

HOUSE COMMITTEE ON
WATER POLICY

Hearing Room
Tapes 52 - 55

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

MEASURES HEARD:

HB 3100 - Public Hearing
HB 2721 - Public Hearing
HB 2925 - Public Hearing and Work Session
HB 2184 - 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 52, A

- 005 CHAIR NORRIS: Calls the meeting to order at 2:02 PM.
- 026 Opens the Public Hearing on HB 3100
Witnesses: Rep. Denny Jones
Jacque Greenleaf, Oregon Parks and Recreation Department
Scott Ashcom, Oregon Association of Nurserymen
Susan Schneider, City of Portland
Joni Low, League of Oregon Cities
Tom O'Connor, Eugene Water and Electric Board
Jim Myron, Oregon Trout
Liz Frenkel, Sierra Club
Louise Bilheimer, Pacific Rivers Council
Joe Rohleder, Oregon Outdoors Association
Don Eixenberger Oregon Federation of Flyfishers
Andrew Purkey, Oregon Water Trust
Jill Zarnowitz, Oregon Department of Fish & Wildlife
Jeff Curtis, WaterWatch
Martha Pagel, Water Resources Department
Senator Bill Dwyer
Gayle Killam, Oregon Environmental Council
Steve Beyerlin, Oregon River Guides and Packers
- 027 REP. DENNY JONES: Sponsor of HB 3100, testifies in support. Submits amendment, Exhibit A and discusses it.
- 076 - Discusses repeal of instream water rights, included in bill.
- 105 REP. GORDLY: Questions fiscal impact of bill.
- 109 REP. JONES: Bill will save money; discusses backlog of water right applications.
- 115 REP. GORDLY: Still not clear about fiscal impact.
- 122 STAFF: Legislative fiscal has not yet determined the extent of fiscal impact.
- 165 JACQUE GREENLEAF, OREGON PARKS AND REC. DEPARTMENT: Submits and reads Exhibit B, supporting the protection of instream flows.
- 190 SCOTT ASHCOM, OREGON ASSOCIATION OF NURSERYMEN: Testifies in support of HB 3100. Policy question should be qualified.
- 251 SUSAN SCHNEIDER, CITY OF PORTLAND: Submits Exhibit C, expressing concerns about pollution and instream water rights and opposing HB 3100.

261 JONI LOW, LEAGUE OF OREGON CITIES: Problems with HB 3100, reading from prepared testimony (Exhibit D), opposing passage.

303 REP. GORDLY: Questions Ms. Low's testimony and requests clarification of intent.

311 TOM O'CONNOR, EWEB: Submits Exhibit E, opposing HB 3100. Reads from testimony.

364 JIM MYRON, OREGON TROUT: Submits Exhibit F, and testifies in opposition to HB 3100.

TAPE 53, A

004 LIZ FRENKEL, SIERRA CLUB: Testifies in opposition to HB 3100.

010 LOUISE BILHEIMER, PACIFIC RIVERS COUNCIL: Reminds audience of purposes of instream water rights. Opposes HB 3100.

040 JOE ROHLEDER, OREGON OUTDOORS ASSOCIATION: Submits Exhibit G, opposing HB 3100. Discusses the economics of HB 3100.

070 DON EIXENBERGER, OREGON FEDERATION OF FLYFISHERS: Vigorously opposed to HB 3100, testifies on the necessity of instream water rights.

085 ANDREW PURKEY, OREGON WATER TRUST: Submits Exhibit H, testifies about the impact of HB 3100.

125 JILL ZARNOWITZ, OREGON DEPARTMENT OF FISH & WILDLIFE: Submits Exhibit I, opposing HB 3100.

140 JEFF CURTIS, WATERWATCH: Opposes HB 3100, submits and reads from Exhibit J.

177 CHAIR NORRIS: Comments on an article in the Oregonian, Friday, March 24, 1995.

189 CURTIS: Explains why WaterWatch held a press conference; clarifies the intent of the meeting. Compliments the Chair, and apologizes if the conference left the impression of negativity toward the committee - states the Chair is "eminently fair".

217 REP. GORDLY: Comments about article, criticizes the newspaper itself; "the public has been presented with less than a balanced view". Suggests the Chair send a letter to the Oregonian on behalf of the Committee.

236 REP. JOSI: Suggests the committee members all participate in refuting the article in question.

260 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Submits Exhibit K, strongly opposing HB 3100.

288 SENATOR BILL DWYER: Testifies in opposition to HB 3100. Expresses concerns that passage of this bill would lead to a disintegration of other water policy legislation.

316 CHAIR NORRIS: Closes the Public Hearing on HB 3100
Opens the Public Hearing on HB 2721 for the purpose of allowing Sen Dwyer to testify.

321 SEN. DWYER: Supports HB 2721, "The ban is nonsensical, doesn't serve any logical reason." Environmental paranoia.

377 REP. GORDLY: Questions fiscal impact; no information available.

390 REP. JOSI: Questions the process of placer mining and potential of harm.

391 SEN. DWYER: Describes placer mining with a 4" dredge. Limits his discussion to gold panning and small mining operations.

TAPE 52, B

013 SEN. DWYER: "Gold doesn't give up easy;" testifies that panning can't hurt the river.

036 CHAIR NORRIS: Closes Public Hearing on HB 2721HeaHearinHea

REOPENS Public Hearing on HB 3100.

040 GAYLE KILLAM, OREGON ENVIRONMENTAL COUNCIL: Submits Exhibit L, opposes
HB 3100.

060 STEVE BEYERLIN, OREGON RIVER GUIDES & PACKERS: Refers to Endangered
Species listing, from Cape Blanco to the Klamath.

088 CHAIR NORRIS: Closes public hearing on HB 3100
Opens Public Hearing on HB 2721.
Witnesses: Rep. Bill Markham
Rep. Jim Welsh
Mel Schmidt, Oregon Independent Miners
Tom Barrows, Northwest Mining Association
Jim Myron, Oregon Trout
John Holleman, Bohemia Mine Owners Association, Inc.
Jacque Greenleaf, Oregon Parks & Recreation
Rep. Bob Repine
Margaret Forsythe
Sally Cross, Oregon Natural Resources Council
Liz Frenkel, Sierra Club
Bob Frenkel
Don Eixensenberger, Oregon Federation of Flyfishers
Tom O'Connor, Eugene Water and Electric Board
Louise Bilheimer, Pacific Rivers Council
Jill Zarnowitz, Oregon Department of Fish & Wildlife
Michael Carrigan, Oregon Peace Works
Gary Gustafson, Division of State Lands
Gayle Killam, Oregon Environmental Council
Donald M. Boies

095 REP. BILL MARKHAM: Sponsor of HB 2721. Explains purpose of bill.
Supports recreational mining within scenic waterways.

117 REP. JIM WELSH: Speaks in support of HB 2721, as co-sponsor of bill.

166 - Reads from letter from constituent, and submits for the record other
communications Exhibit M.

175 REP. GORDLY: How do you respond to the comment that the bill reverses
the vote of the people of Oregon?

180 REP. WELSH: I don't think it does reverse the vote. Requests emergency
clause be added to the bill.

194 MEL SCHMIDT, OREGON INDEPENDENT MINERS: Demonstrates the various tools
of placer mining, and demonstrates how to break the law. Submits Exhibit
N, supporting passage of HB 2721.

250 - Continues presenting material from Exhibit N.

311 SCHMIDT: Continues reading, requests emergency clause in HB 2721.

340 - Reads letter of testimony from Terry Drever-Gee. (Exhibit O).

382 TOM BARROWS, NORTHWEST MINING ASSOCIATION: Submits Exhibit P,
supporting HB 2721.

TAPE 53, B

015 JIM MYRON, OREGON TROUT: Submits Exhibit Q. Opposes HB 2721.

036 JOHN HOLLEMAN, BOHEMIA MINE OWNERS ASSOCIATION, INC.: Submits Exhibit R,

supporting passage of HB 2721.

064 - Would like to pursue study with Parks Department.

078 REP. CORCORAN: Testifies in support of HB 2721, and to support the
Bohemia Mine Owners.

092 JACQUE GREENLEAF, OREGON PARKS & RECREATION DEPARTMENT: Submits Exhibit
S, suggesting a work group to look at the Scenic Waterways Act, and
bringing several issues forward.

135 This is a user conflict; dredges are noisy, suggests recreational users
solve issues among themselves.

150 Requests that the agencies have authority to set rules.

158 REP. BOB REPINE: Speaks in favor of HB 2721. Encourages moving forward
on bill.

205 MARGARET FORSYTHE:.. Calls attention to the differences between dredging

and gold panning. Notes the problems of releasing mercury, arsenic; panning

is recreational, dredging is for profit. Opposes HB 2721, unless motorized

dredging is eliminated from it. (Exhibit Z)

252 REP. TARNO: Questions if she has seen the dredges in operation.

258 FORSYTHE: No, anything that disturbs the sediment is going to release
mercury into the water.

266 SALLY CROSS, OREGON NATURAL RESOURCES COUNCIL: Opposes HB 2721, submits Exhibit T and summarizes its contents.
294 LIZ FRENKEL, SIERRA CLUB: Introduces a video presentation. Submits Exhibit U, opposing HB 2721, specifically the motorized dredging.
340 Video, demonstrating noise from dredges, and showing a dredging operation.
382 Video ends - Ms. Frenkel continues her testimony.
TAPE 54, A
006 LIZ FRENKEL: Continues testimony regarding motorized dredging.
046 Problems began when price of gold went up; availability of equipment.
053 REP. WELSH: Questions her knowledge of damages to environment from dredging.
060 REP. TARNO: Questions time of year that video was taken (July 30). Suggests that spawning beds are not victimized by dredging.
070 L. FRENKEL: Responds, not quite as simple as it sounds.
082 BOB FRENKEL: Opposes HB 2721, expresses the opinion that conflicts will be created. Noise; may be conflicts with fish; may be water quality issues.
113 "Conflicts with other recreationists through egress".
126 CHAIR NORRIS: Polls committee on their availability after 5 pm today, as

meeting is running late.

136 DON EIXENBERGER, OREGON FEDERATION OF FLYFISHERS: Where can you go today

where you're not going to have to listen to an internal combustion engine?

169 - Discusses various problems with motorized dredging and the effect on flyfishing, fisheries and general peace and quiet.

183 - This bill is going too far too fast; needs more study.

200 REP. WELSH: Asks a series of questions about environmental effects and impacts from Mr. Eixenberger's point of view.

227 REP. TARNO: Flyfishing vs. the dredge. Questions whether machines were located where they could have been off loaded from a trailer.

255 TOM O'CONNOR, EWEB: Submits Exhibit V, suggesting amendments to HB 2721.

293 LOUISE BILHEIMER, PACIFIC RIVERS COUNCIL: Testifies about concerns regarding HB 2721; calls for protection of the waterways. Opposes HB 2721.

324 REP. GORDLY: Asks Ms. Bilheimer to comment on the suggested amendments, Exhibit V.

352 JILL ZARNOWITZ, OREGON DEPARTMENT OF FISH AND WILDLIFE: Clarifies

some concerns regarding HB 2721.

404 ZARNOWITZ: Continues concerns using written testimony. (Exhibit W)

TAPE 55, A

011 REP WELSH: Are you aware of any cases where this type of mining would injure the land?

019 ZARNOWITZ: I have no personal recollection of any, but have been advised by authorities that there have been land injuries caused by dredging.

032 MICHAEL CARRIGAN, OREGON PEACE WORKS: Testifies in opposition to HB

2721.

056 GAYLE KILLAM, OREGON ENVIRONMENTAL COUNCIL: Testifies in opposition to HB 2721. Asks that the word "dredges" be taken out of the bill.

081 GARY GUSTAFSON, DIVISION OF STATE LANDS: Supports the intent of HB 2721, but calls for clarity, states there is "a long standing ambiguity".

- Clarifies that this bill does not automatically allow mining, only sets up provisions for applications.

- Draws attention to page two, regarding recreational gold panning. The usage of 50 cubic yards is too high.

137 CHAIR NORRIS: Clarifies that panning could be done without a permit, but dredging needs a permit.

143 GUSTAFSON: That is correct.

150 REP WELSH: Queries if there is concern about destruction of recreational

habitat.

166 GUSTAFSON: Yes.

168 DONALD M. BOIES: Testifies in favor of HB 2721. Clarifies concerns about natural waste. Shows an example of what miners do to protect drinking water.

Suggests that one governing body controls the direction of all miners.

Compares the type of dredges that he uses to the illegal type shown in the Video presentation.

225 CHAIR NORRIS: Have you fished behind anyone that has mined?

BOIES: Yes

REP WELSH: Questions if they caught fish.

BOIES: Yes.

240 REP WELSH: Questions if there is any way to control the noise.

244 BOIES: Describes techniques available.

253 REP WELSH: Will your people be receptive to trying to control noise?

254 BOIES: Yes.

289 Discussion follows regarding the collection of mercury at mining sites.

349 CHAIR NORRIS: Closes the Public Hearing in HB 2721.

372 Calls a brief recess.

TAPE 54, B

020 REP. LYNN LUNDQUIST: Testifies in opposition to HB 2925.
054 REP. PETER COURTNEY: Testifies on his passion towards the issues
addressed in HB 2925. It was his direction to use this measure to educate
people on certain incidents, but for the whole he believes that this could
cause a vigilantly-type mob.
085 CHAIR NORRIS: Questions the intent that he believes is the issue of the
bill.
090 REP. LUNDQUIST: Comments on HB 2925.
098 REP JOSI: Agrees with the proposed amendments and heralds the concerns of

Rep Lundquist.

139 JIM MYRON, OREGON TROUT: Discusses his beliefs and anticipated
amendments to HB 2925. (Exhibit X)
165 GAYLE KILLAM, OREGON ENVIRONMENTAL COUNCIL: Testifies in opposition
to the amendments suggested for HB 2925 and provides testimony to support
her beliefs. (Exhibit Y)
184 REP JOSI: Clarifies the intent of HB 2925 and explains the parallels that

were raised by Ms. Killam.

205 KILLAM: The OEC would support action and measures that could address
the positive issues that this bill addresses. Talks briefly about the
proposed paranoia that REP. JOSI discussed.
218 PAUL DONHEFFNER, STATE MARINE BOARD: Testifies in opposition to HB
2925, using Exhibit AA and Exhibit BB to support his testimony.
--Brings the committee's attention to page 14 and its direction of private
land owners and possible trespassing.
279 --Believes that the bill could be strengthened by some proposed
amendments.
280 --Questions the need for subsection nine.
290 CHAIR NORRIS: Disagrees with his use of "straight jacketing."
311 --Refers to page 18 that instructs citizens on the proper way of
handling hazardous waste.
320 REP. JOSI: Questions if this bill will keep you from instructing your
employees correctly.
329 DONHEFFNER: It could.
380 REP JOSI: Questions if the passage of HB 2925 would alter or do harm to

Marine Board programs.

390 DONHEFFNER: No. We can live with this bill.
428 REP TARNO: Clarifies the direction of HB 2925.
449 REP WELSH: Comments that this would absolve the State Marine Board
from the concerns involved with the passage of this bill.

TAPE 55, B

022 CHAIR NORRIS: Closes The Public Hearing on HB 2925
Session On 2925

Opens The Work

MOTION: REP TARNO: Moves that HB 2925 be sent to the Floor with a DO PASS

recommendation.

VOTE: In a roll call vote, all members are present and vote AYE.

CHAIR NORRIS: The motion CARRIES.

REP. LUNDQUIST will lead the discussion on the Floor.

CHAIR NORRIS: Closes the Work Session on HB 2925

Opens the Work Session on HB 2184.

057 MARTHA PAGEL, WATER RESOURCES DEPARTMENT: Testifies about work group and

provides amendments to HB 2184.

065 REP. TARNO: Questions if the group is comfortable with the -5
amendments?

077 PAGEL: Yes, and six; notes the group had some concerns about the -6
amendments.

076 BETH PATRINO, WATER RESOURCES DEPARTMENT: Notes list of issues dealt
with at the work group meeting. Testifies on the -5 amendments.

134 -- Page 13, Line 13 amendments suggested, insert "would otherwise".

142 REP WELSH: Comments on the suggested amendments, page 12, line 29; the

language of the Forest Practices Act, strike out "or herbicides" and use
the appropriate ORS 634.006.

164 REP JOSI: Asks about an emergency clause.

229 REP WELSH: On page 13 under (a), questions what would you envision the
process would be if you gain the permit through other agencies and you have

a problem with a pump chance. How would you notify these people?

244 PAGEL: Explains the process used by WRD in correspondence with the Fish
and Wildlife Department.

253 CHAIR NORRIS: ADJOURNS THE HEARING AT 5:45PM.

Submitted by, Reviewed by,

Gail E. Boesch Pat Zwick
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - HB 3100, Proposed Amendments -- Rep. Denny Jones --- 1 page
B - Testimony on HB 3100 -- Bob Meinen, Oregon Parks and Recreation
Department
C - Testimony on HB 3100 -- Susan Schneider, City of Portland -- 2 pages
D - Testimony on HB 3100 -- Joni T. Low, League of Oregon Cities -- 1 page
E - Testimony on HB 3100 -- Tom O'Connor, Eugene Water & Electric Board -- 1
page
F - Testimony on HB 3100 -- Jim Myron, Oregon Trout -- 1 page
G - Testimony on HB 3100 -- Joe Rohleder, Oregon Outdoors Association -- 1
page
H - Testimony on HB 3100 -- Andrew Purkey, Oregon Water Trust -- 2 pages
I - Testimony on HB 3100 -- Jill Zarnowitz, Oregon Department of Fish &
Wildlife -- 2 pages
J - Testimony on HB 3100 -- Jeff Curtis, WaterWatch -- 4 pages
K - Testimony on HB 3100 -- Martha Pagel, Water Resources Department -- 2
pages
L - Testimony on HB 3100 -- Gayle Killam, Oregon Environmental Council -- 1
page
M - Testimony on HB 2721 -- REP. WELSH/ Jason Griffith, et al -- 13 pages
N - Testimony on HB 2721 -- Mel Schmidt, Oregon Independent Miners -- 15
pages
O - Testimony on HB 2721 -- Terry Drever - Gee, Eastern Oregon Mining
Association -- 1 page
P - Testimony on HB 2721 -- Tom Barrows Northwest Mining Association -- 1
page
Q - Testimony on HB 2721 -- Jim Myron, Oregon Trout -- 1 page
R - Testimony on HB 2721 -- John Holleman, Bohemia Mine Owners Association,
Inc. -- 1 page
S - Testimony on HB 2721 -- Bob Meinen, Oregon Parks & Recreation Department
-- 2 pages
T - Testimony on HB 2721 -- Sally Cross, Oregon Natural Resources Council --
1 page
U - Testimony on HB 2721 -- Liz Frenkel, Sierra Club -- 2 pages
V - Testimony on HB 2721 -- Tom O'Connor, Eugene Water & Electric Board -- 1
page
W - Statement on HB 2721 -- Jill Zarnowitz, Oregon Department of Fish &
Wildlife -- 2 pages
X - Testimony on HB 2925 -- Jim Myron, Oregon Trout -- 1 page
Y - Testimony on HB 2925 -- Gayle Killam, Oregon Environmental Council -- 1
page
Z - Testimony on HB 2721 -- Margaret Forsythe -- 1 page
AA - Testimony on HB 2925 -- Paul Donheffner, Oregon State Marine Board -- 2
pages
BB - Oregon Adopt-A-River Volunteer Handbook -- Paul Donheffner, Oregon
State Marine Board -- 68 pages