

SENATE COMMITTEE ON WATER POLICY

May 11, 1993 Hearing Room 137 3:00 p.m. Tapes 44 - 45

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 SJM 14

[--- 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 44, 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

CHAIR DWYER: Directs discussion to the -4 amendments dated 5-7-93.

MOTION: SEN. COOLEY: Moves to ADOPT the SB 535-A4 amendments dated 5-7-93. VOTE: CHAIR DWYER: Hearing no objection the amendments are ADOPTED.

SENATORS ROBERTS and T. SMITH are EXCUSED.

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

ROBERTS and T. SMITH are EXCUSED.

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

CHAIR DWYER: Closes the work session on SB 535. - Opens the public hearing on SJM14.

PUBLIC HEARING ON SJM14 - EXHIBITS B and C

WITNESSES: Senator Gene Timms, District 30 Liz Frenkel, Oregon Chapter of the Sierra Club, Pacific Rivers Council

Jan Boettcher, Oregon Water Resources Congress Jim Myron, Oregon Trout

039 SEN. GENE TIMMS: Offers testimony on SJM14 as its sponsor. - I

don't believe additional power is bad. - There are many ways to provide environmentally safe and responsible

sources of power. - The memorial encourages Congress to seek further sources of power

that maintain the environmental integrity of an area. - Hydroelectric power can be developed that is compatible with water

quality flows and fish.

050 SEN. SMITH: Joins the meeting. - Did you also initiate the amendment?

CHAIR DWYER: That is my amendment.

SEN. SMITH: What impact would this have on the Salt Caves Project?

SEN. TIMMS: I don't believe it would have any impact.

073 SEN. SMITH: Have you had conversation with the federal government on how they would react to the memorial if it were to pass?

SEN. TIMMS: No. It is just a statement of that in which we believe.

SEN. SMITH: Your interpretation as related to Salt Caves is they would fall under the umbrella of subsection (2) of the memorial?

SEN. TIMMS: I believe Salt Caves would be a palatable project for development of hydro but others such as the Department of Environmental Quality disagree.

090 SEN. SMITH: Environmental integrity is defined differently by various parties. - I was interested in your feeling on how various projects would fit

within that requirement.

SEN. TIMMS: There is a lot of controversy over many projects which I believe are out of perspective. - We have had dams built that should not have been built. - I hope we don't do that down the road. - Mentions the Hells Canyon Dam.

113 CHAIR DWYER: You said this won't impact the Salt Caves at all?

SEN. TIMMS: That issue is in the courts. - I am in support of the project. - To say this memorial allows the Salt Caves Dam would be a misnomer.

127 SEN. SMITH: It is a policy statement of the Legislature, asking Congress to maximize our potentials in terms of dam development. - They might interpret it as an endorsement of the Salt Caves Project.
SEN. TIMMS: Impoundments are the answer to fish and streamflows and are a responsibility of the Water Resources Department.

153 LIZ FRENKEL: (introduces EXHIBIT C) Recommends an amendment to subsection (2). - Reads the amended language. - We

applaud putting conservation first. - Energy conservation includes renewables, which includes hydro.

CHAIR DWYER: Line 14 of the amendment speaks to power development, not hydro.

FRENKEL: Using the term "renewable" would provide consistency with the energy policies of the state. - Requests the phrase, "is consistent with the laws of the state and which" be inserted following the word "that" on line 26.

189 JAN BOETTCHER: The Water Resources Congress could support either version of the memorial as submitted today.

195 JIM MYRON: Oregon Trout supports the position taken by the Sierra Club and the Pacific Rivers Council.

SEN. SMITH: Why do we need this at all? - Don't we already have policies in place involving the Northwest Power Planning Council in developing energy resources that protect the habitat and the fish?

CHAIR DWYER: There are lots of non-renewable ways to generate power. - The state doesn't have a policy for renewable versus non-renewable.

SEN. SMITH: I thought we did.

CHAIR DWYER: This is a memorial to Congress notifying them of the concerns of the Legislature. - I don't object to Liz Frenkel's amendments.

227 MIKE GRAINEY: We don't object to the memorial as originally introduced. - On the -1 amendments, subsection (2), the first sentence needs

clarification that it is a generalization. - ORS 469.010 makes clear that state energy policy is to encourage

energy conservation and renewable resources. - The Legislature has adopted specific programs to administer that. - The Energy Facility Siting Council has included measures that provide preference for renewable resources. - We don't distinguish between types of renewable resources such as

hydro or solar, etc.

SEN. SMITH: Didn't Congress establish an energy policy that established the Northwest Power Planning Council?

266 GRAINEY: In establishing the NWPPC, Congress established a similar set of priorities of energy conservation, renewable resources, high

efficiency cogeneration and other forms of power development. - It also

directed the Council to ensure fish protection and improve Northwest fisheries.

SEN. SMITH: So federal and state law already do what this does as amended?

GRAINEY: In terms of general policy.

SEN. SMITH: Why are we doing this?

CHAIR DWYER: It is only a statement of what concerns us.

SEN. KINTIGH: Sometimes we try to nudge Congress even though they have existing policy.

315 CHAIR DWYER: On the amendments, line 17, "fisheries" should be replaced with "riparian." - On line 14 after "development that" it has been suggested to insert

"is consistent with the laws of the state and."

386 CHAIR DWYER: Closes the public hearing on SJM14. - Opens the work session on SJM14.

WORK SESSION ON SJM14

MOTION: SEN. KINTIGH: Moves to ADOPT the SJM14-1 amendments dated 5-4-93 and that SJM14 be further amended on page 1, line 14, following "development that" by inserting "is consistent with the laws of the state and" and on line 17 by replacing "fisheries" with "riparian."

VOTE: In a roll call vote, SENATORS COOLEY, DWYER and KINTIGH vote AYE. SEN. SMITH votes NO. SEN. ROBERTS is EXCUSED.

MOTION: SEN. KINTIGH: Moves that SJM14 AS AMENDED, be sent to the Floor with a DO PASS recommendation. VOTE: In a roll call vote, SENATORS COOLEY, DWYER and KINTIGH vote AYE. SEN. SMITH votes NO. SEN. ROBERTS is EXCUSED.

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

CHAIR DWYER: Closes the work session on SJM14. 430 - Adjourns the meeting at 3:42 p.m.

Submitted by,

Reviewed by,

Pamella Andersen

Lisa Zavala Clerk
Administrator

EXHIBIT LOG:

A Proposed -4 amendments to SB 535-A - Staff - 1 page B Proposed
-1 amendments to SJM14 - Staff - 1 page C Hand-Engrossed Amendments
to SJM14 - Liz Frenkel - 1 page