

HOUSE COMMITTEE ON
WATER POLICY

Hearing Room
Tapes - 51

MEMBERS PRESENT:

Rep. Chuck Norris, Chair
Rep. Tim Josi, Vice-Chair
Rep. Avel Gordly
Rep. Veral Tarno
Rep. Jim Welsh

STAFF PRESENT:

Pat Zwick, Committee Administrator
Gail E. Boesch, Committee Assistant

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MEASURES HEARD:

HB 3086 - Public Hearing and Work Session
HB 3087 - Public Hearing and Work Session
HB 3183 - Public Hearing
HB 3225 - Public Hearing and Work Session

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , A

004 CHAIR NORRIS: Calls the meeting to order at 2:00 PM.

- Gives an overview of the committee's progress on workload.

041 Opens the Public Hearing on HB 3086

Witnesses: Laura Schroeder, Attorney
Bob Levy
Jan Boettcher, Oregon Water Resources Congress
Doug Myers, WaterWatch
Martha Pagel, water Resources Department

045 STAFF: Exhibit A, gives overview of bill, regarding issuance of new water right certificates.

065 LAURA SCHROEDER: Submits Exhibit B, providing suggested amendments to HB 3086. Offers further amendments to her submitted document.

129 - Efficiency will be aided if pump stations put where they will be useful later.

115 CHAIR NORRIS: Suggests "applicable water right or permit".

158 BOB LEVY: Discusses fluctuation in water level; silting problems for salmon. Discusses practicality of moving pump stations.

177 - Simpler if pump station could be located where it can do good for many years.

198 LEVY: Supports HB 3086, and as amended by Ms. Schroeder.

215 JAN BOETTCHER, OREGON WATER RESOURCES CONGRESS: Strongly supports HB 3086.

228 DOUG MYERS, WATERWATCH: Submits Exhibit C, opposing the printed version; testifies to a proviso under which WaterWatch would support the bill.

261 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Testifies in support of concept of HB 3086. Hasn't seen amendments; willing to work with group.

275 CHAIR NORRIS: Closes Public Hearing on HB 3086
Opens Work Session on HB 3086

301 CHAIR NORRIS: Suggests coming up with a conceptual amendment to submit to LC for draft. Sets next hearing for 3/30/95.

Closes Work Session on HB 3086.

Opens the Public Hearing on HB 3087

Witnesses: Bob Hall, Portland General Electric

John Beaulieu, Oregon Department of Geology

Bob Atwood, PacifiCorp(PP&L)

Doug Myers, WaterWatch

Jill Zarnowitz, Oregon Department of Fish & Wildlife (ODFW)

Avis Ronna, Sierra Club

John Brennehan, Idaho Power

Dan Meek, Utility Reform Project

Martha Pagel, Water Resources Department

Tom O'Connor, Oregon Municipal Electrical Utilities

Jan Boettcher, Oregon Water Resources Congress (OWRC)

350 STAFF: Presents overview of HB 3087, Exhibit D.

TAPE 49, A

004 BOB HALL, PORTLAND GENERAL ELECTRIC: Reads from prepared testimony; is the requester of HB 3087. (Exhibit E)

050 - Continues, discusses - 1 amendments, Exhibit E.

062 - Ms. Pagel and Ms. Zarnowitz asked for further amendment, pg. 2 of bill would be gone. Adds new sub 3 and sub 4; reads. Agency should be Department.

140 - Discovers an error in numbering in the amendment.

175 REP. JOSI: We're talking about two separate issues; relicensing and ownership - how does that work regarding time frame.

187 HALL: Responds, discusses ORS; our contention is that you could never fully amortize.

195 REP. JOSI: Questions what would be done, buy the dam back; or the ownership would revert to the state, and you would theoretically lease it from state.

210 HALL: We would probably not be able to get a license, the license would flow with the ownership.

230 REP. JOSI: Questions why a project could never be fully amortized.

236 HALL: Due to ongoing maintenance costs.

241 REP. JOSI: Questions purpose of legislation in the face of never being able to fully amortize projects.

251 HALL: Clean up a law that make no sense; is unenforceable. Deletes old legislation.

263 REP. GORDLY: Questions fiscal impact.

267 STAFF ZWICK: We just received information that there is no fiscal impact.

275 JOHN BEAULIEU, OREGON DEPARTMENT OF GEOLOGY: Submits Exhibit F, supporting HB 3087.

307 BOB ATWOOD, PACIFICORP: (PP&L): Submits Exhibit G, and summarizes his testimony, supporting various aspects of HB 3087, and the amendments in Exhibit E.

366 - Continues reading Exhibit G, the state plays a significant role in the process of licensing.
- How to deal with expiring state licenses; still unresolved issue.

404 - Supports the repeal of the statutes listed. Elaborates.

TAPE 48, B

007 ATWOOD: Continues reading Exhibit G.

038 REP. GORDLY: Questions whether electric rates will be reduced.

045 ATWOOD: Could be construed as a contribution to lower rates; explains.

065 DOUG MYERS, WATERWATCH: Speaks on behalf of Liz Frenkel, notes inadvertent deletion of environmental groups; comments that the deletion has been corrected.

086 JILL ZARNOWITZ, ODFW: Submits Exhibit H, notes additional amendments. Adds a clause.

140 REP. TARNO: Questions the kind of standards referenced in amendment.

144 ZARNOWITZ: Clarifies and elaborates on amending language.

165 AVIS RONNA, SIERRA CLUB: Requests addition of public-at-large member to task force.

217 JOHN BRENNEMAN, IDAHO POWER: Idaho Power has 3 dams on the Snake River, lists; discusses relicensing in near future. Notes support of HB 3087.

250 DAN MEEK, UTILITY REFORM PROJECT, DON'T WASTE OREGON COUNCIL: Testifies in opposition to HB 3087. States that the estimated fiscal impact would be 2 billion dollars over 30 years. Seventy percent of cost would not be paid by Oregon residents; businesses and consumers in other states would bear costs. They have fuel based power; Oregon is hydroelectric-based, and no fuel cost.

341 - States that HB 3087 is fully enforceable, counter to Mr. Hall's testimony. Refutes other points of Mr. Hall's testimony.

400 - Clarifies the issue of amortization, reading from written documents.

TAPE 49, B

017 MEEK: Addresses - 1 amendments, Exhibit E.

045 REP. TARNO: Questions who witness represents, as he did not supply that information at the beginning of his testimony.

050 MEEK: Explains his extensive background.

070 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Submits and testifies from Exhibit I, supporting it and its amended version.

- Bill does require a policy call regarding takeover, not taking, of projects.

130 PAGEL: Recommends proceeding with passage of amended HB 3087.

140 REP. GORDLY: Requests clarification, question about revenue.

147 PAGEL: Trade-offs in assuming ownership of these entities, elaborates.

153 REP. JOSI : What we need to hear more about is the policy issue - what the state has to win or lose by taking over these projects, whether it's right.

Expresses uneasiness, wants more background.

188 CHAIR NORRIS: Comments that the tendency would be to dispose of these projects, not acquire them; lease back. Comments that public policy is fairly clear.

207 CHAIR NORRIS: Questions if any recreational facilities and environmental features are associated with projects.

218 ATWOOD: Describes some of these aspects.

250 TOM O'CONNOR, OREGON MUNICIPAL ELECTRICAL UTILITIES: Discusses amendments, 6,(2), task force recommendations.

290 JAN BOETTCHER, ORWC: Supports the bill with minor adjustments.

297 CHAIR NORRIS: Closes the Public Hearing on HB 3087
Opens the Work Session on HB 3087.

General discussion follows.

347 CHAIR NORRIS: Closes the Work Session on HB 3087.

368 Opens the Public Hearing on HB 3183 and HB 3225 Concurrently
Witnesses: Bob Ehmann, City of Pendleton
Stanley Wallulis, City of Pendleton
Clark Balfour, Tualatin Valley Water District
Martha Pagel, Water Resources Department
Fred Listner, Water Resources Department
Bill Burgess, Water/Sewer Task Force, City of Salem
Joni Low, League of Oregon Cities
Doug Myers, WaterWatch
Gayle Killam, Oregon Environmental Council
Elizabeth Florio, Oregon Water Coalition

TAPE 50, A

001 BOB EHMANN, CITY OF PENDLETON: Submits Exhibit J, and testifies in support of the general concept of HB 3183.

029 STANLEY WALLULIS, CITY OF PENDLETON: Submits and reads from Exhibit K, proposing amendments to HB 3183

080 WALLULIS: Discusses HB 3225, and suggests some changes to the bill.
Submits Exhibit L.

091 EHMANN: Regarding HB 3225, discusses amending language.

150 CLARK BALFOUR, TUALATIN VALLEY WATER DISTRICT: Introduces slide show, submits Exhibit M, regarding HB 3183 and suggesting amendments.

212 - Continues slide show.

337 Slide show concludes.

385 BALFOUR: Continues to testify, referring to and reading from Exhibit M.
TAPE 51, A

002 CHAIR NORRIS: Asks "what is driving " the movement behind HB 3183.

016 BALFOUR: Explains the Tualatin Valley Water District's concerns.

033 CHAIR NORRIS: Comments and questions pollution issue on Tualatin River.

038 REP. TARNO: Asks if the storage capacity of an aquifer can be determined.

040 JEFF: Yes, describes the process.
General discussion regarding aquifer storage follows.

065 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Submits Exhibit N.

081 FRED LISTNER, WRD: Discusses the technology of aquifer storage and recharge. Wants to see the permit process made easier. Calls for a temporary permit process.

110 BILL BURGESS, CHAIR WATER/SEWER TASK FORCE, CITY OF SALEM: Submits and reads from Exhibit O, supporting a new permitting system for ASRprojects. (Aquifer Storage and Recovery)

170 - ASRpilot project discussed.

232 JONI LOW, LEAGUE OF OREGON CITIES: Submits Exhibit P, supporting passage of HB 3183.

253 DOUG MYERS, WATERWATCH: Still digesting amendments. Would join work group.

271 GAYLE KILLAM, OREGON ENVIRONMENTAL COUNCIL: Testifies, relating concerns about HB 3183; water quality issues

290 - Discusses temporary permits, page 2, sub 6, proposed amendments.

312 - Consider impacts, discusses -1 amendments, comments of interested parties, calls for specific public interest review.

337 ELIZABETH FLORIO, OREGON WATER COALITION: Supports concept of HB 3183.

385 CHAIR NORRIS: Closes the Public Hearing on HB 2183 and HB 3225.
Opens the Work Session on HB 3225

392 LAURA SCHROEDER: Offers amendments to HB 3225, reference Exhibit B.

467 CHAIR NORRIS: Closes the Work Session on HB 3225.
ADJOURNS the meeting at 4:52 PM.

Submitted by, Reviewed by,

Gail E. Boesch Pat Zwick
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A - HB 3086, Staff Measure Summary -- Pat Zwick, Committee Administrator --
1 page
- B - Testimony on HB 3225 and HB 3086 -- Laura Schroeder, Attorney -- 4 pages
- C - Testimony on HB 3086 -- Doug Myers, WaterWatch -- 2 pages
- D - HB 3087, Staff Measure Summary; Repealed sections of ORS -- Pat Zwick,
Committee Administrator -- 2 pages
- E - Testimony on HB 3087 -- Bob Hall, Portland General Electric -- 6 pages
- F - Testimony on HB 3087 --- John Beaulieu, Oregon Department of Geology and
Mineral Industries -- 1 page
- G - Testimony on HB 3087 -- Bob Atwood, PacifiCorp -- 2 pages
- H - Testimony on HB 3087 -- Jill Zarnowitz, Oregon Department of Fish and
Wildlife -- 2 pages
- I - Testimony on HB 3087 -- Martha Pagel, Water Resources Department -- 1
page
- J - Testimony on HB 3183 -- Robert Ehmann, City of Pendleton -- 1 page
- K - Testimony on HB 3183 -- Stanley Wallulis, City of Pendleton -- 3 pages
- L - Testimony on HB 3225 -- Stanley Wallulis, City of Pendleton --2 pages
- M - Testimony on HB 3183 -- Clark Balfour, Tualatin Valley Water District --
10 pages
- N - Testimony on HB 3183 -- Martha Pagel, Water Resources Department --1
page
- O - Testimony on HB 3183 -- Bill Burgess, City of Salem -- 1 page
- P - Testimony on HB 3183 -- Joni T. Low, League of Oregon Cities -- 1 page
- Q - HB 3183, Staff Measure Summary; Proposed -1 amendment -- Pat Zwick,
Committee Administrator -- 5 pages
- R - HB 3225, Staff Measure Summary and related statutes -- Pat Zwick,
Committee Administrator -- 2 pages