oregon Water Resources Congress. (EXHIBIT C)
216	Chair Messerle	Asks Mr. Yoachim if he has seen the amendments and whether or not he concurs.
217	Ron Yoachim	Representing Douglas County. Concur with the -B12 amendments. Briefly reviewed the -B11 amendments, and there seems to be no effect on the Milltown Hill Project. The biggest concern was regarding the language about public review and comment. Mr. Myron's testimony cleared up any concern.
230	Sen. Tarno	Leads discussion regarding the -B11 and -B12 amendments.
237	Sen. Tarno	MOTION: Moves to ADOPT HB 2607B-11 amendments dated 06/12/97.
	Chair	Hearing no objection, declares the motion CARRIED.
249	Sen. Dwyer	MOTION: Moves HB 2607 to the floor with the recommendation that the House concur in Senate amendments dated 06/12/97 and repass the Measure.
		VOTE: 6-0
		AYE: In a roll call vote, all members present vote Aye.
	Chair	The motion CARRIES. SEN. KINTIGH AND REP. LEHMAN will lead discussion on the floor.
261	Chair Messerle	Adjourns meeting at 2:30 p.m.

Submitted By, Reviewed By,

Rebecca M. Scott, Pat Zwick,

Administrative Support Policy Analyst

EXHIBIT SUMMARY

A - HB 2607B, -B12 Amendments dated 06/12/97, Staff, 1 p.

B - HB 2607B, -B11 Amendments dated 06/12/97, Staff, 2 pp.

C - HB 2607B, Written Testimony, Jan Lee, 1 p.