

SENATE COMMITTEE ON WATER POLICY

March 2, 1993 Hearing Room 137 3:00 p.m. Tapes 12 - 13

MEMBERS PRESENT: Sen. Bill Dwyer, Chair Sen. Bob Kintigh,
Vice-Chair Sen. Wes Cooley

Sen. Frank Roberts Sen. Tricia Smith

MEMBERS EXCUSED: None

VISITING MEMBERS: Representative Dave McTeague

STAFF PRESENT: Lisa Zavala, Administrator Pamella Andersen,
Committee Clerk

MEASURES CONSIDERED: SB 470 Informational meeting: Overview
of Fish Screening

Program

[--- 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 12, SIDE A

004 CHAIR DWYER: Calls the meeting to order at 3:09 p.m. - Opens the public hearing on SB 470.

PUBLIC HEARING ON SB 470 - EXHIBIT A

WITNESSES: Robert Hall, Portland General Electric

Bev Hayes, Department of Water Resources Barry Norris, Technical Services Manager, Department of Water Resources Jan Boettcher, Northwest Hydroelectric Association

010 ROBERT HALL: (introduces EXHIBIT A) This is simply a housekeeping bill. - Reviews intent and action of the bill. - The bill is to bring Oregon law in line with federal law.

025 BEV HAYES: (introduces EXHIBIT B) We have no problems with this bill. - The bill is consistent with the direction given by the Legislature

last session.

CHAIR DWYER: Is the testimony given on this bill correct?

BARRY NORRIS: Yes.

040 JAN BOETTCHER: (introduces EXHIBIT C) The Northwest Hydroelectric Association heartily supports this bill. - It will

simplify the process. - It will allow the applicants the appropriate study period.

047 CHAIR DWYER: Closes the public hearing on SB 470. - Opens the work session on SB 470.

051 MOTION: SEN. COOLEY: Moves SB 470 be sent to the Floor with a DO PASS recommendation.

VOTE: CHAIR DWYER: In a roll call vote all members present vote aye.

SEN. SMITH is EXCUSED. The motion CARRIES.

SEN. KINTIGH will lead discussion on the floor.

057 CHAIR DWYER: Closes the work session on SB 470. - Opens the informational meeting on the fish screening program.

INFORMATIONAL SESSION ON FISH SCREENING PROGRAM

WITNESSES: Jill Zarnowitz, Habitat Conservation Division Chief, Oregon Department of Fish and Wildlife
Dave Nichols, Fish Passage Program Manager, Oregon Department of Fish and Wildlife
Dale Pearson, Chairman, Fish Screening Task Force
Jim Myron, Oregon Trout

062 JILL ZARNOWITZ: Fish passage statutes were changed in 1991 to allow a cost share program. - Water diverters would pay one-third the cost of providing fish

screens. - The public would pay two-thirds of the cost. - Anglers would pay for administration of the program.

068 SEN. SMITH joins the meeting.

075 DAVE NICHOLS: (introduces EXHIBIT D) Reviews requirements and highlights of legislation creating the program. - Reviews Exhibit D, page 3. - Lists representations on the Fish Screening Task Force.

CHAIR DWYER: Were those program positions part of the Governor's glide path?

NICHOLS: My position was originally part of the glide path. - That has since been reinstated.

105 ZARNOWITZ: The agency was required to convert the position into a high-level, non-management position. Through vacancies we were able to

then reconvert the position to a manager position.

120 NICHOLS: Continues with review of page 3 of Exhibit D.

CHAIR DWYER: Give the committee some history of this program. What is the total cost to screen all the diversions?

NICHOLS: The cost would be close to \$140 million.

CHAIR DWYER: The smaller diversions will only cost \$22 million. The remainder goes to the larger diversions.

143 NICHOLS: There is a great cost variance in screening any particular diversion, from \$1000 to \$10 million. - Of the 3500 water diversions identified for screening, only 140 were

larger than 30 cubic feet of water per second.

SEN. KINTIGH: What was your criteria for choosing those diversions? Was it volume of water, number of fish, or more valuable fish?

NICHOLS: Diversions were prioritized based upon the number of fish involved and the status of the fish found (such as threatened species). - We solicited volunteers for the program. 187 - We have more people volunteering than are required for the program this biennium.

SEN. KINTIGH: Do most of these volunteers represent diversions of fair size?

NICHOLS: We have quite a range; from less than one up to 30 cfs. - Attachment 4 is a map with the locations of the 20 projects selected. - Lists projects and their different emphases. 203 - We are only doing 20 screens this biennium, which is not a significant dent.

SEN. COOLEY: Does Attachment 5 list the 20 that are being done?

NICHOLS: Yes.

212 SEN. COOLEY: How many diversions do we have that are above 30 cfs? What type of system are you talking about for the larger cfs? What do

you use for that large of a flow?

NICHOLS: There are approximately 140. For diversions larger than 50 cfs, system type must be determined on a case-by-case basis. - There is no typical screen for large diversions.

SEN. COOLEY: Could the department develop a standardized screening system that would be less costly to the government?

NICHOLS: I don't think that is possible. The facilities usually have a designated purpose and the fish screen has to be integrated into that.

261 CHAIR DWYER: At 30 or so per biennium, we will never get these done. Tell us what we need to do to enhance, foster, promote and achieve the

objectives you think we need to meet.

274 NICHOLS: Alternative screen designs are being reviewed. - Two

and four years ago, the costs per site were much higher. - We are seeking creative options for everyone. - Results seen to date are encouraging. - It may be time to revisit ideas that haven't worked well in the past.

299 ZARNOWITZ: We have seen some success with some of the larger diversions. - Irrigation districts are talking to their constituents and

encouraging them to start working on the fish screening.

SEN. KINTIGH: If you had funding, how would you spend it to save the most fish?

333 NICHOLS: I would spend it on a lot of small diversions.

SEN. SMITH: How close to the maximum of 75 diversions will you get this biennium?

NICHOLS: It will be closer to 20. - Setting the program up has consumed most of our time this biennium.

359 SEN. SMITH: It appears most of these are on the west side of the Cascades.

NICHOLS: Eight scheduled installations are west of the Cascades and 12

are to the east. - In northeast Oregon we are not doing a lot with this program. The

department already has an ongoing program funded by the federal

government. - Lists facilities in the northeast portion of the State. That is the

strongest area of the State. - The exception is there may be water diversions that need protection

for resident stocks of fish. 406 - I am encouraged by the progress I have seen. - The task force has been valuable. - We have come a long way toward the center in cooperation.

424 CHAIR DWYER: Do you have suggestions as to how we as a body can help foster and expedite this process?

431 NICHOLS: Continued funding would be helpful. - Legislation directs us to come back to the next legislative session

with a 10-year plan for screening the remaining diversions. - It is early in the program to start changing things. - We are on the right track in working with screening alternatives and

the water community. - Let's give it another biennium and see where we are then.

460 SEN. SMITH: What is happening in Ways and Means with the authority to continue the program?

ZARNOWITZ: There is support for the program with a suggestion to add technicians to the field staff to maintain screens in place.

SEN. SMITH: ORS 498.248 states the diverter is to install and maintain the screen. Why are we letting them off the hook?

TAPE 13, SIDE A

ZARNOWITZ: This law exempts diversions under 30 cfs from the fish screening statute that was already in place. This bill replaces that.

024 SEN. SMITH: I didn't remember we were going to have to maintain them forever. Isn't that a considerable expense?

NICHOLS: It can be a large expense.

SEN. SMITH: Why are we not looking at the diverter to maintain the screens once they are installed? Is there excessive expense in maintenance?

ZARNOWITZ: This was a political decision. The cost is not high other than for larger screens.

040 CHAIR DWYER: The law requiring screening and diverting was on the books for years and nothing was taking place. The law had no enforcement

power.

SEN. SMITH: To require the State to maintain the screens requires a State employee visit each site, requiring a lot of staff.

NICHOLS: We have a cost estimate based on 30 years of record for the northeast Oregon screening program. It is close to \$1000 per year to maintain each screen. That involves two visits per week for six months.

CHAIR DWYER: Someone needs to develop self-cleaning screens.

061 SEN. COOLEY: Have the water districts been approached to fulfill this need? Organized water districts have regular employees who are always

on the payroll and are constantly driving the ditches. It would be so easy for them to check these as well.

NICHOLS: The organized water users are larger than 30 cfs and represent a very small percentage of these diversions. Most of these identified projects are under individual ownership and control.

078 ZARNOWITZ: We have been investigating the possibility of agreements between the department and the diverter. - Screen cleaning would be a seasonal employment position.

084 SEN. SMITH: It seems we could put a lot more screens in if we didn't have to maintain them. The more we put in, the more there are to

maintain. At the very least, we ought to require they maintain their own screens once we install them.

103 ZARNOWITZ: We have suggested screening projects for some of President Clinton's work projects.

CHAIR DWYER: Please give new members a copy of the fish screening report offered in the past.

120 DALE PEARSON: (introduces EXHIBIT E) Reviews achievements, problems and goals of the fish screening program. - Cost-sharing fish screening program for non-hydro gravity irrigation

diversions under 30 cfs is a four-year test program. - All provisions of the program are going off the books in two years,

including the requirement the State perform all maintenance. - The fish screening program is viable and shows promise. - The owner of the most unscreened diversions in the state is the

Department of Fish and Wildlife. - We believe the second biennium will be fully subscribed by

volunteers. - Notes support by Water Resources Congress. - We are striving for advances in cost reduction. - The agricultural community is supporting this as a permanent program. 190 - Problems include a slow start and inadequate policy standards. - Behavioral barrier technology is prohibited by statute even though it is very promising technology.

CHAIR DWYER: Could you list things that preclude progress? Are there any screening bills floating around?

225 PEARSON: HB 3295 addresses many of the concerns I have raised. - There has been continuing conflict between the cost sharing and hydro programs.

CHAIR DWYER: How do we resolve these conflicts?

PEARSON: Pass the House bill recommended by the Fish Screening Task Force. - There are seven separate screening programs, preventing cooperative

efforts. - Loss of field staff due to the Governor's reductions resulted in

administrative staff having to move out into the field to effect

implementation of the program.

282 CHAIR DWYER: Emphasizes the necessity of using budget notes in the future.

PEARSON: We intend to screen over 70 diversions in the next biennium. - We hope to install at least one behavioral barrier.

CHAIR DWYER: Have you seen the self-cleaning drum screens?

PEARSON: I have seen that type of screen, but not those specifically. - Our task force has no legislative direction to participate in development of agency-wide direction, but the agency has sought our advice. - The maintenance portion is the "Achilles heel" of this program.

There is no solution at this time. - We must find a way to involve the diverter in the maintenance of the

screens, at least partially.

357 SEN. SMITH: The department's report states the diverter is reimbursed up to a third of the installation cost and the public pays. From where

does that first third reimbursement come?

380 ZARNOWITZ: That is an error. It should read one-third is paid by the diverter and two-thirds is paid by the General Fund.

SEN. SMITH: You appear to think it is reasonable for the diverter to bear some of the maintenance cost. How does the rest of your task force feel?

400 PEARSON: We have not voted on that. - Sixty FTE was the figure in the report produced last session for when all 3000 diversions are installed. - Those are seasonal positions. It is an enormous undertaking that is

not feasible. - The answer is cooperative effort with the diverter taking on part of

the responsibility. - HB 3295 does not address this problem and I am unaware of any other

bill addressing this.

429 SEN. ROBERTS: What is the cost estimate in the budget for the next biennium including the State's two-third's contribution, the tax credit, and the cost of maintenance?

PEARSON: I would say over a million dollars would cover the next biennium to include the installation of 70 - 80 screens. - Offers breakdown of funds.

TAPE 12, SIDE B

018 CHAIR DWYER: We appreciate your involvement in the process; and that without compensation.

SEN. SMITH: It is hard to support these maintenance costs when it will cost funding for our school districts.

040 REP. MCTEAGUE: Offers history of merger resulting in the Fish and Wildlife Department. - During consolidation, the fish screening statutes were combined. - Two conflicting statues remained on the books for years. - The State dropped support of screen placement in the past (in the

early 70's). - I wrote legislation to replace those statutes and require screening

of diverters. - In 1989 the Legislature put a two-year moratorium on the requirement

because of potential costs and liability to private citizens.

070 JIM MYRON: (introduces EXHIBIT F) Offers further testimony on the history of screening. - The department still has authority to require that diversions over 30 cfs have screens.

CHAIR DWYER: That would cover \$118 million of the \$140 million?

MYRON: I don't remember the figures. - Several of the larger installations are owned by the federal

government. - Page 2 of Exhibit F clarifies that whatever screens are not installed this biennium are not carried over to the next biennium. - The pilot program is not much more than another public subsidy to

irrigated agriculture. - Corrects Exhibit F, page 2, beginning on line 15 to read "an

irrigator with the 1/3, 1/3, 1/3 and fifty percent tax credit would

pay 1/6 of the cost of the screen, up to \$15,000. After \$15,000 that portion would increase." 105 - The person benefiting financially from the use of the water should be the responsible party for the installation and maintenance of

screens.

SEN. ROBERTS: I understood the only expense to the diverter was 1/3 of the cost up to \$5000 with the State paying the remainder up to \$10,000.

MYRON: That would be a good deal for the irrigators. - Oregon Trout does not support making any changes to the statute this

session. - I have seen preliminary outlines of the fish bill and have determined it is just an attempt to micro-manage the department.

135 REP. MCTEAGUE: Screening and related issues are a high priority to folks in fishery communities. - I don't believe we need to

pick fights over every little issue in

water. - We have one little area where we have made progress in getting

fishery and agricultural interests together to form some solutions.

142 CHAIR DWYER: Adjourns the meeting at 4:19 p.m.

Submitted by,

Reviewed by,

Pamella Andersen

Lisa Zavala Clerk
Administrator

EXHIBIT LOG:

A Testimony on SB 470, Robert Hall, 2 pages B Testimony on SB
470, Bev Hayes, 1 page C Testimony on SB 470, Jan Boettcher, 3 pages
D Oregon's New Cost-Sharing Fish Screening Program, Dave Nichols, 15
pages E Testimony on Fish Screening Program, Dave Pearson, 3 pages F
Testimony on Fish Screening Program, Jim Myron, 2 pages