

**SENATE COMMITTEE ON WATER AND LAND USE**

**and**

**HOUSE COMMITTEE ON WATER AND LAND USE**

**February 24, 1997 Hearing Room A**

**5:00 P.M. Tapes 22 - 24**

**Senate Committee on Water and Land Use:**

**Sen. Veral Tarno, Chair**

**Sen. Bob Kintigh, Vice-Chair**

**Sen. Ginny Burdick**

**Sen. Ted Ferrioli**

**Sen. Bill Fisher**

**Sen. David Nelson**

**Sen. Thomas Wilde**

**House Committee on Water Policy:**

**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**

**STAFF PRESENT:**

**Pat Zwick, Administrator**

**Mark Volmert, Administrator**

**Nancy Masee, Administrative Support**

**MEASURE/ISSUES HEARD:**

**Oregon Salmon Restoration Initiative and Healthy Streams Partnership**

**Invited Testimony**

**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 22, A</b>		
005	Co-Chair Tarno	Calls meeting to order at 5:05 p.m.
<b><u>OREGON SALMON RESTORATION INITIATIVE AND HEALTHY STREAMS PARTNERSHIP</u></b>		
019	Rep. Lynn Lundquist	Speaker of the House, Representative, District 59, indicates it is an historic effort to save the coho and enhance healthy streams.
066	Rep. Lundquist	Continues on the importance of the effort of the committee and legislature to put forth the governor's plan, now known as the "Oregon Plan," in the next two weeks.
093	Rep. Josi	Asks about funding.
102	Rep. Lundquist	Comments on funding of the initiative  * general fund  * outside private funds  * other sources
113	Mark Volmert	Committee Administrator, reads letter from Governor Kitzhaber. <b>(EXHIBIT A)</b>
167	Volmert	Continues reading letter from President of the Senate Brady Adams. <b>(EXHIBIT B)</b>
204	Jane Lesser	Senator Wyden's Office, introduces Mary Gautreaux, Senator Wyden's Office.
205	Mary Gautreaux	Senator Ron Wyden's Office, indicates Senator Wyden's support of the salmon restoration initiative plan and healthy streams partnership.
232	Jesse Vanderzanden	Representing Senator Gordon Smith, reads a letter from Senator Smith in support of the salmon initiative and healthy streams partnership. <b>(EXHIBIT C)</b>

260	Paula Burgess	Governor's Assistant for Natural Resources, introduces Jim Martin from the Governor's Office, and presents the draft of the governor's plan, now referred to as the "Oregon Plan," asking for any suggested changes by March 5. She provides overview of the changes since the August draft. <b>(EXHIBIT D)</b>
300	Burgess	Continues presentation on changes to plan since last draft and improvements in the new plan to strengthen the weaker parts <ul style="list-style-type: none"> <li>* Historical review of restoration efforts</li> <li>* Independent scientific team accountability</li> <li>* Production &amp; probability of persistence of stock</li> </ul>
350	Burgess	Continues presentation on the plan to save the coho <ul style="list-style-type: none"> <li>* Monitoring habitat, ocean, fish abundance</li> <li>* Grass roots efforts</li> </ul>

**TAPE  
23, A**

Continues presentation on plan

- \* Management practices of water and forest
- \* Off stream storage

011 Burgess

- \* Fish screening
- \* Marking hatchery fish
- \* Restoring habitat structure
- \* Local and federal measures

Continues presentation on funding of the plan.

- \* Conservation plan

045 Burgess

- \* Population of coho presently sufficiently resilient
- \* Addressing major factors for decline
- \* Prioritizing conservation and restoration
- \* Objectives and timelines presented

\* Monitoring program comprehensive

\* Government and private sector

\* Evaluation process included

- 068 Chair Tarno Asks about elements of SB 1010 that pertain to coho.
- 075 Sen. Nelson Comments that what happens to this plan will affect eastern Oregon.
- 082 Jim Martin Governor's Office, comments on scientific selection from the Pacific Northwest, and will also serve as evaluators of the program
- 108 Rep. Kruse Comments that there seems to be duplication of data by scientists on the state level and the federal level.
- 124 Martin Replies that the scientists on two levels reinforce trust of the data
- 145 Chair Tarno Asks committee for any further speakers they wish to refer to the committee.
- 155 Ward Oregon Forest Industries Council (OFIC), gives background on OFIC, and the relationship to salmon. Gives support to the Oregon Plan by OFIC. **(EXHIBIT E)**
- 206 Armstrong Continues presentation on legislation of SB 1125 in 1991, which limits sizing and spacing of clearcuts to protect streams, fish and water quality.
- 256 Armstrong Continues presentation of private industry's support of the salmon initiative and healthy streams partnership.
- 282 Armstrong Continues presentation on habitat for streams.  
Refers to publications given to committee.
- 305 Armstrong \* inventory of projects conducted by ODFW  
  
\* report by Evergreen Magazine
- 332 Rep. Bowman Asks about the evaluation of stream water reported by forest owners.
- 348 Armstrong Responds that their evaluation was based on the character of the stream; temperature was not an area that they evaluated.
- 363 Rep. Messerle Comments that Mr. Stelle, NMFS, expressed concern about the slide areas.

**TAPE  
22, B**

- 004 Armstrong Comments that land slides and added soil to the streams are not always destructive
- 013 Sen. Nelson Asks what his response is to the allegation that the Forest Practices Act is not strong enough.  
  
Responds that Will Stelle, NMFS, has concerns about the Forest Practices Act, and there is not a high degree of confidence in local actions that go beyond the Forest Practices Act. OFIC believes Oregon's stream rules are among the toughest in the nation.
- 016 Armstrong Comments on the Forest Practices Act which has had many iterations applying to

028 Sen. Ferrioli private and public lands. It is also applicable to public lands managed by federal agencies. Asks what the mechanism for this is.

038 Armstrong Responds that the Oregon Forest Practices Act by agreement between the Bureau of Land Management (BLM), the Forest Service and the Board of Forestry, does apply. Activity of harvest on federal lands does comply with the Forest Practices Act.

052 Sen. Ferrioli Asks Mr. Armstrong to comment on healthy forests, healthy streams, healthy fisheries.

055 Armstrong Comments that it is hard to separate the healthy forest from a healthy stream; they go together.

070 Rep. Terry Thompson Newport, District 4, comments on federal inability to control the coho resource, and that this committee and this plan will give a chance for survival of the coho. Eugene District 21, comments that he is skeptical of the efforts to save the salmon; many approaches have been tried

- \* Unscreened diversions, 30 cfs and above
- \* Screened diversions
- \* Fees placed on users of streams

097 Sen. Bill Dwyer

- \* Fear of the federal government

Says it is a possible undertaking but will take 15 to 20 years

- \* Ocean conditions are an uncontrollable factor
- \* Effort will take everyone working together
- \* Science and not politics are the necessities to see the plan succeed

140 Sen. Joan Dukes Astoria, District 1, gives testimony regarding the salmon restoration saying that a federal listing will cause increased problems for Oregonians. Refers to the spotted owl and the marbled murrelet problems previously listed as endangered and questions the success of their listing. Urges support of this plan in a timely manner.

185 Doug Myers Represents himself, Water Watch and Oregon Environmental Council. Gives his account of the approach to the salmon recovery supporting the Oregon Plan as a bipartisan partnership. **(EXHIBIT F)**

Continues presentation on a watershed by watershed solution.

- \* Funding must be sufficient

219 Myers

- \* National Marine Fisheries Service (NMFS) must be included in the plan
- \* Oregon Plan not just the governor's plan

243 Myers Continues that plan must have monitoring element; emphasizes that time is short.

265 Chair Tarno Asks about a monitoring program.

269 Myers Responds he will get their monitoring system suggestions to the committee.

277 Jim Myron Conservation Director, Oregon Trout, introduces Geoff Pampush  
Executive Director, Oregon Trout, continues presentation that they think the Oregon Plan is good, but they do not believe the plan will restore the salmon in 30 years. They believe the plan falls short of achieving restoration. Oregon Trout was the chief petitioner to list Oregon's coho in 1993 due to decline of coho to 3 percent of historic abundance. Oregon Trout believes protection of habitat more effective than habitat restoration.**(EXHIBIT G)**

306 Geoff Pampush Continues presentation on restoration of the salmon to one-third of their abundance dependent on individuals and communities; watershed council movement is most promising concept; technical guidance needed; priority based need; monitoring plan is necessary; the Oregon Department of Fish and Wildlife (ODFW) reformation, and the importance of natural production of salmon.

355 Pampush Oregon Trout will prepare to support a federal listing if the Oregon Plan does not carry forth:

- \* Scientific review and oversight sought
- \* Ongoing funding of the plan

**TAPE  
23, B**

Continues presentation with emphasis on two implementation tools: First, the establishment of a team basis:

- Team representing knowledge of the relevant systems
- Ability to work together
- Provide ongoing scientific oversight and review statewide
- Ongoing audit of implementation of plan

013 Pampush Monitoring results ongoing to implementing agencies

- Reviewing and modification provisions
- Biennial report to the legislature
- Team independent of state agencies
- Funding plan is crucial
- Four to seven individuals on team for four to six year terms

Secondly, funding as a key element necessary for the plan to succeed

\* Long-term funding for protection and restoration needed

022 Pampush \* Support of water shed councils, technical support for planning and implementation of a monitoring program

\* Salmon and stream restoration fund needed

\* GWEB and agency funding

Continues presentation on the partnership needed with the Oregon Plan to succeed

031 Pampush \* Healthy Streams Partnership agreement supported

\* 303(d) list plan to be completed in 4 years

051 Rep. Josi Asks about the two fundamental conditions that they would need to support the non-listing plan.

063 Pampush Replies that if they do not see much effort, they would support the listing. Under a federal listing there is intervention by NMFS and USFWS

072 Pampush Comments that the plan is in progress, but they do not believe it is quite there yet, but they want to support the Oregon Plan if a science team is developed and sufficient funding is provided.

078 Rep. Josi Commends their organization and hopes they will continue to work with the committee.

085 Rep. Welsh Requests information on solutions; comments that discussion and involvement should have been begun last session.

096 Pampush Responds that Oregon Trout was founded in 1983 and their prime goal has been to protect and restore native fish; thorough ODFW they have advocated the conservation of our native fish; Oregon Trout wants to work with the Oregon plan

108 Rep. Bowman Asks about habitat protection as referred to by Oregon Trout

110 Pampush Responds with examples of habitat protection such as fencing a riparian area, provide financing through GWEB to stabilize an erosion point going into a stream; on public land, additional protection may be needed

122 Rep. Bowman Asks how the elements of the scientific team referred to were chosen.

126 Pampush Responds to how the scientific team works in the Columbia Basin reasonably well; independence and science is needed in the plan

136 Rep. Bowman Asks why the plan cannot achieve recovery of one-third of the salmon in fifty years .

138 Pampush Responds that the present native coho abundance is between three and six percent of historical abundance. The goal to restore the abundance to one-third of the historical number is possible. The Oregon Plan as constructed will not reach this goal in fifty years. An independent science team is needed to conduct an audit and establish the trend line based on the plan; if it is positive, Oregon Trout would support the plan.

148 Sen. Nelson Asks that if the federal government, according to William Stelle, NMFS, could not fund this, what can local communities do in regard to funding.

158 Pampush Responds that they believe the success of the plan depends on the individuals, landowners, and local communities recognizing the need for clean water and salmon restoration. Oregon Trout will provide more specific input later.

165 Rep. Kruse Comments on Oregon's previous efforts as moving in a positive direction; the only hope is within the local bodies to come together to solve these problems.

190 Pampush Supports a locally scientific team which will provide guidance to local activities.

195 Sen. Kintigh Comments on the scientific team needed in the next few weeks being too rushed of a commitment.

206 Pampush Explains that they are looking for the structure created and established by the legislature.

217 Sen. Wilde Asks if the Forests Practices Act, is sufficient, or not sufficient from their perspective.

218 Pampush Responds that the scientific debate of the healthiness of our forests needs to be reviewed by the science team which would provide more certainty

240 Sen. Ferrioli Asks if their conclusion that the plan will not succeed is based on the former plan

250 Pampush They have had an ongoing dialog with the plan's authors. They support the scientific effort, and if it suggests the trend line will get us there in the next 50 years, they will support the Oregon Plan.

278 Myron Says they have seen the Oregon Department of Fish and Wildlife (ODFW) measures and the Watershed Councils section of the plan

287 Joe Rohleder Joe Rohleder, lobbyist for sports fishing groups; gives presentation on his interest in the salmon restoration. Sees the Oregon Plan's goals: **(EXHIBIT H)**

\* To avoid federal listing under Endangered Species Act (ESA)

\* To recover and sustain salmon harvest population levels

**TAPE  
24, A**

007 Rohleder Continues presentation on sports fishing for coho as an economy; importance of watershed councils

047 Steve Beyerlin President, Oregon Outdoors Association, Vice Chair, Fish Screening Task Force, Oregon Department of Fish and Wildlife (ODFW), gives presentation on fish screening program. Need \$4 million in fish screening program **(EXHIBIT I)**

118 Beyerlin Continues program on guides and outfitters industry

147 Rep. Welsh Asks about the Oregon Trout's concept of moving away from production of hatchery fish

57 Beyerlin Responds that lack of genetic diversity existed in past fish hatchery practices; no monitoring was done; some hatchery practices are innovative in Oregon.

160 Chair Tarno Adjourns meeting at 7:00 p.m.

Submitted By, Reviewed By,



Nancy Masee, Mark Volmert,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**The following exhibits were submitted in relation to the Oregon Salmon Restoration Initiative and Healthy Streams Partnership**

**A - Letter from Governor Kitzhaber, Paula Burgess, 2 pp.**

**B - Letter from Senate President Brady Adams, Lynn Lundquist, 2 pp.**

**C - Letter from U. S. Senator Gordon Smith, Jesse Vanderzanden, 2 pp.**

**D - Executive Summary of the Oregon Coastal Salmon Restoration Initiative and written testimony, Paula Burgess, 15 pp.**

**E - Written testimony, Oregon Forest Industries Council, Ward Armstrong, 7 pp.**

**F - Written testimony, WaterWatch, Doug Myers, 3 pp.**

**G - Written testimony, Oregon Trout, Geoff Pampush, 4 pp.**

**H - Written testimony, Northwest Sportfishing Industry, Joe Rohleder, 3 pp.**

**I - Written testimony, Oregon Outdoors Association, Steve Beyerlin, 1 p.**

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