

SENATE COMMITTEES ON AGRICULTURE AND NATURAL RESOURCES AND WATER POLICY  
. , . DATE: June 18, 1993 TAPES: 190 - 191  
PLACE: Hearing Room C TIME: 8:00 AM

MEMBERS PRESENT: Senator Ron Cease, Chair ANR Senator Jim Bunn,  
Vice-Chair ANR Senator Joyce Cohen ANR Sen. Bill Dwyer,  
Chair WP Senator Shirley Gold ANR Senator Bob Kintigh ANR, WP  
Senator Bob Shoemaker ANR Senator Gordon Smith ANR MEMBERS  
ABSENT: Sen. Wes Cooley WP - Sen. Frank Roberts WP Sen.  
Tricia Smith WP STAFF PRESENT: Peter Green, Administrator ANR  
Lisa Zavala, Administrator WP Chris Warner, Research Associate ANR  
Pamella Andersen, Clerk ~,

MEASURES HEARD: SB 1127 HB 2215 SB 781 HB 2838 HB  
3149 HB 3349 SB 1131

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TAPE 190, SIDE A

005 CHAIR CEASE: Calls the meeting to order at 8:12 a.m. - This is a joint meeting with the Water Policy Committee, although they will not have a quorum throughout the meeting. - Opens the public hearing on SB 1127 and HB 2215-A.

PUBLIC HEARING ON SB 1127 and HB 2215-A - EXHIBITS A through D Senate Agriculture and Notural Rosourcos Juno 18, 1993 Page 2

WITNESSES: Becky Kreag, Water Resources Department Louise Bilheimer, Pacific Rivers Council Jill Zarnowitz, Department of Fish and Wildlife Tom O'Connor, Oregon Municipal Electric Utilities Cathryn Collis, Association of Clean Water Agencies Burton Weast, Special Districts Roy Ellicker, Wildlife Society

021 BECKY KREAG: Offered responses to three basic issues raised at the meeting the previous week: budget commitments, what is the effect of codifying this by reference to the report, and; what are the enforcement authorities envisioned; how will we know if it is successful?

CHAIR CEASE: We did ask Legislative Counsel to provide an assessment of a couple of these pieces. - (Introduces EXHIBIT G) This has been distributed to committee members and to Rep. Norris.

KREAG: The counsel given is fairly consistent with what we expected except for Ms. Holman's narrow view of the term "process." - I believe SWMG would look at the entire process for the council as being that partnership process. - The process includes the contents (how you put it together). - One thing not addressed is the Stage 1 assessment of statewide watershed conditions. - SWMG has already directed state agencies to prepare the Stage 1 assessment.

058 CHAIR CEASE: Reads page 1, last paragraph. - Would you indicate for the record your intent on the process, generally?

KREAG: The intent was that all 7 steps outlined in the report would be covered as part of the partnership process.

CHAIR CEASE: Would SWMG or the department develop rules?

074 KREAG: SWMG has been given certain rulemaking authority, but I think it only pertains to groundwater activities. - Discusses budget commitments. - We felt the watershed councils would redirect how existing state staff and resources are targeted for particular areas.

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- There would be one separate FTE impact on this bill, which would be designated as a SWMG staff support person, to aid councils that are formed in areas other than those targeted for the benchmark program. - In addition, there is the major program that calls for watershed health pilot programs in the south coast and the Grande Ronde that have substantial associated funding. - Notes the FTE for the 6 related state agencies. 102 - Discusses codifying the process. - The report fosters flexibility and was not originally viewed as an enforcement program. - We want it to be action oriented. - It was not intended to be a program that changes where decisions are ultimately made once consensus has been reached on goals. 122 - Discusses enforcement authority, standards to follow and how we would know if it was successful. - Enforcement authority is shared among the various levels of government.

SEN. KINTIGH: What types of activities would require enforcement?

140 KREAG: In the area of forestry, service foresters could help people restore and refurbish areas that maybe go beyond the enforcement area. - In the area of water management, we will be collecting information on actual water use. - We hope to work with water users on how best to modify their systems to diminish their impact. - It is a melding of what we have in hand as an enforcement tool or what a community needs to see gains made in the watershed.

SEN. KINTIGH: What kind of activity would you be forcing people to do?

161 KREAG: The program is not primarily enforcement. - The committee indicated we needed more enforcement. - We are saying the agencies already have enforcement available, so the program doesn't need additional enforcement provisions. - We are suggesting programs to help people surpass the requirements.

SEN. COHEN: That is not enforcement. - We are talking about state agencies enforcing the existing rules relative to particular watersheds as a priority.

188 SEN. KINTIGH: What expanded activities is a person required to do beyond existing regulations?

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SEN. COHEN: I would assume we are not giving expansions beyond the rules, but that persons wishing to remain in good standing with their interest group would participate.

CHAIR DWYER: I don't think there would be much resistance if someone else were paying the tab.

KREAG: I believe that is the case. - I was blending the SWMG proposal and the watershed health funding aspect together. 215 - Along with enforcement authority, the state has a number of standards as starting points from which the group would evaluate whether modifications or more specifics are needed. - There are sound performance measures in the Oregon benchmarks, providing a baseline. - Lists several goals: streamflows, water quality standards, fish production goals, recovery of threatened and endangered species, healthy riparian area conditions, increases in water holding capacity of the upper watershed, land management changes, etc.

252 SEN. SHOEMAKER: In earlier testimony, I was given the impression that the proposal for Watershed Management Strategy for Oregon was being incorporated by reference within the bill and that SWMG would regard the whole report as its marching orders. - Is that your understanding?

KREAG: It is.

SEN. SHOEMAKER: So the language in the bill may limit the bill to just incorporating the process described in the report, and that was not intended"

266 KREAG: That was not intended. - If we could state that more inclusively, we wouldn't see a problem in doing so.

CHAIR DWYER: I am concerned that nowhere is it delineated how much funding will go to the ground and how much to administration.

KREAG: Discusses their staffing of the watershed management project. - Budget notes and proposed amendments on SB 1112 indicate they log the time spent by state agency personnel to verify their time invested in this project.

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307 LOUISE BILHEIMER: References SB 783 (1991), introduced by Sen. Springer on their behalf, which called for the same type of process as HB 2215. - We have advocated this type of process before. - Our support of HB 2215 was contingent upon the understanding that the entire process outlined in the Watershed Management Strategy was to be used. - I would not have agreed to HB 2215-A if I did not believe that to be the intention.

CHAIR DWYER: Would you favor the addition of language that we reference the whole document and process?

340 BILHEIMER: Absolutely. - I know that is the intent of SWMG. - The McKenzie Watershed Council is using that document as the guiding basis for operating that process in the McKenzie Watershed.

SEN. SHOEMAKER: I think the proposal is more than simply process. - I assume you would intend that be incorporated as well?

BILHEIMER: I am speaking of the entire document.

372 JILL ZARNOWITZ: (Introduces EXHIBIT A) The Department of Fish and Wildlife supported the original and current house bill. - We believe cooperative watershed management is one of the better ways to heal watersheds. - The cumulative effect of all impacts is causing decline of all fish stocks. 408 - This will give us a good opportunity to get a handle on the impacts that have accumulated over time. - Working with the local communities, we can restore all the water-related resources.

425 TOM O'CONNOR: (Introduces EXHIBIT B) Notes Exhibit B, which he distributed on behalf of Susan Schneider. - Ms. Schneider and I supported HB 2215 as introduced and passed out of the House.

CHAIR CEASE: Is it your understanding the intent is the process is to include the whole document?

451 O'CONNOR: Yes, that is our understanding. - Notes the Eugene Water and Electric Board, Lane County, and a citizens

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group have begun an integrated McKenzie watershed management program.

TAPE 191, SIDE A

O'CONNOR: If the local government had to solicit support from every government agency that is involved in their watersheds, it would be a long process. - This should not be viewed as a panacea. - If polarization is going to occur, it will still occur.

061 CATHRYN COLLIS: (Introduces EXHIBIT C) Offers testimony in support of HB 221 5-A. - The Association of Clean Water Agencies supports comprehensive watershed management as articulated in the strategy. - We supported HB 2215 in its original form and as amended, assuming the strategy was the complete strategy.

075 BURTON WEAST: (Introduces EXHIBIT D) We are in support of HB 2215 as it is before the committee and urge its passage. 082 ROY ELLICKER: Offers testimony in support of HB 2215 and SB 1 127. - We think state agencies should be required rather than encouraged to cooperate with local watershed councils. - On SB 1127, we are encouraged that high priority watersheds are identified. - In section 8 of that bill, different language that would increase local participation would be helpful.

100 SEN. COHEN: How can we get information from wildlife biologists that is useful? - Encourages them to manage information in a way that can be used.

ELLICKER: We have a board meeting next week, at which I will report your suggestion.

CHAIR CEASE: Closes the public hearing on SB 1 127 and HB 221 5-A. - Opens the work session on HB 3149.

WORK SESSION ON HB 3149

ADMIN. WARNER: (Introduces EXHIBIT H) Reviews the necessary amendment to page 2, lines 8 and 9 and its intention. \_ 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. \_ Senate Agriculturo and Notural Rcsourcos June 18, 1993  
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MOTION: CHAIR CEASE: Moves to amend HB 3149-A on page 2, lines 8 and 9 by deleting the words "the Public Utility Commission of Oregon and."

VOTE: CHAIR CEASE: Hearing no objection the amendments are ADOPTED. Sen. Gold is EXCUSED.

MOTION: SEN. BUNN: Moves that HB 3149 AS AMENDED, be sent to the Floor with a DO PASS recommendation. VOTE: In a roll call vote, all members present vote AYE. Sen. Gold is EXCUSED.

CHAIR CEASE: The motion CARRIES. Sen. Gold will lead discussion on the Floor. - Closes the work session on HB 3149. - Opens the work session on HB 3389.

WORK SESSION ON HB 3389

186 ADMIN. WARNER: Notes what the bill does.

MOTION: SEN. COHEN: Moves that HB 3389 be sent to the Floor with a DO PASS recommendation. VOTE: In a roll call vote, all members present vote AYE. Sen. Gold is EXCUSED.

CHAIR CEASE: The motion CARRIES. Sen. Bunn will lead discussion on the Floor. - Closes the work session on HB 3389. - Opens the work session on SB 1 1 31.

WORK SESSION ON SB 1131

205 ADMIN. WARNER: (Introduces EXHIBIT I) Explains the -2 amendments and what they impact. - A typographical error needs to be corrected in the ORS citation on line 7.

SEN. SHOEMAKER: Does this need a sunset clause?

235 ADMIN. WARNER: The way it was originally drafted, Legislative Counsel felt the application deadline was sufficient.

CHAIR CEASE: Let's go ahead with this. - It is our understanding the action contemplated in this would be in the session books, but not codified.

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SEN. BUNN: Can't we do this conceptually as part of the amendment?

CHAIR CEASE: Yes.

MOTION: CHAIR CEASE: Moves to ADOPT in concept the SB 1131-2 amendments dated 6-16-93 and that SB 1131 be further amended on page 1, line 7, by changing ORS 215.298 to ORS 215.296. VOTE: CHAIR CEASE: Hearing no objection the amendments are ADOPTED. Sen. Gold is EXCUSED.

251 MOTION: SEN. COHEN: Moves that SB 1131 AS AMENDED, be sent to the Floor with a DO PASS recommendation. VOTE: In a roll call vote, all members present vote AYE. Sen. Gold is EXCUSED. CHAIR CEASE: The motion CARRIES. Sen. Smith will lead discussion on the Floor. - Closes the work session on SB 1131. - Opens the work session on HB 2838.

WORK SESSION ON HB 2838

268 ADMIN. WARNER: (Introduces EXHIBIT J) Notes the changes made.

283 REBECCA ANDERSON: Explains what this change accomplishes.

SEN. SHOEMAKER: This language was worked out between the sponsors of the bill and the Oregon Criminal Defense Lawyers Association. - That addresses my concern that it be adequate to protect against abuse.

ADMIN. WARNER: States the second change which is to line 7.

ANDERSON: That was worked out with the Police Chiefs Association.

313 SEN. COHEN: I want to make clear for the record this does not preclude the need to get a warrant.

MOTION: CHAIR CEASE: Moves to ADOPT the HB 2838-A5 amendments dated 6-16-93. VOTE: CHAIR CEASE: Hearing no objection the amendments are ADOPTED. Sen. Gold is EXCUSED.

SEN. BUNN: I think this should have gone to Judiciary instead of to us.

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MOTION: CHAIR CEASE: Moves that HB 2838 AS AMENDED, be sent to the Floor with a DO PASS recommendation. VOTE: In a roll call vote, all members present vote AYE. Sen. Gold is EXCUSED.

CHAIR CEASE: The motion CARRIES. - Closes the work session on HB 2838.

ADMIN. WARNER: For the record, Legislative Counsel has stated the amendment on SB 1131 was done properly, according to our intentions.

CHAIR CEASE: Opens the work session on SB 781.

WORK SESSION ON SB 781

384 GREG WOLF: (Department of Land Conservation and Development) We met with the supporters of the bill last week to discuss the cultural resources issue. - It was determined best to deal with this issue in an interagency way. - A working group is to be convened of affected, interested agencies to develop a regulatory scheme. - The Department of Land Conservation and Development agreed to contribute \$5,000 toward the hiring of a mediator/facilitator. - The total cost to bring that to conclusion is estimated at \$40,000 to 50,000. - We suggest other agencies also contribute funding. - We will convene the work group, actively participate in the interim, report to the legislative committee on progress, and bring back proposed legislation or administrative rule changes, as appropriate.

426 CHAIR CEASE: We did send a letter to agencies asking their cooperation, - It would be my intent that the interim committee would follow that action. - Reads letter from Richard Benner (introduces EXHIBIT E). - This approach would move toward an integrated agency response.

TAPE 190, SIDE B

038 DOUGLAS HUTCHISON: (Commission on Indian Services) We view this differently than other agencies. - This is not mathematical and scientific to us, but a human issue. - For the Indian people this is an emotional subject. - The marketing of cultural resources has become a big commercial activity, diminishing this finite resource. - This would set out guidelines for everyone to protect this resource.

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060 - In SB 61, which has passed the Senate, the state assumes responsibility for stewardship of these materials. - This implies because there are other interests, the state needs some guidelines, policy and rules to follow. - We have a limited budget, so I don't think we could make a major contribution to funding.

SEN. COHEN: Could you look for a grant from the federal government?

CHAIR CEASE: Your proposal would have even greater weight by working with other state agencies.

084 JAMES HAMRICK: (State Historic Preservation Office) I think this is a great opportunity for a collaborative process. - We would be willing to provide staff and other types of support for this. - We would like to see everyone assist with funding.

094 JANE ARD: (Division of State Lands) We are supportive of this proposal and will support it in any way we can.

098 CHARLIE STONE: (Department of Forestry) We support the collaborative effort and will contribute staff time and funding.

CHAIR CEASE: Closes the work session on SB 781. 109 Adjourns the meeting

at 9:15 a.m.

Submitted by: Reviewed by, Pamella Andersen t een  
Clerk Administrator

EXHIBIT LOG:

A Testimony on HB 2215 - Jill Zarnowitz - 2 pages B Testimony on HB 2215  
by Susan Schneider - Tom O'Connor - 1 page C Testimony on HB 2215 -  
Cathryn Collis - 1 page D Testimony on HB 2215 by Kevin Han way - Burton  
Weast - 2 pages

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E Testimony on SB 781 by Richard Benner - Greg Wolf - 1 page  
F Testimony on HB 2215-A - Joni Low - 1 page G Testimony on HB  
2215-A - Jeannette Holman - 2 pages H Hand-Engrossed HB 3149 - Staff  
- 2 pages I Proposed Amendments SB 1131-2 - Staff - 1 page  
J Proposed Amendments HB 2838-,15 - Staff 1 page - Information  
Packet - Committee Staff



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