

SENATE COMMITTEE ON
WATER & LAND USE

Hearing Room
Tapes - 29

MEMBERS PRESENT:

Sen. Rod Johnson, Chair
Sen. Neil Bryant
Sen. Ron Cease
Sen. Bill Dwyer
Sen. Bob Kintigh

VISITING MEMBERS:

Sen. Gordon Smith, President
Rep. Chuck Norris

STAFF PRESENT:

Karen Quigley, Committee Counsel
Kimberly Shadley, Committee Assistant
Mitch Hack, Senate Floor Staff

MEASURES HEARD:

Salmon Recovery informational hearing

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 , SIDE A

INFORMATIONAL HEARING ON SALMON RECOVERY

Witnesses: Senate President Gordon Smith, District 29
Rep. Chuck Norris, House District 57
Roy Hemmingway, Policy Advisory to the Governor on Salmon Issues
Rick Applegate, Fish And Wildlife Director, Northwest Power Planning

Council

John Volkman, Northwest Power Planning Council
Merritt Tuttle, National Marine Fisheries Services
Bruce Lovelin, Columbia River Alliance
Chuck Burley, NW Forestry Association
Jock Mills, Bonneville Power Administration
Louis Pitt, Confederated Tribes Of Warm Springs
Doug Arndt, Corps Of Engineers
Louise Bilheimer, Pacific Rivers Council
Jim Myron, Oregon Trout
Dave Moskowitz, Oregon Trout
Glen Spain, Pacific Coast Federation Of Fishermen's Association
Rudy Rosen, Oregon Fish And Wildlife
Jim Martin, Oregon Fish And Wildlife
Bill Perry, Oregon Farm Bureau

002 CHAIR JOHNSON: Calls the hearing to order. (1:20 p.m.)
(This meeting was the brain child of our Senate President and because the genesis was with him, I will ask him to make some opening remarks.

015 SENATE PRESIDENT GORDON SMITH: It goes without saying that this is an issue of impact for all Oregonians, especially in the districts of myself and Chuck Norris.

(Our ability at the state level to move this process is limited, but I thought it was appropriate for this committee to flush out state policy.

(Gives history of the issue.

(I believe this committee should ask what is Oregon's policy on salmon recovery and I think we ought to speak as a people, as a legislature, to insist that whatever solution is arrived at, is not harmful to the fish, is

not wasteful of public resources, does not violate the political process and does not do damage ultimately to the long term infrastructure and power

system that we have in the Northwestern United States.

(It ought to be our goal today to find out where we are and where we will be going.

062 REP. CHUCK NORRIS: I endorse Senator Smith's comments.

(It is difficult to find the adjectives to describe the depth of emotion in the breadth of disagreement that this has engendered in the Pacific Northwest and other parts of the country.

(The Beven team, Chaired by Doctor Beven from the University of Washington

and six other scientists, has published a report and on pages roman eight seventy and seventy one, they say they considered and rejected the draw down of the John Day reservoir as being something that should not be pursued.

(An announcement was made by National Marine Fisheries Service in response to the court, where they said they considered the scientific evidence, to include that offered by Doctor Beven and his team, and proceeded to recommend the draw down of the John Day pool.

(There has been inconsistency.

101 ROY HEMMINGWAY, POLICY ADVISOR TO THE GOVERNOR ON SALMON ISSUES: Describes his background.

(Submits written testimony, (EXHIBIT A).

(The Salmon runs are in poor shape.

(Salmon are enormously important to all Oregonians.

(Oregon has limited flexibility in responding to the problem.

198 HEMMINGWAY: I don't know that I would have made all the judgments that the Power Planning Council has made.

(The Governor doesn't favor throwing out the Council's plan, but does favor looking seriously at some scientifically valid amendment to the plan.

(There is a major rebuilding of trust that needs to go on and I think the fact that the Governor has appointed someone to devote full time to this issue is an indication of the Governor's commitment in trying to rebuild that trust, at least in the decision making processes.

(The Endangered Species Act is governing these proceedings about what is happening on salmon and it has weaknesses.

246 HEMMINGWAY: First, we must tell the truth about the state of the salmon, that they are in bad shape.

(Oregon should continue to be a player in the many forums that are available.

(We should watch the economic impacts and insist that they be reduced and mitigated before measures are taken.

(With respect to the John Day pool, the Power Council wrote it in their plan, but I want to emphasize again, that draw down should not take place until the impacts are studied and mitigated.

(We should do good science and be prepared to change our mind.

(We need to share the costs, it shouldn't just be the Bonneville Power Administration that is responsible.

285 CHAIR JOHNSON: The Governor is receptive to amendments on the recovery plan; from what source?

HEMMINGWAY: Anywhere.

CHAIR JOHNSON: Will your office be measuring the economic impacts of this plan?

HEMMINGWAY: We haven't gotten that far.

320 PRESIDENT SMITH: Oregon was to submit written recommendations on February 6 as to it's policy; what was our policy?

HEMMINGWAY: That date has been moved forward; our recommendations will be technical in nature.

SEN. SMITH: We are all anxious to see the salmon survive; it seems to me that the draw down theory is just a theory and I wonder if there isn't a call to common sense to back up and find other ways.

HEMMINGWAY: I don't know if there will be enough mitigation in place to allow for draw down in this season.

(I think there are things that ought to be looked at, that is the most controversial.

SEN. SMITH: Who is demanding the draw downs?

HEMMINGWAY: A number of parties have asked for draw downs; the NW Power Planning Council, NMFS.

(If we don't do draw downs, there may be other things we have to do; I know there is controversy about trying to get more water into the rivers to accomplish the same kind of flows.

408 SEN. CEASE: Referring to Exhibit A; is the cost too high to pay?

HEMMINGWAY: That is always possible; the point is that the Endangered Species Act is so focused on the action for the species that it doesn't get to looking at trade off's.

SEN. CEASE: How much more time can lapse, looking at the condition of the salmon?

HEMMINGWAY: I am hearing that some action must be taken, the argument is what action.

474 SEN. CEASE Do you have suggestions of ways that the costs might be shared?

HEMMINGWAY: There is a provision under the NW Power Act that says that Bonneville will only pay the power share of these costs.

(The federal government has the role of paying for the costs of the other

beneficiaries.

TAPE 27, SIDE A

040 SEN. DWYER: Since 1989 we've been talking about this issue; the biggest problem is the dams.

(I'd like to know how we'd share the costs and with who.

HEMMINGWAY: You aren't seeing the 80% of the actions where there is agreement; there are a lot where people are acting in concert.

120 RICK APPELEGATE, FISH AND WILDLIFE DIRECTOR, NORTHWEST POWER PLANNING COUNCIL: Introduction of Volkman.

(Submits written testimony and copy of the Columbia River Basin Fish and Wildlife Program, (EXHIBIT B).

128 JOHN VOLKMAN, NORTHWEST POWER PLANNING COUNCIL: Uses overhead projector to describe the program.

(Gives background that lead to the courts involvement.

(The modern salmon controversy began to take shape in the early 1960's when salmon runs first went into declines and the regions Indian Tribes went to court to fight with the states over the right to harvest the salmon.

(One of the things that the treaty cases say is that you can't restrict Indian Treaty fishing unless you first show that you can't conserve these fish populations by restricting non-Indian activities alone, so it puts a heavy burden on the states to prove that we've done everything we can before the tribes cut back their harvest.

322 APPELEGATE: Uses overhead projector to describe Snake river wild fall Chinook returns, with dam completion dates.

(Shows overhead describing runs at high or moderate risk of extinction.

(Describes scientific approach, adaptive management.

(Key actions, see Exhibit B.

TAPE 26, SIDE B

040 SEN. DWYER: When did you adopt these objectives?

APPELEGATE: 1994.

SEN. DWYER: What makes you think that this will be different than the plan in 1980?

APPELEGATE: The proof will be in the implementation.

(In the past we've had conflicting goals; I hope we will be able to make progress with this refined approach.

(The agencies and tribes in 1990 put together a first cut of watershed plans for all the basins in the Columbia and those are now guiding, in part, a model watershed program.

(Refers to reports available through the NW Pacific Power Planning Council.

(We concluded one of the most important things to do is improve conditions in the river and improve the barge transportation system.

170 APPELEGATE: Discusses flow and velocity, follows written testimony, see Exhibit B.

(Discusses rate impacts and cost impacts.

276 MERRITT TUTTLE, NATIONAL MARINE FISHERIES SERVICES: We had ten to sixteen million salmon in the Columbia River at one time and less than 200 years later many of those salmon are close to extinction.

(When the plan comes out it will be as a proposal and we are urging anyone to comment on that plan.

(The final plan will address all comments received and will come out later this year.

(The obligation is there to bring the salmon back, Endangered Species Act or not, because of our treaties with the American Indians.

420 SEN. BRYANT: In 1969 it was agreed that by constructing two of the dams on the Snake River the fall Chinook would effectively be eliminated the power company agreed to put in some hatcheries and do other enhancements; isn't that one of the primary reasons why the fall Chinook has fallen?

TUTTLE: The fall Chinook have declined because much of the spawning area was above the Hells Canyon complex.

In early years large nets were placed to direct fish and that was totally unsuccessful and we are left with a marginal habitat.

490 BRUCE LOVELIN, COLUMBIA RIVER ALLIANCE: Submits written testimony, (EXHIBIT C).

TAPE 27, SIDE B

035 LOVELIN: Our goal is restoring these salmon runs in a way that still maintains the economic health and well being of the Pacific Northwest.

(We oppose the plan of the council, we think it is technically deficient and not economically sound.

(We don't think the plan will benefit fish and there is a major impact to the state.

(We've submitted a plan, see Exhibit C.

118 SEN. DWYER: I don't see anything different that hasn't been done all along?

LOVELIN: It is different in two ways; it doesn't suggest that the barging program is satisfactory, it incorporates some proposals of the Beven recovery team, it talks about moving fish closer to the estuary and it is a

four H plan.

(The final aspect is that we simply can't control mother nature; we need to exercise some caution and make sure that what we pursue has some basic scientific credibility, without instant gratification.

156 CHUCK BURLEY, EASTERN OREGON MANAGER, NW FORESTRY ASSOCIATION: Submits written testimony, (EXHIBIT D).

(We agree with restoring and maintaining adequate habitat for these fish.

(We have developed and proposed "Fish 2000", see Exhibit D.

252 JOCK MILLS, BONNEVILLE POWER ADMINISTRATION: Submits written testimony and informative materials, (EXHIBIT E).

(We are working very well with our federal agency partners; we have experienced a new openness and new receptivity on behalf of the Governor's Office and the State of Oregon in working with BPA and we greatly appreciate that.

(I am here to add substance to a number of remarks made concerning our financial situation.

(I'd prefer to characterize this as our ability to compete in the new

emerging electricity market in the northwest, see Exhibit E.

375 LOUIS PITT, CONFEDERATED TRIBES OF WARM SPRINGS: We are formally here to listen and observe what is going on.

(I assure you that the Warm Springs Tribe is a caring and major player in the fish situation and we will do our share, and have done our share.

(We are encouraged by what Mr. Hemmingway had to say this morning and we urge whatever the state can do to help with this situation.

404 DOUG ARNDT, CORPS OF ENGINEERS, NORTH PACIFIC DIVISION, SALMON OFFICE: Submits written testimony and informative materials, (EXHIBIT F).

TAPE 28, SIDE A

040 ARNDT: Describes spill programs, see written testimony.

(We support the research initiatives; we strongly need the assistance of the state to carry out the research.

095 LOUISE BILHEIMER, PACIFIC RIVERS COUNCIL: Submits written testimony and informative materials, (EXHIBIT G).

(The Beven plan should be read from cover to cover.

218 JIM MYRON, OREGON TROUT: Introduces Moskowitz.

(Submits written testimony, (EXHIBIT H).

233 DAVE MOSKOWITZ, STAFF ATTORNEY, OREGON TROUT: Salmon recovery and salmon protection; we are talking about state wide issues.

(Describes handouts, salmon recovery plan, a paper by Bill Bakke and a booklet that contains a set of initiatives that Oregon can take to protect Coho, see Exhibit H.

360 MOSKOWITZ: Coastal Coho declines; describes seven initiatives, see Exhibit H.

(Oregon can take action under current law to make a big difference on Coho.

398 GLEN SPAIN, PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATION: Submits written testimony and informative material, (EXHIBIT I).

TAPE 29, SIDE A

038 SPAIN: In my written submission you will find a number of figures produced by Salmon For All; in terms of the net assets, we have in the fishing fleet alone, approximately \$129 million in capital investments and those are at risk.

(We have looked at barging; under the best scenario it still will result in extinction if used alone.

(There are figures from the Power Planning Council themselves; they estimate that the rate increase would be on the order of 7.2%.

(Continues describing charts in Exhibit I.

085 RUDY ROSEN, DIRECTOR, OREGON FISH AND WILDLIFE DEPARTMENT: Oregon has taken a lead role in collecting, analyzing data, assessing data and drawing

conclusions, but this is complex.

(Adding to that complexity is the many agencies, governmental bodies, including tribes, that have both responsibility and authority.

106 JIM MARTIN, OREGON FISH AND WILDLIFE, DEPARTMENT: Any plan to save salmon has to have three basic requirements; it has to be a systems approach, it must allow you to balance conservation and fisheries

restoration, it has to be technically sound, third it has to have a fair distribution of the burden of conservation.

(We've been working to figure out how much improvement will be required and it will take a doubling or tripling of survival.

(We do agree that we need good monitoring; we have to look at harvest and hatcheries.

191 SEN. DWYER: Where have you been for the last ten years; you haven't done anything different until very recently?

MARTIN: It's true, we've been having conversations for a long time; there were agency and tribal recommendations to the power managers.

(We have continued to spend money on salmon measures which weren't the most fundamental to their survival.

230 BILL PERRY, OREGON FARM BUREAU: The basic philosophy behind our point is cost benefit analysis.

(We are concerned with the draw downs provisions.

(There are concerns from the wheat producers.

(Habitat; SB 1010, (1993), we need to give that program a chance.

(We feel that 90% of the problem is in the ocean and we are spending about

10% of our resources out there.

307 KIM PUZEY, GENERAL MANAGER, PORT OF UMATILLA: There are international implications to this issue; virtually all products that go through the port

of Umatilla go to Asia.

(We support the biology with respect to the cultural and religious value of the fish.

(A draw down of the John Day Pool is perceived as something punitive that is being done to less populated and rural areas and there is a lot more heat than light that transpires when people feel as though they are being taken advantage of because of politics.

415 ALAN WILLIS, PORT OF PORTLAND: I have submitted two pieces of information, (EXHIBIT J).

(The Port of Portland's focus has remained the same throughout this process and that is on the potential trade and transportation impacts of options for recovery.

(It takes 35 rail cars to equal one barge load, it takes 116 truck loads for a barge.

489 CHAIR JOHNSON: We are adjourned. (4:10)

Submitted by, Reviewed by,

Kimberly Shadley
Committee Assistant

Karen Quigley
Committee Counsel

EXHIBIT SUMMARY:

A - Salmon Recovery: Written testimony submitted by Hemmingway, pp 4

B - Salmon Recovery: Written testimony and informative material submitted by Applegate, pp

C - Salmon Recovery: Written testimony and informative material submitted by Lovelin, pp 19

D - Salmon Recovery: Written testimony and informative material submitted

by Burley, pp 57

E - Salmon Recovery: Written testimony and informative material submitted
by Mills, pp 17

F - Salmon Recovery: Written testimony and informative material submitted
by Arndt, pp 15

G - Salmon Recovery: Written testimony and informative materials submitted

by Bilheimer, pp 38

H - Salmon Recovery: Written testimony submitted by Myron, pp 58

I - Salmon Recovery: Written testimony and informative materials submitted

by Spain, pp 73

J - Salmon Recovery: Informative material submitted by Willis, pp 12

K - Salmon Recovery: Informative material submitted for the record by
staff, pp 11