

HOUSE COMMITTEE ON
WATER POLICY

April 13, 1995 Room

Tapes 67- 70

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 2889 -	Public Hearing
	HB 3091 -	Public Hearing
	HB 3085 -	Public Hearing
	HB 3441 -	Public Hearing
	HB 3433 -	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 67, A

005 CHAIR NORRIS: Calls the meeting to order at 2:08 p.m.

Opens the Public Hearing on HB 2889.
Witnesses: David Moon, Water For Life
Pete Test, Oregon Farm Bureau
Fred Lissner, Water Resources Department

020 STAFF: Presents an overview of the bill, Exhibit A.

040 DAVID MOON, WATER FOR LIFE: Testifies in support of HB 2889.

070 -Critical groundwater areas, notes ORS sections.

095 - Eleven different groundwater areas of concern.

104 - Hydraulic connection between groundwater and surface water; 80% rule.

125 CHAIR NORRIS: Questions flow rate and duty and basin rules.

132 MOON: Thinks automatic qualifiers don't show up in basin rules.

152 NORRIS: Question about hydraulic connections.

156 MOON: Defines hydraulic connection from ORS, elaborates and clarifies.

190 REP. TARNO: Question about quarter mile limitation.

205 PETE TEST, OREGON FARM BUREAU: Testifies in support of HB 2889.

240 REP. TARNO: Questions if there is any way to show hydraulic connection.

244 TEST: Responds that a hydrologist might be able to provide answer.

265 FRED LISSNER, WATER RESOURCES DEPARTMENT: Submits Exhibit B, and speaks generally in opposition to HB 2889.

312 - Continues testimony, elaborating on the Department's criticisms of HB 2889.

400 - Rule vs. extraordinary circumstance.

TAPE 68, A

001 REP. TARNO: Questions need for water as affected by soil changes.

005 MOON: Responds and continues with discussion of adequacy measures for watering crops; discussion of rate and duty, and the Department's flexibility.

General discussion follows regarding hydraulic connections and permitting.

066 CHAIR NORRIS: Asks Mr. Moon to send him information to forward to his constituents.

070 REP. TARNO: How do you figure out hydraulic connection?

080 MOON: Explains, highly technical process.

095 CHAIR NORRIS: Closes the Public Hearing on HB 2889

Opens the Public Hearing on HB 3091
Witnesses: Bob Hoeffel, Oregon Water Coalition
Malcolm Skinner
Fred Lissner, Water Resources Department
Jerry Schmidt, Oregon Association of Realtors

110 STAFF: Presents overview on HB 3091, Exhibit C. Submits fiscal impact statement, Exhibit D.

136 BOB HOEFFEL, OREGON WATER COALITION: Submits Exhibit E, and reads from it, testifying in support of HB 3091.

186 HOEFFEL: Continues reading from Exhibit E.

258 MALCOLM SKINNER: Concerned citizen, well was included in list, permitted in 1968; feels that the burden of proof whether his well is affecting the river should be on the state, not him.

300 CHAIR NORRIS: Questions how far his well is from the river, and how deep.

305 MALCOLM: 1/2 mile, 125 feet deep.

322 REP. GORDLY: Question about pressure from the sovereign nations.

337 HOEFFEL: New enterprises in the sovereign nation. Discusses in detail his concerns about the Umatilla Basin,

400 REP. TARNO: Questions whether the nation has any other source of water.

405 HOEFFEL: Deep wells, river runs through reservation. Understand they are warm to storage in distant future.

TAPE 67, B

020 FRED LISSNER, WATER RESOURCES DEPARTMENT: Apologizes that he is not familiar with the background of the Umatilla River problems.

030 - Testifies in general opposition to HB 3091.

070 - Discusses the definition of groundwater; substantial interference

(considers it inappropriate).

100 - Summarizes the Department's position.

117 CHAIR NORRIS: Questions if there are any other basins regulated as much as the Umatilla.

123 LISSNER: No, and I'm not the one to explain it.

130 CHAIR NORRIS: Expresses his concern about this issue.

136 JERRY SCHMIDT, OREGON ASSOC. OF REALTORS, AND OR GROUNDWATER ASSOC:
Willing to work with anyone to fix this issue. Notes that this issue isn't confined to scenic waterways.

155 CHAIR NORRIS: Encourages Mr. Schmidt to work both HB 3091 and HB 2889.

Closes the Public Hearing on HB 3091

176 Opens the Public Hearing on HB 3441 (Exhibit F)
Witnesses: Chairman Chuck Norris

CHAIR NORRIS: Gives some background on the evolution of HB 3441.

230 -Discusses Exhibit G, the hand engrossed version of LC draft, 3865 and discusses amendments to HB 3441.

289 - Sect.4, (1) (A), substitute recognized for approved.

- (1) (d), line 18, pg 3, after coordinate, add "and provide and arrange for assistance in"

- Anywhere it says "approved", substitute "recognized".

370 - Line 27 or funding and assistance from other than state (or public) agencies. Group prefers Public. page 3, sect 4, (1) (g).

410 - Section 5, line 40, can't find a definition of "political subdivision", comments.
delete political subdivision, substitute "county governing body".

TAPE 68, B

041 - The appropriate county governing body, insert after board, line 1, page 4.

060 - Page 4, lines 5 and 7, substitute "funding request" for "proposal".

- Line 14, (6), substitute funding for implementation.

073 - Line 23, pg 4, insert funding for after "approves".

- Section 6, pg 4, line 32, insert voluntary after of.

092 - Page 5, line 3, "nor to discourage or prohibit the formation and function of voluntary local councils in other local watersheds.

140 - After affected counties, add containing or within.

- Page 5, line 29, after commissions, insert "districts".

185 Recesses Public Hearing on HB 3441
Opens the Public Hearing on HB 3433
Witnesses: Rep. Mike Lehman

195 REP. LEHMAN: Testifies in support of HB 3433, submits Exhibit H, I and J, in support of HB 3433.

240 CHAIR NORRIS: Closes the Public Hearing on HB 3433.
Opens the Work session on HB 3433.

MOTION: REP TARNO: Moves that HB 3433 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. LEHMAN will lead the discussion on the Floor.

255 CHAIR NORRIS: Closes the Work session on HB 3433
CALLS A 5 MINUTE RECESS

260 Reconvenes the meeting at 4:00 PM.
REP. GORDLY is excused to attend another meeting.

Opens the Public Hearing on HB 3441

Witnesses: Geoff Pampush, Oregon Trout

John Brogoitti, Watershed Work Group

Roger Wood, Natural Resources Staff, Governor Kitzhaber's office

Louise Bilheimer, Pacific Rivers Council

Gil Riddell, Association of Oregon Counties

Tom O'Connor, Eugene Water and Electric Board

Joni Low, League of Oregon Cities

Kathleen Gardecky, Bureau of Environmental Services, City of Portland

Jim Myron, Oregon Trout

George Ice, Oregon Association of Natural Resources Conservation Districts

Doug Myers, WaterWatch

Becky Kraig, Water Resources Department

Mary Lou Soscia

265 GEOFF PAMPUSH, OREGON TROUT: Submits Exhibit K, and reads it, supporting
HB 3441

335 JOHN BROGOITTI, WATERSHED WORK GROUP: Discusses watershed health; must
be looked as a whole; submits Exhibit L.

TAPE 69, A

006 ROGER WOOD, NATURAL RESOURCES STAFF, GOVERNOR KITZHABER'S OFFICE:
Testifies in support of HB 3441, submits Exhibit M, and summarizes it.

044 - Expresses the Governor's appreciation to Chair Norris for his support
and encouragement of this issue.

070 LOUISE BILHEIMER, PACIFIC RIVERS COUNCIL: Submits Exhibit N, and
testifies about HB 3441 and other watershed health legislation.

111 - Supports the concept of HB 3441, as an attempt to merge other
programs; a little concerned about intent as opposed to language of bill.
Urges expediency to move bill out of committee.

125 - Suggests use of goal statement in Oregon Watershed Management Program
in goal statement of HB 3441.

151 GIL RIDDELL, ASSOCIATION OF OREGON COUNTIES: The concept of HB 3441 is
excellent, likes the idea of county governing body. Would be happy to join

work group.

198 TOM O'CONNOR, EUGENE WATER & ELECTRIC BOARD: Key attraction was local
initiative; urges retention of "local governments", elaborates.

232 CHAIR NORRIS: Requests clarification.

235 O'CONNOR: Don't establish cookie cutter approach. At some point local
governments are going to get together anyway.

248 CHAIR NORRIS: Comments that the thing that bothers me is who would have the appointing authority to establish the council

257 RIDDELL: Comments that we can work it out at the local level, continues.

No reason for paranoia.

275 JONI LOW, LEAGUE OF OREGON CITIES: Agrees with Mr. O'Connor, cities and

counties need to work together to establish local watershed councils; considers counties too restrictive.

- Problems vary from region to region.

310 KATHLEEN GARDECKY, BUREAU OF ENVIRONMENTAL SERVICES, CITY OF PORTLAND: Calls for multi-jurisdictional representation.

331 JIM MYRON, OREGON TROUT: Submits Exhibit O, supports the concept of HB 3441, would be willing to join work group.

351 GEORGE ICE, OREGON ASSOCIATION OF NATURAL RESOURCES CONSERVATION DISTRICTS: Supports HB 3441.

383 DOUG MYERS, WATERWATCH: Supports HB 3441.

TAPE 70, A

007 PETE TEST, OREGON FARM BUREAU: Supports HB 3441, notes that it needs refinement. Submits Exhibit P.

040 BECKY KRAIG, WATER RESOURCES DEPARTMENT: Submits Exhibit Q, supporting HB 3441 in its intent.

063 MARY LOU SOSCIA: Provides enthusiastic comments about watershed health.

079 CHAIR NORRIS: Closes the Public Hearing on HB 3441.
Opens the Public Hearing on HB 3085
Witnesses: Beth Patrino, Water Resources Department
Richard Kosesan, Water For Life
Pete Test, Oregon Farm Bureau Federation
Doug Myers, WaterWatch

091 BETH PATRINO, WRD: Submits Exhibit R, including proposed amendments

100` - Discusses the amendments proposed due to other current legislation pending.

140 RICHARD KOSESAN, WATER FOR LIFE: Testifies that they are somewhat apprehensive about current draft. Offers a series of concerns regarding the language of the bill, and also some support of parts of it.

196 PETE TEST, OREGON FARM BUREAU FEDERATION: Testifies about having some problems with HB 3085, refers to testimony on HB 2184. Doesn't like fees.

244 DOUG MYERS, WATERWATCH: Discusses instream water rights,

270 CHAIR NORRIS: Closes the Public Hearing on HB 3085

ADJOURNS THE MEETING AT 4:58 PM.

Submitted by, Reviewed by,

Gail E. Boesch Pat Zwick
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - HB 2889, Staff Measure Summary -- Pat Zwick, Committee Administrator
 (C.Ad.) -- 1 page
 B - Testimony on HB 2889 -- Fred Lissner, Water Resources Department -- 2
 pages
 C - HB 3091, Staff Measure Summary -- Pat Zwick, C.Ad. -- 1 page
 D - HB 3091, Fiscal Analysis -- Staff -- 1 page
 E - Testimony on HB 3091 -- Bob Hoeffel, Oregon Water Coalition -- 11 pages
 F - HB 3441, Staff Measure Summary -- Pat Zwick, C. Ad. -- 1 page
 G - HB 3441; LC Draft 3865 -- Staff -- 9 pages
 H - Testimony on HB 3433 -- REP. MIKE LEHMAN -- 16 pages
 I - Testimony on HB 3433 -- REP. LEHMAN -- 1 page
 J - Testimony on HB 3433 -- REP. LEHMAN -- 1 page
 K - Testimony on HB 3411 -- Geoff Pampush, Oregon Trout -- 3 pages
 L - (HB 3441) The Governor's Watershed Program -- John Brogoitti, Watershed
 Work Group -- 3 pages
 M - Testimony on HB 3441 -- Roger Wood, Governor Kitzhaber's Staff -- 1 page
 N - Testimony on HB 3441 -- Louise Bilheimer, The Pacific Rivers Council --
 2 pages
 O - Testimony on HB 3441 -- Jim Myron, Oregon Trout -- 2 pages
 P - Testimony on HB 3441 -- Pete Test, Oregon Farm Bureau Federation -- 1
 page
 Q - Testimony on HB 3441 -- Becky Kraig, Water Resources Department -- 1
 page
 R - Testimony on HB 3085 -- Beth Patrino, Water Resources Department -- 4
 pages
 S - HB 3085, Staff Measure Summary -- Pat Zwick, C. Ad. -- 1 page
 T - HB 3433, Staff Measure Summary -- Pat Zwick, C. Ad. -- 1 page
 U - Testimony on HB 3091 -- Gayle Killam, Oregon Environmental Council -- 1
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