

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON WATER

January 26, 1993 Hearing Room D 1:00 p.m. Tapes 4 - 7
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: Rep. Luke VISITING
MEMBER: Rep. McTeague STAFF PRESENT: Catherine Fitch, Committee
Administrator Pat Zwick, Committee Coordinator Rick Gaupo, Committee
Clerk MEASURES CONSIDERED: HB 2153 - Public Hearing HB 2155 - Public
Hearing HB 2215 - Public Hearing WITNESSES: Anne Squier, Governor's
Senior Assistant on Natural Resources Martha Pagel, Director, Water
Resources Department Beth Patrino, Water Resources Department Larry
Cauble, Oregon Cattlemen's Association Tom O'Connor, Oregon Municipal
Electric and Water Utilities Jim Myron, WaterWatch of Oregon Bob
Robinson, Bull Run Coalition Frank Gearhart, Citizens Interested in Bull
Run Cathryn Collis, Association of Clean Water Agencies Louise
Bilheimer, Pacific Rivers Council Mike Downs, Water Quality Division,
DEQ Jill Zarnowitz, Habitat Conservation Div, Dept of Fish & Wildlife
Jan Boettcher, Oregon Water Resources Congress Joni Low, League of
Oregon Cities Phil Ward, Department of Agriculture Gene Lassiter,
Granges of Oregon Anne Perrault, WaterWatch of Oregon David Moon, Water
for Life - 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. House Committee on Natural
Resources Subcommittee on Water January 26, 1993 Page 2

TAPE 4, SIDE A 005 CHAIR NORRIS: Calls meeting to order at 1:05 p.m.
Announces change in agenda measure order.

PUBLIC HEARING HB 2215

037 ANNE SQUIER, Governor's Senior Assistant on Natural Resources:
Outlines the Governor's strategy to emphasize link between environmental
health and economic health in Oregon by focusing on watershed
management.

145 REP. JOSI: Does HB 2215 give state agencies additional regulatory
authority? 146 SQUIER: No. 149 MARTHA PAGEL, Director, Water
Resources Department: Presents testimony in favor of measure (EXHIBIT A)
and referencing (EXHIBIT B).

245 REP. PETERSON: If local citizens voluntarily decide they want a
watershed council, must agencies be required to participate?

253 PAGEL: Yes. 255 REP PETERSON: Because HB 2215 is voluntary, what
can be done when a community has a concern but other affected parties
choose not to be involved? 265 PAGEL: There is already a safety net
of existing authority. 280 REP. BAUM: Recommends minimizing state
control in local issues. 462 REP. VanLEEUEWEN: What authority do local
groups have under this measure?

TAPE 5, SIDE A

038 PAGEL: The bill does not transfer existing responsibilities
assigned to state agencies. This bill provides an opportunity for
communities to develop and implement their own plan and to affect the
work of the state agencies. 074 BETH PATRINO, Water Resources
Department: Introduces members of the Strategic Water Management Group
(SWMG) Policy Work Group.

102 LARRY CAUBLE, Oregon Cattlemen's Association: Presents written testimony (EXHIBIT B) in favor of measure. 199 TOM O'CONNOR, Oregon Municipal Electric and Water Utilities: Presents testimony in favor of measure. The Eugene Water and Electric Board, Lane County and Lane Council of Governments are currently implementing a similar program.

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348 REP. VanLEEUUVEN: Questions lack of local references in Appendix B (EXHIBIT B) which only lists requirements imposed by state or federal agencies.

360 O'CONNOR: Many of those existing tools were derived from state mandates, but are also tools which can be used on the local level, within existing law to shape land use planning.

385 REP. BAUM: In some areas of the state, there is a moratorium on water right issuance - what other options will there be if this measure is rejected? 387 O'CONNOR: Without this measure, the federal government would eventually come in with an Endangered Species Act designation or a total maximum daily load designation from DEQ, or prohibitions on industry discharge into streams, or moratoriums on new industry, etc. This measure was not designed to be a panacea, but is an attempt to bring local people together and to resolve problems under existing laws.

TAPE 4, SII)E B

016 JIM MYRON, WaterWatch of Oregon: Presents written testimony (EXHIBIT C) in favor of measure. Current statutory authority of various agencies does not require additional statutes regarding watershed planning - the main problem is the lack of coordination within the various agencies. Describes what measure will and will not do.

056 REP. JOSI: Requests clarification of the effect of HB 2215 on the Endangered Species Act. 063 MYRON: This measure would not stop filings under the Endangered Species Act nor stop the federal agency from listing an endangered species. 067 REP. JOSI: Would this measure slow that process? 068 MYRON: This measure puts Oregon in a pro-active mode to begin dealing with issues which are causing the decline in species, so the number of future filings under the Endangered Species Act may be reduced. 090 REP. BAUM: If a local council develops a proposal, what effect will there be on the existing system?

108 MYRON: Once SWMG approves the process, local councils will have the authority to implement programs. 160 REP. REPINE: Expresses concerns about measure costs, and whether measure will actually evolve into its intended purpose. 186 REP. BAUM: If we do not do something like this, we may be subject to disagreeable remedies. It seems the measure only focuses on NE and SW Oregon wherein potential endangered species are listed. 198 PATRINO: It's not necessarily geographic - there may be other regions with similar concerns.

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266 BOB ROBINSON, Bull Run Coalition: Presents testimony (EXHIBIT D) in favor of measure. Expresses concern about lack of citizen "enforcement" of watershed regulations. 351 FRANK GEARHART, Citizens Interested in Bull Run: Expresses reservations about HB 2215. 471 CATHRYN COLLIS, Association of Clean Water Agencies: Expresses support for measure.

TAPE 5, SIDE B

088 LOUISE BILHEIMER, Pacific Rivers Council: Presents testimony (EXHIBIT E) in support of measure with proposed amendment.

256 MIKE DOWNS, Water Quality Division, DEQ: Presents written testimony in support of HB 2215 (EXHIBIT F).

331 JILL ZARNOWITZ, Habitat Conservation Division, Department of Fish and Wildlife: Presents written testimony in support for measure (EXHIBIT G). 388 JAN BOETTCHER, Oregon Water Resources Congress: Presents written testimony in support of concepts in HB 2215 (EXHIBIT H) with amendments.

TAPE 6, SIDE A

028 JONI LOW, League of Oregon Cities: Presents written testimony in support of measure (EXHIBIT I) with the addition of two clarifications in bill language.

071 PHIL WARD, Department of Agriculture: Supports bill and hopes to see local soil and water conservation districts play significant role in implementation of local issues. 082 GENE LASSITER, Granges of Oregon: Approves measure concept; skeptical due to lack of citizen testimony at hearing. 127 CHAIR NORRIS: Provides assurance that public hearings are open to public, and that another meeting is scheduled in approximately two weeks. 132 REP. JOSI: Explains that measure does not give additional authority to agencies. Creates voluntary, coordinated team. Asks if witness is proposing that statutes be rewritten to require agencies to share their authority with local councils.

141 LASSITER: That seems impractical but perhaps adjusting the power is necessary.

Also submitted for the record: - Staff Measure Summary on HB 2215 (EXHIBIT J). - Fiscal Analysis on HB 2215 (EXHIBIT K).

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PUBLIC HEARING HB 2155 200 MARTHA PAGEL, Water Resources Department: Presents written testimony in support of HB 2155 (EXHIBIT L).

285 Clarification of water use measurement and conservation. 317 ANNE PERRAULT, WaterWatch of Oregon: Supports measure with recommendations. Suggests 50-50 split as equitable allocation for saved water. States

that the proposed measure language implies that in-stream benefits are optional instead of well-defined. Believes measure deletes definitions which should be retained, such as "public use" and "instream."

408 DAVID MOON, Water for Life: Water for Life is working on a version of conserved water statutes. Recommends 75% - 25% split; 75% to the user implementing conservation measures and 25% to in-stream flow purposes. This split gives incentive to users to implement conservation measures.

TAPE 7, SIDE A

MOON: Continues testimony.

074 REP. HOSTICKA: To what extent do you see the provisions of the law as written as the main obstacle to conservation activities?

081 MOON: Current law is an impediment. 198 JAN BOETTCHER, Oregon Water Resources Congress: Presents written testimony in support of measure (EXHIBIT M). 318CHAIR NORRIS: Observes consensus that the overall intent of bill has merit, but there are many disagreements about the details. Arranges for Bev Hays with the Water Resources Department to assist with the resolution between interested parties before next public hearing. Also submitted for the record: - Staff Measure Summary on HB 2155 (EXHIBIT N). - Fiscal Analysis of HB 2155 (EXHIBIT O).

343 CHAIR NORRIS: Adjourns meeting at 3:45 p.m.

Submitted by: Reviewed by:

Karen McCormac Catherine Fitch Clerk Administrator House Committee on Natural Resources Subcommittee on Water January 20, 1993 - Page 6

EXHIBIT LOG:

A - HB 2215 Testimony - Martha Pagel - 5 pages B - HB 2215
Testimony - Beth Patrino - 54 pages C - HB 2215 Testimony - Jim
Myron - 1 page D - HB 2215 Testimony - Bob Robinson - 1 page
E - Testimony on HB 2215 - Louise Bilheimer - 1 page F -
Testimony on HB 2215 - Mike Downs - 2 pages G - Testimony on HB
2215 - Jill Zarnowitz - 1 page H - Testimony on HB 2215 - Jan
Boettcher - 1 page I - Testimony on HB 2215 - Joni Low - 1 page
J - Staff Measure Summary on HB 2215 - Staff - 2 pages K -
Fiscal Analysis on HB 2215 - Staff - 2 pages L - Testimony on HB
2155 with informational material - Martha Pagel - 5 pages M -
Testimony on HB 2155 - Jan Boettcher - 17 pages N - Staff Measure
Summary on HB 2155 - Staff - 1 page O - Fiscal Analysis of HB
2155 - Staff - 1 page