

SENATE COMMITTEE ON WATER POLICY

April 22, 1993 Hearing Room 137 3:00 p.m. Tapes 38 - 39

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

MEMBERS EXCUSED: Sen. Frank Roberts

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

MEASURES CONSIDERED: SB 535 SB 960

[--- 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 38, SIDE A

004 CHAIR DWYER: Calls the meeting to order at 3:15 p.m. - Opens the work session on SB 535.

WORK SESSION ON SB 535

009 CHAIR DWYER: Reviews the -3 amendments made at the last meeting.

026 JILL ZARNOWITZ: (Oregon Department of Fish and Wildlife) This bill with help protect screens on site. - The only way we can presently cite someone is if they actually take

fish when they tamper with their screen. - Signs are posted at each diversion explaining the purpose of the

screen. - Our present process is a soft glove rather than a hard hammer.

059 CHAIR DWYER: You intend to give people ample notice of changes prior to implementing penalties for noncompliance?

ZARNOWITZ: That's correct.

CHAIR DWYER: Do you have a rule to extend the appeal procedure beyond 20 days? - Notes the statute which references such an extension.

SEN. SMITH: Are you suggesting that, Senator Dwyer?

CHAIR DWYER: No. 074 MOTION: SEN. SMITH: Moves to ADOPT the SB 535-3 amendments dated 4-20-93.

VOTE: CHAIR DWYER: Hearing no objection the amendments are ADOPTED.

SEN. ROBERTS is EXCUSED.

MOTION: SEN. SMITH Moves that SB 535 AS AMENDED, be sent to the Floor with a DO PASS recommendation. VOTE: In a roll call vote, all members present vote AYE. SEN. ROBERTS

is EXCUSED.

CHAIR DWYER: The motion CARRIES. SEN. SPRINGER will lead discussion on the Floor.

CHAIR DWYER: Closes the work session on SB 535. - Opens the public hearing on SB 960

PUBLIC HEARING ON SB 960 - EXHIBITS A through E

WITNESSES: Kevin Hanway, Oregon Association of Water Utilities, Special Districts of Oregon Jill Zarnowitz, Department of Fish and Wildlife Susan Schneider, City of Portland Joni Low, League of Oregon Cities Martha Pagel, Department of Water Resources

090 KEVIN HANWAY: Offers testimony in opposition to SB 960. - These groups share the concerns of WaterWatch and the other bill

sponsors. - Highlights three of the controversial and problematic issues in the

bill: - The definition of "municipal use" needs to include quasi

municipal users. - The mandated cancellation of permits in section 6 is too

severe. - Section 7(4) needs clarification regarding flexibility to

address all avenues available to increase the amount of water in the river available for allocation.

SEN. KINTIGH: Assumes the chair.

137 JILL ZARNOWITZ: (introduces EXHIBIT A) Offers testimony in support of SB 960. - Lists various species of fish at risk of extinction. - Notes the reasons for that risk. - Water alone will not provide everything fish or wildlife will need. 165 - Some comprehensive legislation is needed to help address this problem. - The fish will not benefit from plenty of water unless there is good riparian habitat and proper land management practices.

CHAIR DWYER: Assumes the chair. - How long will it take with all the forces working together before we

get a reality check of what our options are? How much time do we

have before the federal government comes and takes control?

184 ZARNOWITZ: I don't believe that will be very long. It won't take 10 years. - The dwindling numbers of salmon are already impacting

our fisheries. - Somebody will soon be sued to review the dams, water use and land

management practices. - With the focus of the Forest Conference, the federal government will

soon have to do something.

CHAIR DWYER: Assuming we do everything right, taking a pro-active stance, how much time will it take?

219 ZARNOWITZ: We would begin to see recovery within at least 10 years. - Activity would include 100 percent marking of hatchery fish. - Techniques for harvesting hatchery fish might have to be changed.

244 SEN. KINTIGH: What is your definition of stock?

ZARNOWITZ: The Department of Fish and Wildlife considers a stock to be a race of fish on major streams.

SEN. KINTIGH: Would the Umpqua and Suislaw be the same?

ZARNOWITZ: I don't know. - Delineates river areas considered as one stock. - Clarifies use of the word "stock."

291 SUSAN SCHNEIDER: (introduces EXHIBIT C) Offers testimony on SB 960. - The City considers conservation a resource to be treated equally with other potential water sources. - Reviews specific issues of concern to the City which include the

retention of the public interest review and hearing.

346 SEN. SMITH: I thought the Water Resources Department already required water use management plans. Is that correct?

358 MARTHA PAGEL: The rules are in process, but have yet to be adopted. - We hope they will be implemented next spring.

380 SEN. SMITH: Is there a penalty if certain municipalities don't implement the plans when required?

PAGEL: I will need to check.

390 JONI LOW: (introduces EXHIBIT C) Offers testimony on SB 960. - We hope to work with WaterWatch to resolve our concerns on SB 960. - The designation of in-stream flows on all streams has the potential

to impact the ability of municipalities to supply water. - Recommends the same approach as developed by the SB 91 work group be

implemented on section 6 (water use reporting). - Recommends there be interim discussion on any type of water fee.

446 PAGEL: (introduces EXHIBIT D) Offers testimony on SB 960. - References Exhibit D which summarizes major provisions of the bill. - We agree significant changes in water policy are necessary in the

future to assure that we are carrying out our stewardship responsibilities.

TAPE 39, SIDE A

- We disagree with statements in the policy document submitted as background for the bill. - We would not want the committee to feel they had to proceed based on

a concern that current law does not address the issue or the

department did not have a commitment to address the issue. - We have been trying to build as much consensus as possible. - References Exhibit D, which summarizes the review made by the

commission of these issues in the last year.

040 SEN. SMITH: I think the policy statement should indicate we are in deep trouble without directing blame.

055 CHAIR DWYER: Do you have point-by-point issues the commission raised in its conference call?

PAGEL: The summary statement in Exhibit D attempts to capture those. - The commission did not arrive at a position on individual sections;

however, they did offer comments section by section. 068 - This does not reflect the official position of the commission. - Many policy questions addressed in this bill are also covered in

other bills: - SB 89 regarding withdrawals; - SB 91 increasing the ability to require measurement and reporting water use; - SB 49 regarding making public interest determinations; - SB 129 requiring permits in hand before construction; - HB 2215 setting up a process on watershed management; - HB 2107 facilitating wetlands and water restoration; - The watershed benchmark funding proposal.

103 CHAIR DWYER: We have to do this one bite at a time if we want it to pass.

PAGEL: States the longer term view of the commission and the department. - We are gearing up for planning some interim work involving

measurement of the department's success in fulfilling its mission and goals. - They intend to develop legislative concepts on user fees. - They are re-doing the basin planning process to make it more effective.

CHAIR DWYER: How is the SWMG bill coming?

126 PAGEL: It has been referred to House appropriations. - It does have a fiscal impact which is included in the Governor's

mandated budget.

- The combined proposal for watershed improvement is being reconfigured with the funds moving through our department and the program is being connected with SB 1112 which passed out of committee yesterday.

151 KIP LOMBARD: (introduces EXHIBIT E) Offers testimony in opposition to SB 960. - Congress feels the working groups are the appropriate way to resolve

the issues. - Reviews Exhibit E. - At this point, SB 960 probably couldn't be resolved in a working

group during this session.

177 CHAIR DWYER: Closes the public hearing on SB 960. - Adjourns the meeting at 4:00 p.m.

Submitted by,

Reviewed by,

Pamella Andersen

Lisa Zavala Clerk
Administrator

EXHIBIT LOG:

A Testimony on SB 960 - Jill Zarnowitz - 2 pages B Testimony on
SB 960 - Susan Schneider - 2 pages C Testimony on SB 960 - Joni Low
- 1 page D Testimony on SB 960 - Martha Pagel - 4 pages E
Testimony on SB 960 - Kip Lombard - 2 pages