

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON WATER

April 13, 1993 Hearing Room D 1:00 p.m. Tapes 69 - 72

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

MEMBER EXCUSED: Rep. Nancy Peterson

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

MEASURES CONSIDERED: Information Meeting on the City
of Portland Regional Water Plan HJM11 - Public Hearing and Work Session
HJR 35 - Public Hearing and Work Session HB 3079 - Public Hearing HB
3295 - Public Hearing

WITNESSES: Robert Meinen, Oregon Parks and Recreation
Department Jack Nichols, McMinnville Water and Light Janet Lovell-Smith,
Sierra Club Les Helgeson, Friends of the Nestucca Sally Cross, Oregon
Natural Resources Council Louis Bilheimer, The Pacific Rivers Council
Susan Schneider, City of Portland Mike Lindberg, Commissioner, City of
Portland Mike Rosenburger, Director, Portland Water Bureau Gene Sibol,
Tualatin Valley Water District Dale Judilu, Clackamas Water District
Rep. Dave McTeague, District 25 Dale Pearson, Legislative Assistant
for Rep. McTeague Dan Ten Eyck, Reynolds Aluminum Larry Hill, Oregon
Guides and Packers, Northwest Sportfishing Industry Association Jim
Myron, Oregon Trout

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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 ---]

Jill Zarnowitz, Oregon Department of Fish and Wildlife Dave Nichols,
Oregon Department of Fish and Wildlife Mark Nelson, Water for Life
Richard Koesan, Water for Life

TAPE 69, SIDE A

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

PUBLIC HEARING ON HB 3079

015 CATHERINE FITCH: HB 3079 will remove an upper portion of the
Nestucca River from designation as a scenic waterway (Exhibit A).

034 ROBERT MEINEN, Oregon Parks and Recreation: Testifies in
opposition to HB 3079. Summarizes testimony in Exhibit B.

083 REP. JOSI: I would request cooperation with Parks and Recreation

about redefining the rule-making process.

100 MEINEN: I would be open to evaluating the situation.

110 REP. JOSI: Navigability is also a consideration. The recreational value of the river is almost non-existent because of poor navigability. That river is not used that much.

123 JACK NICHOLS, McMinnville Water and Light: Testifies in favor of the bill. Fish availability is low in the section above the old Meadow Lake dam site. Because of recreation use in the area that the City of

McMinnville uses for the water supply, the area must be policed. We would like to urge adoption of the measure to protect the resource.

188 JANET LOVELL-SMITH, Sierra Club: Testifies against HB 3079. Reads testimony in Exhibit C.

210 LES HELGESON, Friends of the Nestucca: Testifies in favor of HB 3079.

245 REP. MARKHAM: Did the Parks Department reject your study?

247 HELGESON: They sidestepped it.

256 SALLY CROSS, Oregon Natural Resources Council: Testifies in opposition to HB 3079. Reads testimony in Exhibit D.

299 LOUIS BILHEIMER, The Pacific Rivers Council: Testifies in opposition of HB 3079. Reads testimony in Exhibit E.

379 CHAIR NORRIS: Closes public hearing on HB 3079.

CITY OF PORTLAND REGIONAL WATER PLAN - INFORMATIONAL MEETING

TAPE 70, SIDE A

005 SUSAN SCHNEIDER, City of Portland: Introduces Mike Lindberg.

015 MIKE LINDBERG, Water Commissioner, City of Portland: Describes the City of Portland's regional water plan. Reads information in Exhibit F.

Also submits information about the plan contained in Exhibit G.

075 REP. HOSTICKA: In your plans, do you take growth and development for granted, and then just plan how to serve it, or do you have growth

management and direction policies as part of the overall effort?

080 LINDBERG: We are tying in all the water supply efforts with the regional planning efforts under the Metropolitan Service Districts.

There are population projections. There are a series of options that the whole region is dealing with in terms of where that growth will

occur, how it will occur and how we should manage that growth.

090 The overall policy is to plan for the growth.

092 REP. MARKHAM: Who are the 28 providers?

095 LINDBERG: Actually there are 28 different agencies and four primary water systems included in this effort.

104 REP. MARKHAM: How many hook-ups does the city have compared to everyone else, about half?

105 LINDBERG: Yes. The city has 165,000 households. This will be clearer as we continue.

118 REP. REPINE: Is there a proposal for another reservoir on the Bull Run River?

120 LINDBERG: One of our top options would be to add to our storage.

125 REP. REPINE: Is it correct that the consideration of that area was also a displacement of nearly five hundred acres of spotted owl habitat?

127 MIKE ROSENBURGER, City of Portland: There are a number of issues that would need to be dealt with. Endangered species would be one of them.

139 LINDBERG: There are spotted owl in the Bull Run area. There may be specific measures we can take to reduce the effect on the habitat.

152 CHAIR NORRIS: Are you able to give attention to environmental considerations?

158 LINDBERG: We must consider the environmental impacts on specific sites. Conservation is considered in how we price water.

178 REP. HOSTICKA: Is there still talk about requiring a filtering system to be installed?

181 ROSENBURGER: There is still potential. Currently, we have an exemption from the requirement to filter.

194 CHAIR NORRIS: Are we immune to the problems Milwaukee, Wisconsin is experiencing right now with the contamination of their water supply?

195 ROSENBURGER: Yes, we have been up to this point.

208 ROSENBURGER: Explains the results of the Phase I program contained in the handout (Exhibit H).

293 REP. MARKHAM: Is all your water metered?

296 ROSENBURGER: Yes.

320 Demand and supply is analyzed.

335 REP. HOSTICKA: Are you investigating other water sources on

the Willamette River that will affect other users?

344 GENE SIBOL, Tualatin Valley Water District: There are a number of considerations that must be taken into account on the total Willamette

basin.

Sources numbers 12 and 13 were being investigated for releases on those projects.

383 REP. MARKHAM: What does Number 13 constitute?

389 SIBOL: I think it's a Corps project that was looked at to buy some stored water to release into the Willamette to be taken out.

403 ROSENBURGER: Explains evaluation criteria.

TAPE 69, SIDE B

019 DALE JUDILU, Clackamas Water District: Explains process for selection of consultants.

124 REP. MARKHAM: You have leverage on them, if they don't go, they don't get any water?

128 JUDILU: We haven't forced anyone into it.

135 REP. MARKHAM: How is this financed?

138 JUDILU: On water fees and some is through system development charges. None of the financing comes from property taxes.

141 ROSENBURGER: Any supply source is expensive. They will have to be debt financed and repaid through water rights.

142 REP. MARKHAM: Can you issue a bond on a basin wide basis?

143 ROSENBURGER: If we can't do it, we will request some legislative changes.

151 CHAIR NORRIS: Does this tie into a water authority?

152 JUDILU: Yes, it ties in very well because one of the elements of this work is to look at the institutional arrangements.

157 SIBOL: Describes current status and projections for the future.

166 Phase II is challenging. It is the first time we will have an integrated water resource plan for a metropolitan area.

203 CHAIR NORRIS: How far away will people benefit?

212 SIBOL: During most of the year we could supply people as far away as Salem. During three months of the year, we don't have enough storage

for Portland. We use 2-1/2 times as much water in the summer than we do in the winter.

220 CHAIR NORRIS: Is it feasible to tie in with Clark County/Vancouver across the River?

224 SIBOL: It is feasible. They decided to discontinue our cooperative effort after the first phase.

PUBLIC HEARING ON HJM11 AND HJR 35

253 CATHERINE FITCH: The memorial and resolution send a message to the Governor and various federal agencies to encourage the release of the

sequestering the right to fin clip so it could be used as a marking for hatchery salmon. There have been proposed amendments (Exhibits I and

J).

296 REP. DAVE McTEAGUE, District 25: The Pacific Fisheries Management Council has met and has set some very restrictive ocean seasons. This

will affect our ability to catch the available fish in the ocean, particularly the hatchery stocks.

304 DALE PEARSON, Legislative Assistant: These amendments include the U.S. Fish and Wildlife Service. Exhibit K was a response to the concerns of

Salmon for All, Inc. Urges adoption of the amendments.

377 CHAIR NORRIS: Do we lose a certain number of smolts from this fin clipping?

384 PEARSON: There is a small loss. It's a small price to pay. 395 DAN TEN EYCK, Reynolds Aluminum: Testifies in favor of HJM 11 and HJR 35. Reads testimony in Exhibit L.

TAPE 70, SIDE B

084 LARRY HILL, Oregon Guides and Packers, Northwest Sportfishing Industry Association: Testifies in favor of HJM11 and HJR 35.

The organizations I represent will provide volunteers to help accomplish full marking. This will help keep the fiscal impact low.

133 JIM MYRON, Oregon Trout: Testifies in favor of HJM11 and HJR 35. Distributes information in Exhibit M.

169 CHAIR NORRIS: Closes public hearing on HJMand HJR 35.

PUBLIC HEARING ON HB 3295

200 CATHERINE FITCH: Gives a summary of HB 3295 which establishes policy and standards for implementation of program for fish screening at water diversions (Exhibit N).

Amendments have been proposed, 3295-1 (Exhibit O) and 3295-2 (Exhibit P).

254 JILL ZARNOWITZ, Oregon Department of Fish and Wildlife:
Supports the bill with amendment. Summarizes testimony in (Exhibit Q).

306 DAVE NICHOLS, Oregon Department of Fish and Wildlife: The cost sharing program is going very well.

345 REP. MARKHAM: How much did the \$.25 increase on the fishing license raise?

344 NICHOLS: Roughly about \$400,000.

348 REP. MARKHAM: How much of the money did that provide?

350 NICHOLS: That simply pays for the administration of the program.

360 REP. MARKHAM: What does the farmer pay for the program?

364 NICHOLS: About one-third of the cost. The state general fund account picks up the other two-thirds.

368 REP. MARKHAM: How much has been spent so far?

373 NICHOLS: Not much has been spent because we've been pretty successful with lower cost screening programs.

388 REP. MARKHAM: Do the more expensive screens have to be engineered?

394 NICHOLS: No, the engineering has already been done on them.

397 CHAIR NORRIS: We were told some of these would cost \$130,000. Are there some of these out there that we haven't gotten to?

398 NICHOLS: Yes. The larger the diversion is, the more expensive the diversion gets.

400 CHAIR NORRIS: Could the effects of this bill be handled within your current budget?

402 NICHOLS: Yes.

TAPE 71, SIDE A

004 CHAIR NORRIS: Temporarily closes public hearing on HB 3295.

WORK SESSION ON HJM11 AND HJR 35

005 MOTION: REP. MARKHAM: Moves that HJM 11-1 amendments, (LC 286 4-1) dated 3/26/93, be ADOPTED.

010 CHAIR NORRIS: Repeats motion.

013 VOTE: CHAIR NORRIS: Hearing no objections, the AMENDMENTS are ADOPTED.

015 MOTION: REP. MARKHAM: Moves HJM-1, AS AMENDED, to the full committee with a DO PASS recommendation.

016 CHAIR NORRIS: Repeats motion.

017 VOTE: On a roll call vote, all members present vote AYE. REPS. JOSI AND PETERSON are EXCUSED.

032 MOTION: REP. MARKHAM: Moves that HJR 35-1 amendments, (LC 286 4) dated 3/26/93, be ADOPTED.

034 CHAIR NORRIS: Repeats motion.

035 VOTE: CHAIR NORRIS: Hearing no objections, the AMENDMENTS are ADOPTED.

036 MOTION: REP. MARKHAM: Moves HJR 35, AS AMENDED, to the full committee with a DO PASS recommendation.

037 CHAIR NORRIS: Repeats motion.

038 VOTE: On a roll call vote, all members present vote AYE. 040 CHAIR NORRIS: Closes work session on HJM11 and HJR 35.

PUBLIC HEARING ON HB 3295

044 LARRY HILL, Oregon Guides and Packers, Northwest Sportfishing Industries Association: Supports the bill with the -1 amendments.

060 REP. DAVE McTEAGUE, District 25: This bill was requested by the fish screening task force.

082 DALE PEARSON, Fish Screening Task Force: Testifies in favor of HB 329 5. Explains testimony in (Exhibit R).

105 REP. MARKHAM: Is the diverted water for the Salem Parkway screened off?

111 PEARSON: I don't know about that specifically, but the ditch for the Salem Water District is unscreened.

158 CHAIR NORRIS: There are some statutory impediments for behavioral types of screens?

160 PEARSON: Yes, it's in the definition.

168 REP. MARKHAM: If you're going to pull all seven of the screening departments of the Fish and Wildlife Commission together, will the \$.25 surcharge still cover those costs?

170 REP. McTEAGUE: There is some other funding. The Northeast Oregon Screening Program has been using a significant amount of federal money.

176 REP. MARKHAM: Will that general fund money disappear?

179 REP. McTEAGUE: I don't believe so.

180 PEARSON: Screening is defined in the bill as a screen, grating or other barrier, which implies a physical barrier.

190 The -1 amendments have been recommended by the Fish Screening Task Force. The -2 amendments were also proposed, but we have since decided

to withdraw them.

203 The amendments that were worked up by legislative counsel did not do what I wanted them to do, so they will be redrafted.

225 REP. MARKHAM: Aren't most of these diversions down on public land?

229 PEARSON: Well over half of the diversions over 30 cfs belong to the State of Oregon, the U.S. Government and various local municipalities

and water districts.

232 REP. MARKHAM: Why are you just discussing private diversions?

235 CHAIR NORRIS: I think most of the irrigation districts have already done it, haven't they?

237 PEARSON: There has been a lot of work going on. The feeling was that larger diversions, that are not private, have access to other help.

393 REP. VanLEEUEWEN: What's a non-game fish?

398 PEARSON: Something that is not normally fished for and not regulated.

TAPE 72, SIDE A

016 REP. McTEAGUE: The Department of Fish and Wildlife has made major progress in screening their unscreened diversions.

019 REP. HOSTICKA: Were you talking about the -1 amendments only?

022 PEARSON: Yes.

024 JIM MYRON, Oregon Trout: Supports HB 3295 with the -1 amendments.

030 REP. MARKHAM: Do you not support the -2 amendments because they are ambiguous?

032 MYRON: We don't feel that diversions over 30 cfs should be included in the cost share program.

040 REP. MARKHAM: If "private" was inserted, would that change your mind?

045 MYRON: Yes, to some extent. This would make a substantive change in present law.

061 MARK NELSON, Water for Life: We concur with the -1 amendments and support the bill.

073 RICHARD KOSESAN, Water for Life: The question was to allow some flexibility in who was included in the cost sharing program.

082 CHAIR NORRIS: Isn't that addressed in the amendments we have before us?

084 KOSESAN: The -1 amendments are technical in nature. The answer will be addressed in a reworked version of the -2 amendments.

120 CHAIR NORRIS: Closes public hearing on HB 3295.

Meeting adjourned at 3:45.

Also submitted for the record: - Letter from Dan Ten Eyck, Reynolds Aluminum (Exhibit S). - Letter from Bruce Lovelin, Northwest Irrigation Utilities (Exhibit T). - Letter from Peg Reagan, Curry County Oregon, Board of Commissioners (Exhibit U). - Letter from Lyle Timm, Oregon South Coast Fishermen, Inc. (Exhibit V). - Letter from the Fish Screening Task Force (Exhibit W). - Letter from William Percy, Oregon State University (Exhibit X). - Letter from Patrick Bohannon (Exhibit Y). - Letter from Raymond P. Nolan, M.D., Cape Arago Audubon Society (Exhibit Z).

Submitted by:

Reviewed by:

Sue Nichol
Administrator

Catherine Fitch Clerk

EXHIBIT LOG:

A - HB 3079 - Preliminary Staff Measure Summary - Catherine Fitch - 1 page. B - HB 3079 - Testimony - Robert Meinen - 2 pages C - HB 3079 - Testimony - Janet Lovell-Smith - 1 page D - HB 3079 - Testimony - Sally Cross - 1 page E - HB 3079 - Testimony - Louise Bilheimer - 1 page F - Regional Water Plan - Testimony - Mike Lindberg - 3 pages G - Regional Water Plan - Information - Mike Lindberg - 24 pages H - Regional Water Plan - Information - Mike Rosenburger - 9 pages I - HJM11 - Hand engrossed amendments - Staff - 3 pages J - HJR 35 - Hand engrossed amendments - Staff - 3 pages K - HJM11 and HJR 35 - Testimony - Dale Pearson - 3 pages L - HJM11 and HJR 35 - Testimony - Dan Ten Eyck - 1 page M - HJM11 and HJR 35 - Information - Jim Myron - 1 page N - HB 3295 - Preliminary Staff Measure Summary - Staff - 1 page O - HB 3295 - Hand engrossed -1 amendments - Staff - 5 pages P - HB 3295 - Hand engrossed -2 amendments - Staff - 7 pages Q - HB 3295 - Testimony - Jill Zarnowitz - 17 pages R - HB 3295 - Testimony - Dale Pearson - 8 pages S - HJM11 and HJR 35 - Letter - Dan Ten Eyck - 2 pages T - HJM11 and HJR 35 - Letter - Bruce Lovelin - 1 page U - HJM11, HJR 35, HB 3295 - Letter - Peg Reagan - 1 page V - HJM11, HJR 35, HB 3295 - Letter - Lyle Timm - 4 pages W - HB 3295 - Letter - Dale Pearson - 1 page X - HB 3295 - Letter - William Percy - 2 pages Y - HB 3295 - Letter - Patrick Bohannon - 4 pages Z - HB 3295 - Letter - Raymond Noland - 1 page