

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 COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

June 26, 1991Hearing Room C 3:00 p.m. Tape 249 - 250

MEMBERS PRESENT:Sen. Dick Springer, Chair Sen. Joyce Cohen, Vice-Chair Sen. John Brennehan Sen. Shirley Gold Sen. Bob Kintigh Sen. Tricia Smith Sen. Eugene Timms

VISITING MEMBERS:Rep. Chuck Norris Rep. Dave McTeague

STAFF PRESENT: Lisa Zavala, Committee Administrator Jill Rader, Committee Clerk MEASURES CONSIDERED: HB 3457 (PPW)

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TAPE 249 SIDE A

003 CHAIR SPRINGER CALLS THE MEETING TO ORDER AT 3:15 AM

PUBLIC HEARING ON HB 3457

009 REP CHUCK NORRIS, District 57, Stresses the importance of HB 3457.

022 REP DAVE MCTEAGUE, District 25, Gives overview of his past involvement in this issue. -There is an existing fish screening program in Northeastern Oregon funded 100 % with federal money. There is nothing for other parts of the state. -Shows a legislative report identifying a list of 3,000 water diversions needing a screen. -Shows photographs of fish screens. -There is a fear in the water diversion community of ODFW and what they may do with the existing law. -This legislation establishes a program and staff in ODFW, necessary to the program. -Gives breakdown of funding. -Background information needed for this program is sketchy. We need a handle on the scope of the problem.

115 CHAIR SPRINGER: Would like to know where Water Resources stands.

123 DALE PEARSON, Legislative Assitant to Rep. McTeague, Gives overview of EXHIBIT A, containing background information on HB 3457. -Addresses the moratorium and whether or not it restricts our ability to deal with the threatened and endangered species act. -Gives overview of fish screen data from EXHIBIT A. -Gives background on the program's basis. -There is a great lack of cooperation regarding this issue.

178 CHAIR SPRINGER: As a result of 1987 legislation, we basically said no more hydro-electric facilities could be built, why not the same 'no fish fatality' test for others who use water?

190 REP MCTEAGUE: The law saying ODFW could require diversions to be screened was also passed in 1987. ODFW has never utilized that law. We aren't making any progress.

203 PEARSON: The approach of HB 3457 is one of a cooperative effort. We are convinced that this will be the best approach.

220 CHAIR SPRINGER: The two Oregon Representatives on the Northwest Power Planning Council are meeting as we speak. Has received a note saying any continuation of the moratorium would pull the rug out from under their work on the endangered species act.

233 REP MCTEAGUE: Ted Hallock expressed support and interest in the screening bill program. We aren't repealing the endangered species act. This proposal has ample provisions for the inclusion of federal dollars. -Addresses larger screen projects and setting up a task force with federal dollars. -We our hoping this will complement the Northwest Power Planning Council.

272 CHAIR SPRINGER: Would ask agriculture community if they would choose spending money on diversions or spending money on reducing the pool behing McNary dam?

282 REP MCTEAGUE: What does that have to do with HB 3457.

285 CHAIR SPRINGER: The agriculture community is saying they need to be compensated.

290 DAVID MOSKOWITZ, Executive Director, NW Steelheaders, The priority list tries to work within the endangered species act. Federal Law would be supreme to state law. -NW Power Planning Council is focusing on the Columbia Basin. Most of these diversions are outside of the Columbia basin. -HB 3457 will not diminish Oregon's ability to make choices in the Columbia Basin or anywhere.

325 SEN. TIMMS: You mentioned the John Day River Basin therefore answering some of my concerns. Did the Strategic Water Planning Group get the money to work on John Day.

337 REP MCTEAGUE: No. That was a long-term federally funded program. -Oregon is behind; in Washington they've been doing this since the '30s.

367 SEN. TIMMS: We have to manufacture the screens ourselves?

MCTEAGUE: They probably could be manufactured in other places.

387 SEN. TIMMS: Asks a question regarding the Screen data from EXHIBIT A. Does ODFW not have screens on their own diversions?

392 MCTEAGUE: Shows the committee a list of water diversions for fish obtained from Water Resources.

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003 PEARSON: We don't have an adequate data base to put into force a meaningful program.

011 SEN. TIMMS: Doesn't think the Northwest Power Planning council knows what is going on in Oregon. There needs to be a better coordination with

them. They need pressure put on them.

023 CHAIR SPRINGER: If ODFW enforced the current law, you are saying that the diversion community will fight compliance with the law.

030 PEARSON: Yes, some will choose to fight the law. Gives reasons they may have for doing so. -Does a section by section overview of HB 3457 using EXHIBIT A.

053 CHAIR SPRINGER: Received a note from Ted Hallock asking that his and Angus Duncan's concern regarding an extension of a moratorium be conveyed.

060 SEN. SMITH: Have these same water diverters been living in fear for 30 years?

063 REP MCTEAGUE: Gives background of fish screening legislation prior to 1987. -The legal ambiguity in pre 1987 legislation kept ODFW from doing anything. -Gives further background on the 1987 and 1989 legislation and how they relate to HB 3457.

101 CHAIR SPRINGER: Tell us the moratorium effects and the cubic feet per second (cfs) cutoffs in HB 3457.

104 PEARSON: Refers the committee to page 2 and 3 of his written testimony EXHIBIT A and gives overview. -An essential part of the bill is the continuation of the current moratorium on non-hydro electric gravity fed diversions less than 40 cfs. -The data is not available to make certain decisions. -The notes coming in here from Northwest Power Planning are contrary to what we had earlier heard.

156 SEN COHEN: What is the effect of a moratorium if we decide to accelerate the installation of screens?

167 JEFF CURTIS, ODFW, The moratorium is narrow in HB 3457. This bill allows for the infusion of federal funds. This bill gives us staff to deal with the problem.

187 SEN. COHEN: What about private diversion owners who don't want to pay because of the moratorium.

190 CURTIS: This bill allows us to establish priorities. -There is an exception in the moratorium that allows us to identify individuals to -This bill gives us the staff to do this

204 SEN. COHEN: How much money is involved? Are you satisfied you won't have to accelerate priorities.

222 CURTIS: This bill limits us in two years of the types of screens. It also gives us a staff so we can handle some of the bigger diversions. The big guys aren't included in the moratorium.

247 SEN. COHEN: That clarifies the definition of the moratorium.

251 PEARSON: Section 2b.

264 REP MCTEAGUE: We expect money to be available. Would like to see the screen program expanded into Southeastern Oregon and other areas of the state.

280 CHAIR SPRINGER:

294 CURTIS:

301 CHAIR SPRINGER: the total price tag was \$240 million

306 PEARSON:

312 SEN. SMITH: Why is it that laws, when ODFW feels are ambiguous,

327 CURTIS: Can't answer that question. It is unfortunate we didn't come to the legislature to get it clarified. The reluctance to do so could be because...

343 SEN SMITH: In section 10 of HB 3457, why is there a reluctance for the diverters..

354 REP MCTEAGUE: If the department

SEN. SMITH: You only have to put one in if ODFW requests you to do so.

370 CURTIS: The 1987 law requires a diverter screen...

383 SEN. SMITH: Why don't diverters have to pay?

MCTEAGUE:

389 SEN. SMITH: With the tax credit they get it back.

393 SEN. COHEN:

399 PEARSON: This program is made purposely attractive to get diverters interested.

416 CURTIS: We do support this legislation

MCTEAGUE

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009 CURTIS:This program will help get things started.

022 MARK NELSON, Water For Life, Gives testimony supporting HB 3457.

053 DAVE NELSON, OWRC,

085 CHAIR SPRINGER:

089 DAVE NELSON: We support this bill. We encourage the committee's support.

099 RICHARD KOSESAN, Water For Life,

107 JIM MYRON, Oregon Trout, Submits EXHIBIT B.

TAPE 250 SIDE B

TAPE 2 SIDE A

TAPE 2 SIDE A

TAPE 2 SIDE B

TAPE 2 SIDE B

EXHIBIT LOG:

A	-	Testimony on SB - name - # pages	B	-	Testimony on SB -
name - # pages	C-	Amendments to SB - name - # pages	D	-	-
- pages E	-	- - pages F	-	-	pages G -
- pages H	-	- - pages			

Submitted by:      Reviewed by:

Kus Soumie      Peter Green Assistant      Administrator