

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON WATER

June 8, 1993 Hearing Room D 1:00 p.m. Tapes 114 - ?

MEMBERS PRESENT: Rep. Chuck Norris, Chair Rep. Ray Baum Rep.
Carl Hosticka Rep. Tim Josi Rep. Bill Markham Rep. Nancy Peterson Rep.
Bob Repine Rep. Liz VanLeeuwen

MEMBER EXCUSED:

VISITING MEMBER:

STAFF PRESENT: Catherine Fitch, Committee Administrator Sue
Nichol, Committee Clerk

MEASURES CONSIDERED: SB 129 SB 192 SB 782 HB 3203

WITNESSES:

[--- Unable To Translate Graphic ---]

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. [--- Unable To Translate Graphic ---]

TAPE 114, SIDE A

005 CHAIR NORRIS: Calls the meeting to order at 1:13.

PUBLIC HEARING ON SB 129

013 CATHERINE FITCH: SB 129 would require a water right permit before construction of an impondment or dam. There is an exemption for

effluent lagoons.

044 MARTHA PAGEL, Department of Water Resources: We wanted to make it clear with the bill that the water right permit must be received before

construction can begin.

064 REP. MARKHAM: I believe people who want to take the risk should be able to start construction before they receive their permit. 079 lv They cannot even start to build without a permit?

083 PAGEL: Yes, in Section 1. The exemption is in page 2, between lines 17 and 18.

090 lv How long will it take to get the permission to go ahead with a project?

096 PAGEL: About two years with our current backlog. Once the backlog is eliminated, it should take six months.

107 REP. MARKHAM: Maybe we should consider this in two years, once the background is taken care of?

114 cn

115 PAGEL: If you don't pass the bill, that language is unnecessary.

121 KC KLOSTERMAN, ?????: The ponds created by the extraction of aggregate have not been considered as impondments. We would like it specifically

noted in this bill that these are not impondments.

140

142 KLOSTERMAN: It has not been a problem up to this point.

154 cn Closes public hearing on SB 129.

PUBLIC HEARING ON SB 192

164 FITCH: SB 192 requires a permit for removal or fill activities that affect essential salmonid habitat. "Essential Salmonid Habitat" would

be defined by rule (Exhibit A).

171 SEN. JOYCE COHEN, District 13: Reads testimony in support of SB 192 (Exhibit B).

294 np

300 SEN. COHEN:

309 lv The individual farmer has to get a permit to ///

323 SEN. COHEN: Yes, if it's a critical habitat.

328 lv

330 SEN. COHEN: This only refers to critical habitat areas.

351 bm Has

354 SEN. COHEN: I'm not aware that it is. It is defined in rulemaking.

362 bm Concerns from the farmers are real, especially if it's handled by administrative rule.

373 SEN. COHEN: If this can be defined more narrowly, that would be acceptable to me.

400 Shows video of a case of gravel mining that has changed the course of the Nehalem River.

TAPE 115, SIDE A

042 lv I still don't see what destroyed the river.

047 LYNNE PAVUR: Summarizes testimony in favor of SB 192 (Exhibit C).

080 cn

088 PAVUR:

097 cn

098 PAVUR:

100 cn Rivers have changed their course throughout history.

104 PAVUR: The photo shows how much it has changed.

105 lv I don't see proof that thios was caused by what you say it does.

113 PAVUR: We actually saw equipment in the river and gravel being removed.

123 cn lv is asking if the gravel removal actually caused the damage.

130 PAVUR: There was much more damage than natural processes would do.

135 bm

137 PAVUR:

143 np Do you believe the permit would cut down on the activity?

147 PAVUR: I think it would help.

157 REP. DAVE McTEAGUE, District 25: Supports this bill as small scale gravel removal is damaging to restoring salmon habitat (Exhibit D).

182 JIM MYRON, Oregon Trout: Reads testimony in support of SB 192 (Exhibit E).

217 GARY GUSTAFSON, Division of State Lands: Supports the bill in order that critical salmon habitat can be maintained (Exhibit F).

317 cn

319 GUSTAFSON: Some types of gravel removal may be beneficial.

327 bm How many complaints have been registered with you in the last 12 months.

324 GUSTAFSON: About 300 complaints.

340 bm How many are valid?

343 GUSTAFSON: About 40 to 50%. There's often not sufficient evidence.

355 bm Who is doing this?

357 GUSTAFSON: It's not usually commercial operators. Most of it is misinformed or uninformed landowners.

373

400 cn Would you be prepared ...

TAPE 114, SIDE B

002 GUSTAFSON: We would have to first determine critical salmon habitat by rule.

008 cn

010 GUSTAFSON:

015 rb Would we define essential salmon habitat river by river? It seems like a monumental task.

0i20 GUSTAFSON: We are in no position to identify critical salmon habitat. We would have to rely on other information.

028 rb

036 JILL ZARNOWITZ, Oregon Department of Fish and Wildlife: Supports SB 192. Explains testimony (ExHB iit G). 090 rb How long will it take to gather information to determine what is essential salmonid habitat in the state?

103 ZARNOWITZ: We can establish what the most essential habitats are within the year with current information.

116 We've defined "essential habitat" in other rules as "any habitat condition or set of habitat conditions which ????"

129 rb How much of a river would be essential habitat?

135 ZARNOWITZ: I would estimate about 10%.

143 rb What's the impact of this bill.

147 ZARNOWITZ: I'm talking about 10% of salmonid habitat, possibly.

159 bm Should we study this for two years first to see if it's needed? The river looked like it had a lot of debris in it which is now good for the fish?

175 ZARNOWITZ: There has to be a balance. Spawning habitat must be maintained.

191 lv Could gravel from bars be removed, without problems occurring?

199 ZARNOWITZ: That is normally not a problem.

212 The study would look at the negative versus positive impacts of aggregate removal from the streams.

236 Regulation will address immediate problems.

255 ch Are you saying that you presume that there is not a problem with removing gravel until you are shown that it is a problem?

260 ZARNOWITZ:

274 ch If you're wrong, who has more options, the fish or the person getting the gravel?

289 ZARNOWITZ: The person getting the gravel.

298 lv What is the extent of the waterways that will be affected?

312 cn I don't know that there is a precise answer.

320 Rulemaking will not designate specific streams, but it will define criteria that will be used to determine essential salmonid habitat.

352 lv What does essential mean?

371 ZARNOWITZ: "Essential" would be that which would prevent the depletion of species.

TAPE 115, SIDE B

006 lv Would the Division of State Lands use that same definition of "essential?"

013 cn The bill says in consultation with the State Department of Fish and Wildlife.

018 bm In the Nestucca and the Nehalem, don't we have salmonid spawning all the way up the river?

026 ZARNOWITZ: I'm not familiar with those rivers.

030 rb Isn't the concern only with spawning areas?

042 ZARNOWITZ: It could also include other types of habitat that are essential.

057 JAN BOETTCHER, Oregon Water Resources Congress: Questions where the designation will be made. Likes the idea of doing the study first.

081 LADD HENDERSON, Oregon Water Resources Congress: We perform tiny repairs. In most rivers there is constant change in the water flow.

Silt from fish screens needs to be removed on an annual basis. The

delay we will face in having to get a permit for this removal will be a problem.

148 "Essential" needs to be defined.

154 K.C. KLOSTERMAN, Oregon Concrete and Aggregate Producers Association: Reads testimony in favor of SB 192 (Exhibit H).

230 KEN EVANS, Northwest Steelheaders: Supports SB 192. Concerned with cumulative effects of aggregate removal.

260 cn Closes public hearing on SB 192.

PUBLIC HEARING ON SB 782

219 FITCH: SB 782 would authorize a cross coinnection certification program as a self-supporting, fee based program in the Health Division's

Drinking Water Section (Exhibit I).

347 STEVEN WEST, (ExHB iit J)

TAPE 116, SIDE A

002

019 BOB KIMES, Local 290 ????:

038 bm How does ..

0i40 WEST: Anti0

047 KIMES:

050 bm

055 WEST:

064 DAVE CRIDER, Crescent Water and Gileh???: (eXHIBIT L)

085 LV

095 WEST:

100 lv I don't think they have to be certified???

105 WEST:

108 lv

109 WEST:

111 br

117 WEST: I think the number was about 1000.

123 br Presently, the regulation s....

127 WEST: That's the case.

131 bm Single family dwellings don't have to have anti-siphoning
devises?

135 br No.

139 bm I thought ...

142 KIMES: New construction requires them.

148 CRIDER: It depends on

160 bm

165 CRIDER: you can have a siphon problem from your hot-tub to your
kitchen sinks.

179 CHRIS HUGHES, Oregon Health Division: There are two main
sources of contamination of water supplies. One is back pressure
siphoning

conditions. There has been cases of\ ??????//

216 br How has it been funded?

220 HUGHES: From the General Fund.

224 br Do we have any idea what the cost would be?

225 HUGHES:

239 np

PUBLIC HEARING ON HB 3203

245 FITCH:

295 SCOTT ASHCOM, Oregon Association of Nurserymen, Oregon
Berry Commissions: Reads testimony in favor of HB 3203 (ExHB iit M)

313 bm Why was that done????

315 ASHCOM: ????? are also in support of the amendments.

366 cn The

370 ASHCOM: The amendments we support are those dated April 8, 1993.

400 lv Do you have any objection to insert "or administrative rule"

between ???

410 ASHCOM: No.

TPAE 117, SIDE A

011 MARTHA PAGEL, Department of Water Resources: We cannot support the amendments by the Nurserymen because we believe it would ????????

025 We did hold a meeting with those interested in the bill.

043 The ??? 11 rules

050 We would .. the 80% rule would ...

079 The backlog is our principal ????

091 lv

114 cn Will carry the hearing on this bill to Thursday.

123 PAGEL:

126 cn Closes public hearing on Meeting is adjourned at 3:40

Submitted by:

Reviewed by:

Sue Nichol
Administrator

Catherine Fitch Clerk

EXHIBIT LOG:

A - Testimony on HB 2020 - name - # pages B -
Testimony on HB 2020 - name - # pages C - Amendments to HB
2021 - name - # pages