

**Oregon Coastal Zone Management Association
Oregon State Sea Grant Program**

1995 LEGISLATIVE FELLOWSHIP

FINAL REPORT

by

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**report submitted to
Oregon Sea Grant
Oregon Coastal Zone Management Association**

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--Julie Coontz

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FINAL REPORT

Background

The Oregon Sea Grant/OCZMA Legislative Fellowship Program began in 1987 primarily to provide students from the Oregon State University Marine Resource Management Program (MRM) with a means with which to apply academic knowledge gained in science or public policy to the real-world arena of legislative politics. The program followed on the heels of the established successful Knauss National Sea Grant Fellowship program, which places Sea Grant students in policymaking capacities in the Executive and Legislative branches of the federal government in Washington, D.C. As conceived, the Oregon Sea Grant/OCZMA Legislative fellowship would mirror this national program at the state government level, and in doing so, provide the Fellow with valuable educational and professional experience and OCZMA and Oregon Sea Grant with a liaison in the Oregon Legislative Assembly. In practice, the educational component of the Fellowship is inseparable from the role the Fellow assumes as a reliable source of information on a range of coastal issues for constituents both inside and outside the legislature.

The position of the Fellow tends to evolve into what each particular Fellow sees and understands it to be. The position grows with the person, as he/she becomes familiar with coastal and related issues, and with the workings of the legislative process. Many of the issues dealing with the coast have extensive histories, and the Fellow needs to become acquainted at a rapid pace with the background of an issue. Attaining this necessary expertise in coastal issues is challenging and rewarding. The Fellow will become familiar with an issue through legislators, lobbyists, citizen activists, committee hearings, Coastal Caucus meetings and OCZMA.

Committee hearings, as well as talking with people familiar with an issue are important ways to become familiar with the background of legislation. The Fellow needs to be careful when getting information from one source because each individual may be biased. Committee hearings are a good way to absorb a broad range of views on an issue. Especially helpful is when written testimony is submitted and there are extras for the public to pick up (although sometimes you need to be quick when there are limited numbers of copies). Daily Committee Schedules are a good way to keep track of what bills are scheduled for hearings.

Another important source of background information for the Fellow is the Oregon Coastal Zone Management Association. Of course, the Fellow provides information about daily events to Executive Director Jay Rasmussen and Executive Assistant Georgia York, but they both can be great resource assets as to the history of some of the hot topics. Many of the heavy coastal issues have been raised in the past, and often OCZMA has been at the forefront of the discussion. They keep in close contact with coastal residents, are familiar with their concerns, and often know what issues will be in the legislative session before they are printed in bills. OCZMA is overall the Fellow's number one support system. OCZMA also plays the principle role in selecting the Fellow's host legislator, which is his/her second major support system. The host legislator provides the Fellow with office space, phone and maybe fax use and access to the legislative process that would otherwise be impossible.

Previous Fellows had operated out of the offices of Representative Paul Hanneman, Senator John Brenneman, then-majority leader Senator Bill Bradbury and Senator Joan Dukes. This session I was placed in the office of Senator Stan Bunn (R-Newberg). His staff also included legislative assistant Karyn Phillips and interns Suzy Roh (winter quarter), Kelly Vogel, Zak Lassiter and

Michelle McClure (spring quarter). The Republicans were in the majority this session, and so Senator Bunn had a fair amount of influence. He chaired the Health and Human Services Committee and always had a very full schedule. I worked extensively with him and Jay Rasmussen this session to get a Coastal Salmon Restoration and Production Task Force bill (SB 1127) passed. From Senator Bunn's office I worked on coastal issues for both him and for OCZMA and Oregon Sea Grant. I made myself available to Senator Bunn upon a moment's notice for work on SB 1127 or finding out information on coastal organizations, people or issues. There is an important balance for the Fellow to work with the Host Legislator and his/her staff, as well as keeping priorities on OCZMA work. I was mostly free to do my work for OCZMA, which included keeping track of bills affecting the coast, writing up the Coastal Caucus meeting minutes, and sending information back and forth on legislation. I also worked with the Coastal Caucus, arranging meeting times and rooms, coordinating speakers and trying to get everyone to the Coastal Caucus meetings.

This session began with the election of Gordon Smith (R-Pendleton) as Senate President and Bev Clarno (R-Bend) as Speaker of the House. Republicans controlled both the House and the Senate. Then Governor-elect John Kitzhaber was sworn in as the new Governor of the State of Oregon. Former Governor Barbara Roberts delivered a farewell speech warning against divisiveness and partisanship, saying we are all Oregonians and not to get caught up in pitting one group against another. She also emphasized the wonderful opportunity it was to be Governor and that she would have wonderful memories. Governor Kitzhaber's inaugural speech echoed former Governor Roberts speech in focusing on unity and commonalities. He expressed that he wanted to emphasize bi-partisanship as a Governor and work with everyone.

This session was headed on a fast track as GOP leaders wanted to adjourn as soon as possible to, as Senate President Gordon Smith put it, be home for "pea pickin' time." There were a lot of attempted attacks on environmental and land use laws and some reforms of welfare, health care and schools. There were increases in the corrections budget, spurred on by voter-approved initiatives that required stiffer prison sentences for juvenile and adult law breakers and more costly work programs. Higher education took a budget decrease of 4.5%, which made Oregon one of the only states in the country which did not increase higher education spending. Community colleges, however, received \$358.9 million, a 25.7% increase, although officials say that it is still not enough money to absorb inflationary costs and maintain current spending levels. K-12 public schools received \$3.55 billion, a 38.7% increase, allowing Oregon's 250 school districts to maintain current dollar levels, on a per-pupil basis.

A major event that came up during this session was the Oregon Public Employees Union strike. This was in response to Measure 8, which required public workers to pay 6% of their salaries into their pension plans and also due to the failure by the Ways and Means Committee to give them what they asked for in a raise to compensate for Measure 8. Everyone prepared for the worst, since up to 10,000 people were supposed to be bused in to march on the Capitol and then come in to meet with their state legislators. Since the weather wasn't great, not as many people as were expected came, and there were not any major problems.

Committee Hearings

Committee hearings are the best way to keep up to date on issues, although they can be very time consuming. All of the testimony and changes dealing with a bill are done in committees. Oregon House and Senate rules require that all amendments, hearings and other formal action on measures take place in committee. A committee hearing will be either a public hearing, a public hearing and possible work session, a public hearing and work session or a work session. During public hearings, the public is allowed to sign up and give testimony on a bill. This is when most of the interesting information on a bill will come out. One can also get a sense of how committee members feel about the issue from their comments and the questions they ask. Written testimony may also be submitted to the committee. It is very helpful for the fellow to try to gather as much of the different written testimonies as possible to help in writing reports on a bill. If someone is just orally repeating their written testimony, then the fellow can relax about keeping up with notes a bit.

The chair of the committee, depending on time, may limit testimony to five minutes or up to fifteen minutes. Toward the end of the session, when a bill just has to be heard by a certain date or it dies, testimony on an entire bill may be limited to fifteen minutes. When the committee goes into work session, testimony may only be invited by the committee and the committee works sometimes with some chosen members of the public on any changes. During the work session, the bill is voted on for adopting amendments and for sending it on either to the full committee (if this was a subcommittee) or to the Senate or House floor.

Many times there is more than one piece of legislation relating to one issue, and it may be confusing to keep up with all of them. It would be a good idea to look in the weekly cumulative index, which has measures referenced by topic. Or just talk to people at committee hearings or agency people to see if they know any related bills. For instance, if you are wondering about bills relating to water, it would be good to talk to Martha Pagel or someone else from the Water Resources Department to get a list of their bills and any water bills which they oppose. By going to committee hearings on a bill, you can quickly get a sense of whether it is one you should be tracking. If in doubt, you can always ask Jay Rasmussen if he wants you to cover it.

To keep track of when committee hearings are, and which ones the fellow wants to prioritize, the Fellow needs to look in the Joint Legislative Hearing Schedule on a daily basis. Sometimes hearing schedules can change even quicker than the schedule updates later in the session, and the Fellow may need to call the committee administrators to see when particular bills will come up in committee. Something I also did that was very helpful to many coastal residents or people interested in coastal issues was to post the legislative schedule of online through e-mail. I only wrote out the schedules of those committees that had almost all of the coastal issues, like the Senate Water and Land Use Committee, the Senate Agriculture, Natural Resources and Environment Committee, the House Natural Resources Committee, and the House Water Policy Committee. Occasionally, when a ports issue came up in a transportation committee, I would put that online also.

It is also a good idea for the Fellow to learn how to use the computer bill tracking system, OLIS, early on in the session before things get too hectic. I didn't learn to use it until later in the session because it is slow, out-of-date and not very user-friendly, but I found there were things it helped me with in keeping track of bills. It may have been easier to do the legislative schedule updates if I'd learned how to use this system earlier. Another useful source of information are the committee summaries on a bill. These are written by the committee administrators and provide a useful information on the background of a bill and its progress.

Oregon Coastal Notes

The Fellow will take in the information gathered in committee hearings and compile it into articles for the *Oregon Coastal Notes*, the OCZMA newsletter published during the legislative sessions. This publication offers many coastal residents and industry an inside look at issues that may affect them in the legislature. The Fellow will get a feel for what legislation will be important to keep track of by looking at the daily legislative hearings schedule and becoming familiar with different legislation. There may also be some specific bills that one of the members of OCZMA or Jay will ask you to keep track of. Once you gather your notes, any written testimony, and any other sources of information together, the Fellow will write an article to be sent to OCZMA for incorporation into *Oregon Coastal Notes*. This is usually supposed to be a weekly publication, but it didn't seem to work out that way this session. Being connected through e-mail was a great help, because I could send an article immediately after I wrote it on to Jay to use in the *Oregon Coastal Notes*.

Coastal Caucus

The Coastal Caucus is comprised of all the members of the legislature whose districts include the coast. This year, the Coastal Caucus members were: Senator Joan Dukes, chair (D-Svensen), Senator Stan Bunn (R-Newberg), former Senator Bill Bradbury (D-Bandon), his replacement, Senator Brenda Brecke (D-Coos Bay), Representative Veral Tarno (R-Coquille), Representative

Terry Thompson (D-Newport), Representative Mike Lehman (D-Coos Bay), Representative Tim Josi (D-Bay City) and Representative Tony Federici (D-St. Helens). The job of the Fellow is to schedule the meetings of the Coastal Caucus, schedule speakers and topics and record minutes. This year, the Coastal Caucus met on Fridays. We started out meeting at noon, and that worked alright for a while, but then the House sessions began running into the noon hour too much. There was also a conflict with the House Democratic leadership meetings. We then switched to 7:30 a.m., so then we had some members with 8:00 a.m. committee meetings who had to leave early, but it was better than nothing. The biggest trouble from the start was trying to find a time that fit with everyone's schedules. Noon may work for a while, but sessions will eventually begin to consistently run into the hour. The trouble with mornings is when there are 8:00 a.m. committee meetings or if you move them earlier, you could have conflicts with parents that need to get kids to school. Then session starts anywhere from 9:30 to 10:30 am. The afternoon is usually taken up by committee meetings. Evenings might even need to be considered, but often there are legislative receptions in the evenings or people just want to go home. So good luck to the next fellow in finding a good meeting time for Coastal Caucus meetings.

The Fellow also arranges the topic and invites speakers to the Coastal Caucus meetings. In our first meeting this year, Jay provided a list of possible topics and we discussed them. I was then able to see which ones the Caucus members were really interested in hearing. One topic this year that Coastal Caucus members were very interested in was Highway 101, but there really wasn't any legislation to deal with this issue this session. So the issue of how to get money to repair and maintain Highway 101 will probably be returning next session. I always checked the topic with the Caucus Chair, Senator Joan Dukes, to see what she thought or to get her ideas for topics or speakers. Jay also provided good ideas for topics and speakers. Sometimes there will be lobbyists or other people who want to come speak to the Coastal Caucus. It's a good idea to get back to them on availability of time and check with Jay and the Caucus Chair. It might depend on how much time they want to take as to whether they just want five to 10 minutes or a whole meeting. But when members show up late and/or leave early you may only have a half hour to 40 minutes of good time with everyone's attention.

Coastal Caucus meetings are a really good place to become familiar with an issue, except that you have to know what someone's saying to keep good notes. Not every member of the Coastal Caucus is going to be familiar with all the significant coastal issues, so they really appreciate using this as a forum to keep up to date.

Recommendations

Be Flexible

The Fellow needs to be extremely flexible and able to change priorities at a moment's notice. There will be many times when you need to drop what you are doing and do extremely urgent work for your host legislator. Often this happens when deadlines or hearing dates for certain bills you are working with are approaching. It is important to keep everything in perspective and pick up where you left off on work for OCZMA. Mostly at the beginning of the session, you will be getting a feel for what your job is. You will soon gain an awareness of the issues that affect the coast that you will be following. The Fellow can also choose some of his/her own priority issues to follow besides the ones that are more obvious. Mostly the Fellow must remain flexible to move to different issues or tasks when called upon to do so. There will be committee hearings that you think are important that you may have to miss occasionally, but in such cases, just go to the committee administrator and see if you can get copies of minutes, testimony, or any committee summaries. Usually you will not have to miss any hearings on bills that are crucial for the coast. Toward the end of the session is when priorities will get more jumbled, as everything is being squeezed in at the last minute. At such times, it may help to just ask Jay which bills he would rather have you follow.

Don't Fall Behind

Keep up on the articles for the *Oregon Coastal Notes* newsletter and on the Coastal Caucus

minutes. It's really easy to get wrapped up in other priority things that need to get done and let *Oregon Coastal Notes* and Coastal Caucus minutes fall to the wayside. Let your host legislator know when you have important deadlines to meet with *Oregon Coastal Notes* and Coastal Caucus minutes, but still be available for work on important coastal legislation.

Remain Neutral

Don't take sides on contentious issues. This is especially important so you can write articles objectively. Also you will be seeing a lot of people on both sides of an issue at committee hearings and around the Capitol. It is important that they don't see you as for or against a particularly controversial issue. There are some issues that the coastal legislators will be unified in support of. These are the types of issues that the Fellow can be more involved in. This session, the issues that I did support and worked on were SB 1127, the Salmon Production Task Force bill, and HB 2615, the salmon public-private cooperative hatchery bill. On the crab limited entry bill, which was particularly heated, I remained neutral. By doing this, I could maintain a working relationship with people on both sides of the issue.

Socialize

Whenever possible, go to legislative functions and meet people. You will usually be well fed at these events, and you can become familiar with the legislators you will see on a daily basis in committee hearings or on the floor of the House or Senate. Let the Legislative Assistant in your office know that you want to be informed of invitations to receptions and other functions. There are also a lot of receptions that are in the Capitol during the day.

Issue Summary

This session treated coastal issues fairly well overall. The legislation that most of the Coastal Caucus members considered important for the coast passed.

Crab Limited Entry

Crab Limited Entry had been in the legislature in the previous session, but never passed. This session was critical for it to pass because both California and Washington have limited entry crab fisheries, and neither will allow reciprocity with Oregon if Oregon did not have a limited entry fishery. The most important areas for reciprocity was for Brookings fishermen to be able to fish in California and for Northern Oregon fishermen to fish in Washington. The historical fishing grounds for Brookings fishermen has been down toward Crescent City, California, which is supposed to be safer to fish than the waters north of Brookings. The problems with the reciprocity made the passage of a limited entry system so urgent. Unfortunately, with a limited entry system, there will be people who are locked out of the fishery. And each boat that is excluded from the fishery represents many jobs in the coastal communities. So this issue was very heated from the beginning.

At one of our Coastal Caucus meetings, I invited Paul Hanneman, who authored one limited entry bill (HB 3093), Paul Heikkila, who wrote the opposing one (HB 3094), and Katy Eymann, who was involved in the issue in support of Heikkila's bill, to present the issue to the Coastal Caucus. It was supposed to be mostly a stating of the facts and the numbers behind each bill. However, word got around to the crab fishermen that this was the topic of the Coastal Caucus meeting, and we had the most well-attended Coastal Caucus meeting of the session. The debate was quite a bit more lively than the original intention also. But from this meeting, Paul Hanneman and people he represented and Katy Eymann and Paul Heikkila and some people they were representing agreed to get their sides together and meet on this issue.

The two sides met in two approximately four hour meetings and didn't resolve their differences. In the second meeting, a tentative agreement was reached by those in attendance at the meetings, but when the terms were taken back to the ports, the agreement fell apart. The sides continued to meet other times and still could not agree. There were conflicts between big boats and small boats and conflicts between people who got into the crab fishery in the past year and people who were in it in previous years. The problem with the reciprocity was that

according to conversations with representatives in California, there was no guarantee of reciprocity, but they would not even consider it if Oregon allowed in fishermen who had only been in the crab fishery for one year. The surviving bill in committee was the one written by Paul Heikkila and sponsored by Representative Veral Tarno, but there were many amendment proposals. It passed through the House Natural Resources Committee with the expectation that it would be further amended on the Senate side.

It was again amended in the Senate Agriculture, Natural Resources and Environment Committee to allow in some more of the small boats, which don't have much of an impact on the overall resource. However, there were still quite a few people left out who were upset. Senator Joan Dukes had met with the two sides before the bill got to the Senate floor. Apparently, they got close to agreement, but they still didn't resolve all the differences. Senator Brenda Brecke carried the amended bill on the Senate Floor for a vote when Senator Stan Bunn motioned to refer it back to the Rules Committee, which by this time was the only committee left open. He said there were still differences which he believed could be resolved. The motion passed and the bill got to the Rules Committee with the two sides in resolution and Senator Dukes and Senator Brecke supporting the amendments to the bill. HB 3094 finally passed in the Senate and was concurred to by the House. The final bill pleased as many people as was possible, but there are still some that worry about the reciprocity issue with California and Washington.

Coastal Salmon Restoration and Production Task Force

Senators Stan Bunn (R-Newberg), was the main sponsor of legislation (SB 1127) to establish a Salmon Production Task Force. Also as chief sponsors of the bill were Senators Bill Bradbury (D-Bandon) and Joan Dukes (D-Svensen), and Representative Veral Tarno (R-Coquille). This is the bill I did the most work on. I worked to get hearings scheduled in the Senate Agriculture, Natural Resources and Environment Committee and the House Natural Resources Committee. I talked to the members of the Senate Agriculture Committee to see if we had their support before the bill was heard in committee. I also got vote counts in the Senate and House before the bill went up for a vote on the Senate and House Floors. I worked with Senator Bunn, Jay Rasmussen, and Roy Hemmingway on amendments to the bill to ensure the Governor would support it. And just minutes before the last hearing in the House Committee I had to get Roy Hemmingway to go to Legislative Counsel with me to work out some problems with the amendments that were found by Chris Crean from Legislative Counsel. I also got some exercise running back and forth between Senator Bunn's Health and Human Services Committee and the House Natural Resources Committee to make sure Senator Bunn could get to the Natural Resources Committee to testify on the salmon bill.

The Task Force was changed from a Salmon Production Task Force to being called the Coastal Salmon Restoration and Production Task Force. This change and some others came out of negotiations with the Governor's salmon policy advisor, Roy Hemmingway. The Task Force will be an 11 member task force, with at least 3 members representing commercial fishing, 3 representing recreational and 1 member representing tribal interests. The Governor will also appoint other members representing such interests as a non-agency scientist, watershed landowners, habitat restoration interests and the public. The Task Force will define appropriate levels of natural and hatchery fish production. It is designed to set a clear understanding of policy and goals and report back to the 1997 Oregon Legislature.

Salmon Hatcheries

Oregon House Bill 2615, introduced by Representative Veral Tarno (R-Coquille), will involve public and private non-profit efforts to help restore salmon fisheries. The objective is to enhance salmon populations but not deplete natural runs of anadromous or resident game fish. This bill will focus on stocks, not just on the coast, but in other areas as well. It will help local communities assess where there are hatchery production opportunities. The bill began as a State Salmon Corporation Bill, but there was opposition to such a strong emphasis on hatcheries. A work group headed by Jay Rasmussen amended the bill to make the focus more

on cooperation with local communities and private hatcheries to assess opportunities for improving salmon runs. This was one bill I worked on quite a bit with Jay. I followed all the hearings on it closely and attended the work group that worked on the bill in Portland. HB 2615 has been signed by the Governor.

Tsunami Bills

There were two bills this session sponsored by Senator Ron Cease (D-Portland) at the request of the Oregon Seismic Safety Policy Advisory Commission that dealt with the dangers of tsunamis on the coast. Both bills were strongly supported by the Department of Geology and Mineral Industries (DOGAMI). Don Hull, Director of DOGAMI spoke to the Coastal Caucus about these two bills and got their support.

Senate Bill 378 requires schools to instruct students on fire and earthquake emergencies. It requires schools in coastal zones to instruct students on tsunami emergencies. Current law (ORS 336.072) mandates that K-8 students be instructed on "fire and earthquake dangers and drills". The bill did include high school students, but was amended to be taught in grades K-8. The opposition to this bill was mainly concern about mandates that would take additional time from the classroom. The bill puts no greater requirements on schools for emergency drills. It just adds tsunami drills for coastal schools. SB 378 passed both the House and Senate and was signed by the Governor.

Senate Bill 379 attempts to reduce risk to occupants of new structures in the tsunami inundation zone by prohibition of certain construction. At first the bill was too broad and would have created a burden for rural fire districts, ports and other coastal people. It was amended to deal with concerns by the Oregon Public Ports Association, the Firemen's Association and the School Boards Association. The bill, as amended will prohibit construction of new hospitals, schools, fire stations and police stations in the tsunami inundation zone, but for strategic reasons exceptions are allowed. The bill does not allow exceptions for construction of large hospitals in the tsunami inundation zone, but does allow exceptions for schools, police stations and fire stations. Other than those facilities, there is no prohibition from construction in the tsunami inundation zone, but certain essential facilities with high occupancy or other safety considerations require consultation with the State Department of Geology and Mineral Industries for assistance in determining possible impact and methods to mitigate risk. It is clarified that this is not a land use decision. The bill does not apply to water-dependent and water-related facilities, including but not limited to docks, wharves, piers and marinas. SB 379 passed both the House and Senate and was signed by the Governor.

Watershed Bill

The major water legislation that passed this session was the watershed management bill, House Bill 3441, sponsored by Representative Chuck Norris (R-Hermiston). The bill is based on a proposal from a work group which came out of the Governor's transition team in order to overhaul the watershed health program. This bill was important to continue the watershed health work. Otherwise, the Watershed Health Program would not have continued.

House Bill 3441 (HB 3441) transfers the functions related to watershed management from the Strategic Water Management Group (SWMG) to the Governor's Watershed Enhancement Board (GWEB). The bill would also make the Governor's Natural Resource Advisor the Board Chairperson. GWEB is to encourage development of local plans which may include assessment of the condition of the watershed, creation of a watershed action plan and a strategy for implementing an action plan. The bill permits the board to designate high priority watersheds and clarifies that this is only a management tool and is not to discourage formation of watershed councils in other watersheds. GWEB is to report annually to the appropriate legislative committee on its watershed management program. This bill is not to discourage formation of watershed councils in other watersheds nor affect any watershed council in existence on the effective date of the Act. HB 3441 passed in the House and the Senate and was signed by the Governor.

Endangered Species Act and the Marine Mammal Protection Act

Representative Terry Thompson put a lot of work into drafting House Joint Memorial (HJM) 4, which memorialized Congress to amend the Marine Mammal Protection Act (MMPA) to allow population control of California sea lions and harbor seals to protect salmon and other fish species. This memorial was in response to the decline in population of salmon and the threat of many salmonid species being placed on the Endangered Species list, if they weren't already on it. There has been a rise in population of California sea lions and harbor seals and they are natural predators of salmon and other fish species. It says that all measures within reason should be taken to control detrimental effects on endangered species and that the predators need to be managed. It goes on then to memorialize Congress to enact legislation amending the Marine Mammal Protection Act of 1972, as amended in 1974 as follows:

(a) To include population control of California sea lions and harbor seals within the guidelines of its protection and management of marine fur-bearing mammals and other marine resources; (b) To grant authority to affected states to allow the systematic removal of California sea lions and harbor seals by the most expedient means possible.; and (c) To ensure the future of marine mammals, salmon and other species of fish. There was quite a bit of testimony in committee on how many more sea lions there are now, and how they fight with fishermen for salmon that is on their lines. There was also testimony of how the sea lions have moved further up the rivers, and how they create a gauntlet for the salmon at dams. This memorial passed early in the session and Oregon legislators took it to Washington D.C.

House Joint Memorial (HJM) 2, memorialized Congress to use the phrase "sound, verifiable science" in all governmental legislation instead of the phrase "best available science. In discussions about HJM 2, there was concern that "sound, verifiable science" is not well defined. Senator Bill Dwyer (D-Springfield) thought this approach may be best when determining a listing as a threatened or endangered species, but does not apply well when trying to determine the best recovery program. Other testimony and discussion centered around the problem of using scientific information that may be incomplete, insufficient, or inaccurate as best available science. The feeling was that the new terminology is needed to insure that sound science is used before forcing agencies and landowners to make the financial sacrifices that have been recently experienced.

HJM 3, memorialized Congress to amend the Federal Endangered Species Act of 1973 to give equal consideration to human and fiscal impacts when listing species. There was strong testimony for and against this bill. Senator Kintigh testified in the Senate in favor of the bill, discussing the immediate impact that listing of a species can have on people and the economy. He also said that HJM 3 will not prevent listing; it will just require that human and fiscal impacts are taken into account. Senator Bill Bradbury (D-Bandon) testified in strong opposition to HJM 3, saying that if human and fiscal impacts are taken into account in the listing process, threatened species won't be being listed. The costs to humans will always outweigh the prevention of extinction of a species.

Land Use

Senate Bill 305 was the major land use bill this session that had people in an uproar. SB 305 requires compensation to be paid to landowners by regulating entities for certain types of regulation affecting private real property. Compensation would be required when a regulating entity regulates the use of private property by applying limitations or affirmative obligations to protect the environment. Under the bill, landowners are entitled to compensation for the "net loss in value" they suffer from the regulation. The net loss in value means the extent that the burden of the regulation on an owner exceeds the benefits the owner receives from the regulation, measured by calculating the difference between fair market value of the property before and after application of the regulation.

SB 305 then underwent major amendments and later became Senate Bill 600 and Senate Bill 1060. SB 600 gave compensation to landowners in the form of tax breaks and narrowed the types of regulation subject to compensation. Only SB 600 moved through the process and

finally passed. It was later vetoed by Governor Kitzhaber.

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Coastal Notes Articles

February 2, 1995 Coastal Notes

House Committee on Natural Resources discusses ESA and MMPA—by Julie Coontz, *Legislative Fellow*: Memorials proposed to amend the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA) were discussed by the House Committee on Natural Resources at a work session on Monday, January 16th. They were:

- HJM 2 would memorialize Congress to substitute for "best available science" the phrase "sound, verifiable science" in all environmental legislation.
- HJM 3 would memorialize the President and Congress to amend the federal ESA of 1973 to give equal consideration to human and fiscal impacts when listing species.
- HJM 4 memorializes Congress to enact legislation amending the MMPA of 1972 to authorize intentional taking of pinnipeds where those mammals are having negative effect on the decline or recovery of salmonid fishery stocks.

Brad Witt of OFL-CIO Labor Federation testified first in favor of all three memorials. He stated that the endangered species listings were wreaking havoc on the economy, politics, and people's lives. He was very concerned about jobs, namely timber, and the effect the listings were having on people's lives. In support of HJM 2, he stated that "best available science" has proven not to work and that environmental legislation needs to be based on "sound, verifiable science". In his support of HJM 3, he stated that it is critical to consider human and fiscal impacts in listing endangered species. Speaking in favor of HJM 1, he stated that there is a finding that 50% of the loss of salmon is from pinnipeds.

The majority of the discussion between Mr. Witt and the Committee representatives focused on the meaning and consequences of substituting "sound, verifiable science" for "best available science". Representative Josi was concerned with what "sound, verifiable" means. He stated that we don't have the luxury of time to verify science in cases where science has not caught up and that waiting for verifiable science could cost the opportunity to implement effective new methods. Representative Thompson was concerned that what is verifiable today could prove to be wrong later.

Liz Frenkel, Sierra Club was concerned that the stellar sea lion and the fur sea lion would be included in "pinnipeds" for the purpose of allowing lethal taking where they are affecting salmon populations.

Representative Liz VanLeeuwen testified in favor of all three memorials. She stated that she supported the substitution of "sound, verifiable science" where she understood sound and verifiable as meaning that it can be replicated by other science. In favor of HJM 3, she stated that we needed to bring in the human figures. In support of HJM 4, she stated that sea lions create a gauntlet for the salmon to try to get through.

Representative Thompson was worried that the wording in the bill "lethal taking of pinnipeds" could be very inflammatory, and that he would prefer "permanent removal by the most humane means possible".

A representative of Oregon Trout spoke against HJM 3, stating that the economic issues are sufficiently taken into account in the recovery process once a species is listed. Oregon Trout is opposed to all three memorials.

Paul Hanneman, Director, Pacific Fisheries Legislative Task Force (PFLTF), a legislative body consisting of legislators from the states of Alaska, California, Hawaii, Idaho, Oregon and Washington spoke in favor of HJM 4. He stated that there has been a 10% increase per year in the population of California sea lions along the California, Oregon and Washington coasts and approximately a 12% increase in the population of harbor seals. He stated that if the government does not help control the populations, they should give the control back to the states. He also

believes that the populations of salmon will never return as long as the sea lion and harbor seal populations continue to grow and are not controlled.

HJM 2 passed the work session. HJM 3 was rejected and returned for amendments before another vote will be taken. There was quite a bit of discussion regarding this. Representative Tim Josi, Representative Chuck Norris and Representative Lisa Naito did not want to vote on the memorial as it was. They wanted more clarification and revision on what equal consideration to human and fiscal impacts will mean. Representative Tarno, Chair of the Committee did not want to let everything that comes before the Committee get bogged down with time spent arguing and revising. HJM 4 will be amended before it goes to a vote. Representative Thompson will amend it to substitute "California sea lions and harbor seals" for "pinnipeds" so the other pinnipeds that may be close to being endangered are not included. He will also include "salmon and other fish stocks" in place of salmonid species to include those rivers or tributaries which don't get salmon but may have other species of fish which need protection. He also wants to substitute the term "lethal taking" for a term which may be less inflammatory, such "intentional permanent removal" or just "taking". It was decided that the term "permanent removal by the most humane means possible" could create problems with the Humane Society insisting on very impracticable but the most humane means of removing the animals.

Quote of the Week: "Every time I drive into Salem I check to see if the frontiersman still has an axe in his hand. And he does. I'm afraid that some day it might become a pile of permit applications." - Gordon Ross, Coos County Commissioner, testifying in the informational hearing on the State Endangered Species Act--January 24, 1995.

Senate Bill 305—Compensation for Impacts of Regulation of Private Real Property—By Julie Coontz, Legislative Fellow: Senate Bill 305 has emotions running high on the land use issue. There have been about three days of testimony with landowners and environmentalists pitted against one another over private property rights and compensation for land use regulations. Currently SB 305 is undergoing major revisions, so I will try to provide an update on what has transpired to date.

SB 305 is sponsored by Senators Johnson, Adams, Derfler, Hamby, Kintigh, Miller, Shannon, Smith, Stull, Timms, Walden; Representatives Baum, Brian, Clarno, Fisher, Hayden, Johnson, Jones, Lewis, Luke, Lundquist, Markham, Meek, Milne, Norris, Oakley, Parks, Repine, Schoon, Starr, Tarno, VanLeeuwen, Wells, Welsh.

SB 305 requires compensation to be paid to landowners by regulating entities for certain types of regulation affecting private real property. Compensation would be required when a regulating entity regulates the use of private property by applying limitations or affirmative obligations to protect the environment.

Under the bill, landowners are entitled to compensation for the "net loss in value" they suffer from the regulation. The net loss in value is the extent that the burden of the regulation on an owner exceeds the benefits the owner receives from the regulation, measured by calculating the difference between fair market value of the property before and after application of the regulation. This will apply to timber harvest, mining and mineral production, farming, grazing or other agricultural operations, construction and use of dwellings or other structures, and certified water rights.

Section 3 says that when a property owner suffers a net loss in value from the imposition of a regulation, the owner may submit a claim for compensation to the regulating entity. Then, if the claim is denied or less compensation is given than requested, or the claim is not acted on within 90 days of submission, the owner may seek compensation in the circuit court in which the property lies. The Land Use Board of Appeals jurisdictional statutes will not apply. The bill would exempt regulating entities from liability when restrictions are required to implement federal laws or regulations.

1,000 Friends of Oregon, Oregon Trout, WaterWatch, the Confederated Tribes of the Umatilla Indian Reservation, and the Siletz Indian Tribe submitted testimony against the bill. Charles Swindells, on behalf of 1,000 Friends, testified that SB 305 represents a bad policy direction for Oregon. He stated it is not required by the Constitution and is not needed in support of property

rights. Government regulation is seldom considered a taking because the public benefits outweigh the private burden. He said that property ownership entails some responsibilities as well as rights, namely that a property owner has no right to use land in a way that harms other property owners or the public. He said it is the responsibility of elected officials to strike the proper balance between property rights and responsibilities, not pay landowners to comply with those reasonable restrictions on the use of land.

Swindells further testified that SB 305 will lead to greatly increased government bureaucracy in response to a new class of litigants created by this bill, and that it would severely limit Oregon's ability to protect surrounding landowners, the public and the economy of the state in a time of limited government funding. He also said that landowners should not be compensated for use restrictions when neighboring landowners are not compensated for decreased land values caused by a conflicting use. This would include land uses which cause noise, dust, traffic, or loss of business.

Testifying in favor of SB 305 were Senator Randy Miller, Representative Veral Tarno, Oregonians in Action, many private landowners, and realtors.

Bill Moshofsky, Vice-President, Government Affairs and Dorothy Cofield, staff attorney of Oregonians in Action described the situation that ownership of private property has become a very risky, unstable proposition because of the value that gets taken because of over-regulation of uses.

The Land Conservation & Development Commission's (LCDC) goals and rules, local governments' comprehensive plans, zoning ordinances, environmental "overlay" and other regulations virtually ignore landowners' rights. Landowners are forced to bear burdens that the public should bear, when the public receives the benefits and bears no burdens. Where LCDC's guidelines on implementation of Goal 5 expressly encourages purchase of those resources, that concept is being ignored. Oregonians in Action stated that SB 305 will cause government to fully weigh the economic consequences of their actions.

Bernard Rydell, a private timberland owner, testified that he feels that private property is being taken for public use without compensation. He cannot build his home on his land and said that other people seem to think they have a better idea of what he can do with his land. He said there is a double standard between rural areas and urban areas because people in the city are protected when their cash or belongings are stolen, but value and use can be taken from an owner of timberland without remedy.

Sara Leiman, another private timberland owner, testified that she has had the value of her property eroded significantly because of riparian restrictions and wildlife protection rules. She stated the population as a whole should pay for environmental protection on private land, instead of the private landowners bearing the cost alone.

Tom Nash, a private landowner in the West Hills area of Portland explained that the no-growth policy was wiping out individual property rights and would seriously harm Portland-area citizens. Nash owns property (70 acres) between two large areas of rural residential zoning with 1 to 5 acre lots. His land is zoned partly commercial forest use and exclusive farm use, and it is suited for neither. He cannot build a home on his property, even though it is located between similar property which is rural residential. He says his and other property owners' land is being taken for park land for neighboring residents while they have to pay taxes on it. And they resent being called the enemy of the environment when they bought their property for its scenic value and planned to live there. He said that by limiting the urban growth boundary, not allowing property owners like himself to develop their land as rural residential and by packing all the incoming Oregonians into already crowded urban areas, the quality of life decreases for everybody.

Lanny Zoeller of the Oregon Association of Realtors spoke in support of SB 305, saying that steadily increasing regulations have taken the uses and benefits of property for the "perceived public good" without paying just compensation. He said that SB 305 forces government to be more prudent in its choices, saving taxpayer dollars, but does not hinder the prevention of nuisance because strong private property rights provide incentives for preventing nuisances. Finally, he offered a counter to the argument that landowners are not required to pay for increases in value to their land caused by government regulations. He said that between federal and state capitol gains taxes and the increase in property taxes, the government probably takes 50% of any increase in

land values.

Pearl and Bernard Galitzky, partners in Bit-Tel Investment Company, a real estate, development and management firm, testified in support of SB 305. They had been assured by a reputable engineering firm before they bought 65 acres of zoned industrial land that there were no restrictions and they could develop all 65 acres. They felt that the city planners in Portland had no regard for their economic loss when constant changing in the rules and environmental overlays resulted in the delay of the development of their industrial park.

Habitat Restoration Discussed with Legislators—By Julie Coontz, Legislative Fellow:

Dr. Bill Maxon, West Coast Fisheries Coordinator for the U.S. Fish & Wildlife Service (USFW) met with numerous legislators and other interested parties Thursday, January 12th. His background includes working for the U.S. Fishery Program in Washington, D.C., the Great Lakes Fishery Management Program and Trout Unlimited. He has been working with the USFW since November 1992.

Maxon discussed the USFW's plans for habitat restoration. He emphasized working with the states and the tribes to develop a process for habitat restoration. A year and a half ago, a joint letter was written to the White House requesting that they join the states and tribes in their effort. The White House never answered that letter because of a hang-up over appointing one person to oversee the entire salmon restoration project, a sort of "salmon czar" if you will. The states and tribes were more concerned with developing the process. Finally, there was an answer to the letter in October 1994, signed by the White House, by the Environmental Protection Agency (EPA) and other federal agencies setting up the Pacific Salmon Task Force and the Pacific Salmon Coordinating Committee.

They are at a development stage at the present time. Dr. Maxon stated that the Oregon legislature needs to look at ensuring that a process is developed which meshes with the Pacific Salmon Coordinating Committee. Will Stelle, National Marine Fisheries Services West Coast Regional Director, has been named as Chair of the committee. The U.S. Fish & Wildlife Service is the alternate chair.

Dr. Maxon stated that the watershed needs to be the focal point of the program. This is where the decisions need to be made, and where local communities and private landowners can get involved. There needs to be a structure in each state that helps us identify the watershed plans and the states need to help set priorities for funding. Salmon is a major industry in Oregon and if the salmon become extinct, it would be both an environmental and economic disaster. Everyone needs to work together to restore the salmon fishery.

Dr. Maxon expressed his ideas for the best ways to provide coordination. Everyone wants to do something, but they all want their own agency, service, or group to receive the money and do the work. Instead of many agencies each doing a little, he said there should be one agency to do what it takes to make that watershed whole. It needs to be determined who will do the work, and who should relinquish some control. The U.S. Fish & Wildlife Service is trying to develop a process that identifies what is the watershed, who are the owners, who are the players, what are the problems, how do we fix them, who has the jurisdiction, authority, the money, and the ability to do it. Without developing a plan, money is being thrown away without getting anything done. The ranchers, loggers, dairy farmers, and other landowners also need to be involved. They have to feel they have a stake in it and that by doing their part, they can make it better.

Dr. Maxon then discussed economic factors. Much of the funding for watershed restoration comes from fines charged for environmental contamination and spills. However, the drawback is that it must be spent where the accident took place, and there is often more money than is needed for that particular area. Dr. Maxon would like to see more flexibility in being able to shift the funds further down the watershed. Other funding comes from such sources as The Nature Conservancy, U.S. Fish & Wildlife Service, Soil Conservation Service, Oregon Division of State Lands Program and the Bonneville Power Administration. Dr. Maxon stressed designing the process to design our own destiny, instead of waiting for the courts, lawsuits and other factors to decide it piecemeal.

Delegation of Regulatory Authority over Federal Lands Discussed—By Julie

Coontz, Legislative Fellow: Senate Concurrent Resolution 1 urges the President and Congress to delegate regulatory authority over federal public lands to the state government. It is sponsored by Senator Johnson, and Representatives Baum, Markham, Tarno and VanLeeuwen and co-signed by Senators Baker, Kintigh, Shannon, and Walden and Representatives Clarno, Fisher, Grisham, Hayden, Lewis, Luke, Meek, Milne, Montgomery, Oakley, Parks, Qutub, Repine, Schoon, Snodgrass, Starr, Watt, Wells and Welsh.

In committee this week, Representative Baum testified that the state is the most responsible party to manage its own resources. He also said that Congress is trying to give states back rights under the 10th Amendment. These include health care and welfare. He said it logically follows that states can also manage their own natural resources.

There was some discussion as to what public lands and the exceptions would cover. Suggestions were made to change the resolution from "The Legislative Assembly of the State of Oregon urges the President and Congress to return jurisdiction and control of federal public lands, except wilderness areas, national recreation areas, wild and scenic areas and national parks, to state governments" to "The Legislative Assembly of the State of Oregon urges the President and Congress to return jurisdiction and control of federal public forest and grazing lands, except wilderness areas, national recreation areas, wild and scenic areas, and national parks and military areas, to state governments".

Liz Frenkel from the Oregon Chapter of the Sierra Club testified in opposition to SCR 1, saying there were significant questions to be asked. They were: 1) Would the state be required to reimburse the federal government for investments made? 2) Where do the funds come from to manage these lands? 3) Do the federal subsidies for these lands cease? and 4) Which agencies would manage the lands? Senator Johnson provided answers to her questions. He said 1) the state would not reimburse the federal government, 2) funds to manage the lands would come from sales of assets of the lands, 3) the federal subsidies for these lands would cease, and 4) the Department of Forestry would manage the lands. Ms. Frenkel said that Sierra Club is a national organization and that its members nationally would have an interest in public ownership of these lands. Senator Johnson responded that she hit the issue--that it's a matter of who can better manage the lands - the state or people outside the state. Senator Johnson thought the state could better manage its lands.

Senator Dwyer said that this is in response to a group of people crying out that the resources aren't being managed well. He told of how he goes to Idaho and sees the forests there and then comes to the Willamette and the trees are diseased. He said the Forest Service has too much to do to manage these lands.

Representative Liz VanLeeuwen from District 37 testified in favor of SCR 1, saying that she has considerable public lands in her district. She is a chief sponsor of this bill, and she strongly supports it. The Senate Water and Land Use Committee sent SCR 1 to the floor with a "do pass" recommendation.

February 17, 1995 Coastal Notes

House Joint Memorial 4 (HJM 4) passes the House Committee on Natural Resources—by Julie Coontz, Legislative Fellow: House Joint Memorial (HJM) 4, which memorializes Congress to amend the Marine Mammal Protection Act (MMPA) to allow population control of California sea lions and harbor seals to protect salmon and other fish species, was recommended to be adopted with amendments and be printed A-engrossed. On February 7, 1995 it passed in the Committee by a unanimous vote.

The current amended version recognizes that salmon and other fish species are important natural resources to the citizens of the Pacific Northwest and that some are on or may be placed on the Endangered Species list. It then recognizes that California sea lions and harbor seals are known to be major predators of many of the species on or about to be placed on the Endangered Species list, and that California sea lion and harbor seal populations have increased substantially. It says that all measures within reason should be taken to control detrimental effects on endangered

species and that the predators need to be managed. It goes on then to memorialize Congress to enact legislation amending the Marine Mammal Protection Act of 1972, as amended in 1974 as follows: (a) To include population control of California sea lions and harbor seals within the guidelines of its protection and management of marine fur-bearing mammals and other marine resources; (b) To grant authority to affected states to allow the systematic removal of California sea lions and harbor seals by the most expedient means possible; and (c) To ensure the future of marine mammals, salmon and other species of fish.

Before HJM 4 was voted on again for passage to the floor, it underwent some changes and some more testimony. On January 23, 1995 there was a public hearing and work session, and suggestions were made for further amendments.

Ginny VanLoo, a sports fisherperson, testified in support of HJM 4. She was raised in Tillamook and has spent time fishing the bays and rivers and can tell for a fact that the seal population is rising at a rapid rate. She now lives in Clackamas and fishes the Willamette and Clackamas Rivers. She said it is common to see California Sea Lions and Harbor Seals at the Falls in Oregon City, nearly 100 river miles from the ocean. There are extremely low runs of winter steelhead, a record low projection of Willamette River Spring Chinook, as well as endangered salmon on the Columbia River and several more species which may be listed. This memorial is important for drawing the attention of Congress so we can begin the process of ensuring the survival of the Northwest salmon and steelhead. She also is the legislative assistant to Representative Larry Sowa who supports this memorial. Mark Scott, an intern for Senator Bill Kenemer, testified that Senator Kenemer supports this memorial.

Katrina Brown, testifying on behalf of herself, spoke in opposition to HJM 4. She has worked for Oregon Natural Resources Council and is familiar with how forest practices are affecting the salmon runs. She said that the streams are below state water quality standards, the temperatures are rising from lack of trees for shade in riparian areas, and we need to look at habitat restoration instead. She said the problem is not with the sea lions. Representative Thompson challenged her on her awareness of the rivers in which coho are endangered and her awareness of timber practices on the Yachats. He said she needs to take into account the fact that the seals and sea lions are also having a detrimental effect on the salmon populations.

Representative Thompson invited Robin Brown from the Oregon Department of Fish and Wildlife to speak at the work session February 6 on HJM 4. He is the program leader of the marine mammal program and has had extensive experience working with marine mammals. He informed the committee of the 1994 amendments to the Marine Mammal Protection Act, which allow for the lethal removal of identified seals or sea lions taking a large share of threatened or endangered species of fish. He said the MMPA is usually amended every four to five years, and that it's not likely to be amended again soon. However, with the new Congress, maybe they'll do things differently. HJM 4 was amended to acknowledge that the MMPA itself had been amended in 1994.

House Joint Memorial 2 (HJM 2) passes on the House floor and Senate Committee—by Julie Coontz, *Legislative Fellow (from Committee Report Summary No. 17, prepared by Bruce McIntosh, Administrator)*: HJM 2, which memorializes Congress to use the phrase "sound, verifiable science" in all governmental legislation instead of the phrase "best available science", was adopted in the House on January 20 by a vote of 42 to 17; it was then passed on February 14 by the Senate Committee on Agriculture, Natural Resources and Environment by a 5 to 1 vote. Senators Hartung, Johnson, Shannon, Dwyer and Kintigh voted in favor. Senator Bradbury voted in opposition.

In the Senate Committee, there was concern that "sound, verifiable science" is not well defined. Senator Dwyer suggested that this approach may be the best approach when determining a listing as a threatened or endangered species, but does not apply well when trying to determine the best recovery program.

Other testimony and discussion centered around the problem of using scientific information that may be incomplete, insufficient, or inaccurate as best available science. The feeling was that the new terminology is needed to insure that sound science is used before forcing agencies and

landowners to make the financial sacrifices that have been recently experienced.

HJM 3, which memorializes Congress to amend the Federal Endangered Species Act of 1973 to give equal consideration to human and economic impacts when listing species, was adopted on the House floor by a vote of 50 to 10. It has been referred to the Senate Committee on Agriculture, Natural Resources and Environment.

"Do Pass" on SB 403: Ocean Fishing off the Rogue River—by Julie Coontz, *Legislative Fellow*: On February 15, Senate Bill 403 was passed to the floor with a "do pass" recommendation by the Senate Agriculture, Natural Resources and Environment Committee. SB 403 prohibits certain commercial fishing activities within a radius of one mile from the center of the mouth of the Rogue River. This bill amends ORS 511.206 to change the limit from three miles to one mile.

Gold Beach commercial troller Scott Boley said that the proposed changes were based on a longer term outlook for the types of fisheries that may be available to ocean fishermen as well as a desire to provide for some opportunities for fishermen living within the Klamath Management Zone (KMZ). With the constraints on ocean fishing caused by Klamath River concerns, Boley noted, we are no longer able to fish any general season in the zone.

In order to have some commercial harvest in the ports, the state has adopted a target fishery approach, with openings in small areas around river mouths in order to avoid Klamath River fish. These are quota fisheries, and have generally worked well, except around the Rogue River where a law passed in the 1960's stipulating that a closure out to three miles exists. In 1994 a season was structured for a fishery from three to six miles out from the Rogue River; however, the results were not very good in avoiding non-Rogue River stocks. Only 49% of the fish landed were Rogue River fish, with the other half from various other river systems, including the Klamath River. Yet, the Rogue River run was quite large, and could have easily had more ocean harvest. By comparison, the target fishery around the Chetco River is almost totally composed of Chetco fish, and so is not constrained by the Klamath River allocation or resource problems. That fishery occurs within three miles of the Chetco.

The reason for not eliminating the statutory closure entirely is that in some areas presently closed to commercial fishing off the river mouth, the closure may prevent vessel congestion and adverse gear interactions between recreational and commercial fishermen. Additionally, part of the area within one mile is quite rocky and not easily fished by commercial vessels. Boley noted that the change listed above will help immensely in providing a better fishery for Gold Beach and the south coast, and not have any adverse effects on either the resource or other fishing interests. Joe Rohleder of Oregon Guides and Packers also testified in favor. He supported the testimony given by Scott Boley, and suggested that this change in the law would clean up the Rogue River commercial fishery. Curry County Guides and Packers were also in favor of SB 403.

The Oregon Department of Fish and Wildlife testified in support of SB 403. The Department noted that reducing the size of the closure would allow the fisheries more flexibility. In response to a question, Rod Ingram clarified that the harvest of salmon is controlled by quotas, and that SB 403 will not affect the ability of fishermen to catch fish. This also gives fishery managers more options for terminal fisheries. Rob Ashdown, President of the Port Orford Fishermen's Association testified in favor of SB 403. He said that fishing off the Rogue River has been plentiful, and that the fishing industry can financially benefit from this bill. He said a "bubble fishery" around certain river mouths can be clean and productive.

Ken Evans of Oregon Anglers and Sport PAC (Political Action Committee of hunters and fishermen) raised the only objection to SB 403. He was concerned that the sports fishery would be adversely affected by this. He testified that the sports fishery brings considerable money into the community; he also was concerned that commercial fishing was too effective in catching fish. In response, Senator Bradbury noted this bill would allow the sports fishery to stay viable while allowing some commercial fishing. He said the only way the commercial fishermen are able to harvest is if it is known that the fish are not Klamath River or Port Orford Elk River stock. In work session, Senator Bradbury moved to send SB 403 to the floor with a "do pass" recommendation." It was passed by a 4 to 1 vote.

March 8, 1995 Coastal Notes

Landowner Liability Limitation Bill to Full Committee—by Julie Coontz, Legislative Fellow: The Landowner liability legislation, HB 2296--as amended by the (dash 4) or -4 amendments and a proposed amendment by Connie Battaile--was moved to the full Committee on Natural Resources with a do pass recommendation from the Natural Resources Subcommittee on Agriculture and Forestry on Monday, February 27.

HB 2296 consolidates a provision on liability of landowners for personal injury, death or property damage arising out of use of land for recreational purposes and woodcutting. It increases the charge that may be made by a landowner for woodcutting while retaining immunity from \$15 to \$20 per day.

The bill allows a person to declare land open to the public and acquire immunity from liability for personal injury, death or property damage arising out of use of land for recreational purposes. Requires written declaration be filed with the Attorney General. Provides immunity for all personal injury, death or property damage except for damages arising out of landowners intentional infliction of harm. Requires Attorney General to defend landowner if claim is made that is subject to immunity provided by the Act.

The -4 amendments changed participation in a salmon and trout enhancement project to participation in any wildlife or fisheries habitat enhancement project to be included in the definition of recreational purposes. It changes the section which does not limit the liability of the landowner for willful, wanton and reckless failure by the owner to guard or warn against a known dangerous structure or other improvement or a known dangerous activity on the land to not limiting the liability of the landowner for intentional injury or damage to a person coming onto land for recreational purposes or woodcutting. It also changes the original proposed bill to apply when landowners charge no more than \$5 for recreational use of the land.

A proposed amendment by Connie Battaile expands the definition of recreational purpose to include educational activities.

Representative Kevin Mannix testified in favor of the bill. He noted that it allows landowners to have some protection for allowing people to enter their property for recreational purposes or woodcutting. The landowners would not be liable for injuries, and they would be able to charge \$5 for recreational use or \$20 for woodcutting. It modifies the current statute to encourage people to exercise the goodness in their heart. He is in favor of making it very broad to cover anything. He said currently there are separate statutes for wood cutting and for recreation. For recreation, there's still a standard for liability, which is willful, wanton and reckless. In the 1979 woodcutting statute, there is no duty of care, except for reckless actions. In the proposed statute there would be no liability unless the landowner causes an intentional injury.

In response to a question from Representative Welsh, Representative Mannix said that someone using the property still has to exercise due care. A person using the property still would be liable for starting a fire, to both the landowner and also to neighbors affected by the fire. The bill does not exempt the person benefiting from the use of the property from the obligation of due care.

Mike Sims, representing the Tillamook County Creamery Association, testified in favor of the bill, especially with the -4 amendments. He was glad to see the provisions for adding educational activities to the definition of recreational purposes. Also testifying in favor of HB 2296 with the -4 amendments were John Brenneman, representing Idaho Power Company; Richard Angstrom, representing the Oregon Concrete & Aggregate Producers Association; Ken Armstrong, Executive Director of the Oregon Public Ports Association; and Rod Ingram, Deputy Director of the Oregon Department of Fish and Wildlife.

HJM 3 Signed by the Senate President and the Speaker of the House—by Julie Coontz, Legislative Fellow: HJM 3, which memorializes Congress to amend the Federal Endangered Species Act of 1973 to give equal consideration to human and fiscal impacts when listing species, passed on the Senate floor on February 22 by a vote of 22 to 8. It was carried by Senator Bob Kintigh (R-Springfield). The nays came from Senators Bradbury, Cease, Dwyer,

Gold, Sorenson, Springer, and Trow.

Senator Kintigh declared a potential conflict of interest because he has the distinction of being the only legislator who has been threatened with litigation for a violation of the Endangered Species Act. His actions that were under attack by the Oregon Natural Resources Council involved tree planting, road maintenance, and tree thinning, but the suit was never actually filed.

Senator Kintigh testified in the Senate in favor of the bill, discussing the immediate impact that listing of a species can have on people and the economy. He said that ideally, the listing process should be based on biological information, but the impact that listing has is immediate. And the recovery plan, which takes into account human and fiscal impacts, may not be completed for more than five years, as has happened with the spotted owl. In the meantime, the industries and communities that are affected are severely impacted. He also said that HJM 3 will not prevent listing; it will just require that human and fiscal impacts are taken into account.

Senator Rod Johnson (R-Roseburg) also testified in support of HJM 3, echoing Senator Kintigh's concerns that listing of a species has an immediate effect on small towns and the economy. He also said that HJM 3 will not prevent species from being listed.

Senator Bill Bradbury (D-Bandon) testified in strong opposition to HJM 3, saying that if human and fiscal impacts are taken into account in the listing process, threatened species won't be listed. The costs to humans will always outweigh the prevention of extinction of a species. He gave the Snake River sockeye salmon as an example, which had only one fish return to spawn in Idaho. He said it will always be less expensive to allow a species to go extinct. He said that the place for human and fiscal impacts to be considered is in the recovery plan. HJM 3 was signed by the Speaker of the House and by the Senate President on February 23.

Senate President and the Speaker of the House sign HJM 2—by Julie Coontz, *Legislative Fellow*: HJM 2, which memorializes Congress to use the phrase "sound, verifiable science" in all governmental legislation instead of the phrase "best available science", passed on the Senate Floor on February 15 by a vote of 20 to 8, with two excused (Senators Baker and Miller). It was carried by Senator Marilyn Shannon (R-Salem). The nays came from Senators Bradbury, Cease, Dukes, Gold, McCoy, Sorenson, Springer, and Trow. It was signed by the Speaker of the House on February 21 and by the Senate President on February 23.

April 10, 1995 Coastal Notes

Hatcheries for Salmon Production—by Julie Coontz, *Legislative Fellow*: Senators Stan Bunn (R-Newberg), Bill Bradbury (D-Bandon) and Joan Dukes (D-Svensen), and Representative Veral Tarno (R-Coquille) introduced legislation to establish a Salmon Production Task Force on March 22. Twenty-one additional senators and 22 other representatives signed on to SB 1127. The Task Force will study and make legislative recommendations in specified areas of salmon production.

The Task Force will consist of nine members, three each appointed by the Governor, the President of the Senate and the Speaker of the House, and shall be experienced in the commercial and recreational fishing industries. There will be four representatives from commercial troll and gillnet fisheries or fish processors, four representatives from ocean and inland recreational fisheries, and one representative of the general public. The Task Force will develop a salmon production strategy plan that will establish production goals that ensure that salmon will not become endangered, as defined in the federal Endangered Species Act; establish methods for measuring the production of public fish hatcheries; establish quantifiable hatchery production goals, and recreational and commercial fish harvest goals; and provide for effective hatchery programs.

The goals of the hatchery program will be to improve survival; focus on and utilize appropriate stocks for harvest and for brood stock; identify opportunities for establishing additional public salmon hatcheries to supplement existing public programs; and identify funding sources. SB 1127 will be heard on April 12 at 3:00 p.m. in Room 343 (State Capitol) before the Senate Agriculture, Natural Resources and Environment Committee.

State Salmon Corporation Bill Has Hearing—by Julie Coontz, *Legislative Fellow*:

Oregon House Bill 2615, introduced by Representative Veral Tarno (R-Coquille), creates a State Salmon Corporation to acquire and operate salmon hatchery facilities. The objective is to enhance salmon populations but not deplete natural runs of anadromous or resident game fish. The State Salmon Corporation is created as an independent public corporation. It will be governed by a board of five directors appointed by the Governor. Members of the board will represent sport anglers, gillnetters, ocean trollers, coastal government agencies, and the public. Terms will be four years at the pleasure of the Governor.

The State Salmon Corporation is authorized to acquire public or private existing salmon hatcheries through lease or purchase; contract for the production of salmon smolts or eggs; operate or contract for the operation of any acquired hatchery; and provide salmon smolts or eggs pursuant to agreements or contracts with other organizations or agencies, public or private. Contracts for salmon smolts or eggs shall be the responsibility of the corporation.

The purpose of the corporation is to maximize the production of salmonids for the Oregon commercial and recreational fishery. Tourism may benefit. The corporation is not to operate in such a manner as to measurably deplete any natural run of anadromous or resident game fish. A Salmon Trust Fund will also be created, separate and distinct from the general fund, to carry out the functions and duties of the corporation. All moneys in the fund will be appropriated continuously to the corporation. The fund may be invested, and all earnings from investments will be returned to the fund. This bill has an emergency clause, so it shall take effect upon its passage.

Joint Hearing on HB 2615 Held—by Julie Coontz, *Legislative Fellow*: HB 2615 had a public hearing on March 31 before the joint committees of the Senate Agriculture, Natural Resources and Environment Committee and the House Natural Resources Committee. Representative Tarno opened the hearing and said this bill is a stab in the direction to help coastal communities and the state. He asked Paul Hanneman, Jay Rasmussen and Don Barth to discuss the background and purpose of the bill.

Paul Hanneman outlined the background of HB 2615. In 1987 he introduced HB 2631 to provide a nonprofit salmon corporation, patterned after Alaska's non-profit statute. He said they thought they had a combination of funding mechanisms that involved several sources, including an ad valorem tax on commercial landings of salmon. Now we have little or no commercial landings of salmon. After passing in the House and the Senate, the bill was vetoed with the advice of ODFW, who advised The Governor that a non-profit private corporation structured this way would undermine the management of anadromous fish.

Jay Rasmussen, director of the Oregon Coastal Zone Management Association, said there was quite a bit of support in 1987 for HB 2631, which was modeled after a successful privately operated non-profit program in Alaska. Today, even more than in 1987, we need to look for every opportunity to improve commercial and recreational fisheries. HB 2615 is intended to provide all options and means to enhance Oregon's salmon resources. For a continuing discussion, all the options should be considered, not just one single salmon corporation. The State should work with cities, ports, and counties to provide these options. The reopening of the Ore-Aqua facility on Yaquina Bay provides an example of the opportunities to increase production. Youngs Bay on the lower Columbia River has had a successful program. We need to identify and promote all means of enhancing salmon in this state.

Newport realtor Don Barth spent eight years on the Fish and Wildlife Commission and testified on a personal basis the impact that salmon has on the coastal economy. He believes that the hatchery production of anadromous fish can be done without interfering with natural fish. The great loss of the private hatcheries did away with the opportunity for competition to see how hatcheries could be run better. This could bring back the opportunity to find better ways to operate hatcheries. SB 1127 will overlay this particular element and he urged the committee to consider SB 1127 also as part of that overall effort.

Scott Boley of the Oregon Salmon Commission testified in support of HB 2615, saying that this is a way to enhance salmon populations without depleting the natural fish stocks. Between this bill and SB 1127, we can work to restore our fisheries and do so in a way that we can afford.

Rhonda Hamstreet, owner of a retail store on Yaquina Bay in Newport supports HB 2615. She has experienced a great loss of revenue because of the demise of the salmon. It has cost her about 78% of her business, and she had to obtain a salmon disaster loan. She emphasized how her business tripled when the Ore-Aqua private salmon ranching was in operation. She said we need hatchery fish that are not in competition with wild fish to support her industry.

Commission Bud Miles of the Port of Siuslaw, with Commissioner Jim Rice and Port Manager Bill Bradshaw, spoke in support of both HB 2615 and SB 1127. Commissioner Rice and he have personally visited hatcheries in Alaska, and they are in full support of a state salmon corporation. They believe that HB 2615 and SB 1127 will create a billion dollar industry and that it will not interfere with native stocks.

Brian Cole of Florence, President of the Oregon Dunes Recreation Council and a licensed guide who loves to fish, supports HB 2615 because the hatchery systems, while there have been errors, can enhance salmon while maintaining the integrity of natural runs. He said we need to develop and maintain public access to wildlife in the state and provide optimum public recreation benefits.

Martin Callory of the Oregon International Port of Coos Bay said the Anadromous private salmon ranching facility provided enough return to the facility to make it a viable corporation. It was shut down because of the Oregon wild fish policy. While they are not against that policy, there must be an emphasis on the ability to do fishery enhancement that does not affect native stocks. He would like to see the facility used to its full, reasonable extent. The introduction of this bill provides the framework. When asked how he envisioned this working, he replied that the least impact on native fish is to have the hatchery fish in the estuary system when there are no other runs of anadromous fish at that same time. For Coos Bay, fall chinook were researched and would not be affected. The Port is putting money into that facility to bring it up to full operational status. Responding to a question about fish marking, he said when the fish are released, all fish are going to be marked and, at least for the first three years, the fish can be tracked.

Much More Testimony Given:

Steven Kafoury, representing the American Fisheries Society, noted that it is everyone's goal to increase the production of salmon; but HB 2615, while well-intentioned, could cause more problems. The Society he is involved with is also working with the ESA. He said that stock enhancement is a controversial tool, and the Washington State program has largely fallen short of its goals. He was concerned that hatcheries pose a great threat to natural salmonid populations. He said we need more stringent regulations to prevent problems, and that they are concerned that this bill does not provide the agency oversight that is needed. He said that even with the clause that the corporation should not operate as to adversely affect natural runs, as mentioned by Representative Tim Josi, there is no adequate mechanism for monitoring. He is concerned with the lack of specificity.

Don Stevens from Newberg said he fishes in Tillamook and he thinks we should proceed with caution with HB 2615. He said the funding is all on the backs of commercial fishing, and not on recreational. The hatcheries put 18 million experiments in the ocean, and there are strays. He wants the scientific community involved. He is not opposed to putting more fish in ocean, but doesn't want it only to benefit inland fisheries.

Joe Rohleder of Waldport represents Oregon Guides and Packers and has been required to go to Alaska to help run a small cruise ship for the past three years. He wants to return to Oregon, but we need to supplement salmon production. People have shown support for enhancing fisheries. We need to work on this bill and make sure this private not-for-profit corporation fits in with the state policy.

Tom Becker said he lived in Newport for 40 years, and that the wild fish policy hasn't worked. He indicated that he understands the tourist business. Becker noted that it is ironic that the salmon aquaculture culture industry started in Oregon and took off all over the world--but its largely lost in Oregon. Appearing with Becker was Dirk Nantzen, an attorney and biologist who testified in favor of HB 2615, and related information about the success of the program in Alaska. He was most recently in Seward, Alaska, and talked about how there were 10,000 tourists, with bumper-

to-bumper traffic and that hotels and restaurants were packed for about a month. In contrast, Newport looked like a ghost town. Nobody was fishing. Private aquaculture was put out of business, and they've failed to restore the natural runs. The wild fish management policy experience has been a total failure. People in Alaska were catching 20 lb. salmon where there had been no natural runs. Where modern hatchery techniques were put in place in Japan, Russia, Norway and Alaska, they have been very successful. He said that if you want to restore wild fish in this state, you have to; 1) eliminate all people; 2) say goodbye to the timber industry, and with that and a couple billion dollars, you may be able to restore the fish. You need hatchery enhancement to restore the salmon fishery. We have changed salmon habitat and wiped them out with technology, and we need technology to bring them back. Ore-Aqua was successful, but met with intense driftnet fishing problems. The salmon are part of our fishing and tourism industry, but also a part of our environment.

Responding to Representative Thompson, Nantzen said that the difference between state hatcheries and privately run hatcheries is the profit incentive and not the water control and management. He also said that the driftnetting should no longer be a problem because high seas driftnetting has been banned, and is now subject to United Nations sanctions. Senator Bradbury thought Mr. Nantzen exaggerated that the only way to bring back native fish is to have no people and no timber. He can show you the Coquille River where there were cooperative efforts among the community and landowners to restore the watershed. The Coquille River has had great runs this year.

Representative Josi said one of the things that Mr. Nantzen didn't talk about was the upwelling that was going on in Alaska. The El Nino effect created a lack of upwelling and a lack of food in Oregon. In response, the speaker noted that the Ore-Aqua salmon went very far afield, and they appeared to stay in a school. This made them a target for driftnetters, which is what happened. Another aspect of this is the diversity point. A group that genetically stays in the same area makes them very vulnerable. All Oregon fish are not dependent on Oregon's coastal resources. He thinks many Oregon fish were going and feeding in Alaska.

Howard Teague, Manager of the Port of Gold Beach gave an overview of the success of the hatchery on the lower Rogue River. The hatchery has been in existence for over 100 years. The late fall chinook return to the Rogue River before the winter steelhead run. The hatchery does not affect the natural runs, but it adds to the salmon. They also release the smolts after dark so the birds do not eat them.

Oregon Trout's Jim Myron testified in opposition to the bill as printed. He said there may be changes to it, and Oregon Trout has recommendations for how hatcheries can be better managed. Their problems with the bill include vagueness, lack of public participation, subsidization of coastal salmon interests when money is tight for the rest of the state, lack of state oversight, findings of adverse effects from unconstrained hatchery production, and financial burden on fishers from increased poundage fees. He thinks the money spent for a sports fishermen to catch a salmon would be better spent on helping natural fish.

Representative Liz VanLeeuwen testified that she is very much in support of HB 2615. Jean Schaeffer of the Sierra Club thinks it's time to consider an alternative approach to hatcheries. She said the Sierra Club is deeply concerned about fisheries, but it is hard to see what this Salmon Corporation will actually accomplish. She said the main thing is the need for compliance with the wild fish policy.

Private businessman and sportsman Loren Parks emphasized the problem with predation and the success they had on the Nehalem by chasing cormorants with a high speed boat. He said they had such success with returns that it was on the news, and the Nehalem River has just had the best steelhead runs in 10 years. The seals and sea lions are also a big problem. There can be 1,000 seals in Tillamook Bay at one time. Parks supports the use of hatcheries.

Ron Phillips of Newport said the state's Coho plan of 1972 was put together by two fine fishery minds. He does believe in natural production but believes that hatchery systems can do a lot of good. He has always been a strong advocate of private hatchery systems. He thinks this bill is going to provide another tool for Oregon to enhance the fish. He urged using good common sense in coming together to reach a consensus.

Ken Evans of Oregon Anglers supports the efforts at restoration that these bills talk about and supports the creative efforts of these bills. Oregon Anglers feels the revenue generated around the state by fish is very beneficial. He appreciates the comments by Senator Bradbury about the success on the Coquille River. He thinks this with other efforts of watershed health enhancement efforts are important. Oregon Anglers is concerned with the biological oversight and funding efforts. There are some funding problems that need to be addressed.

Rod Ingram, Deputy Director of Oregon Department of Fish and Wildlife said the Department has been working to develop state and private-non-profit programs. They want any effort to take into account the biology of the species. The department has been working to develop terminal fisheries. He said 300,000 coho were released in Newport last week, and this program was instituted with great cooperative efforts. In spite of these efforts, there is opposition to these projects. There is currently a lawsuit over hatchery projects on the coast. The Department appreciates legislative support in these projects. They are interested in working with the Committee on this bill. When asked by Representative Norris who the plaintiffs were in the pending litigation regarding other cooperative efforts, Mr. Ingram replied that the lawsuit was filed by Oregon Trout.

At the conclusion of the hearing, Representative Tarno, chair of the House Natural Resources Committee closed the hearing, and asked that Jay Rasmussen put together a working group consisting of Scott Boley, Don Barth, Bob Jacobson, Jim Myron, and the Department to work on changes to HB 2615.

Predation Control Bill Passes Senate Committee—by Julie Coontz, Legislative Fellow:

Senate Bill 707, sponsored by Senator Bob Kintigh (R-Springfield), with Senator Stan Bunn (R-Newberg) and Representatives Tony Federici (D-St. Helens), Tim Josi (D-Bay City) and Veral Tarno (R-Coquille), had a hearing and work session Monday, March 23 in the Senate Agriculture, Natural Resources and Environment Committee. The Committee passed the bill, with amendments, out of the Committee with a Do Pass recommendation that it be referred to Ways and Means.

SB 707 directs the state Fish and Wildlife Commission to issue permits for activities to protect juvenile salmonids from cormorants. As amended, it would appropriate \$50,000 per biennium for the State Fish and Wildlife Commission to issue three permits annually for activities involving the protection of juvenile salmonids from cormorants. The activities would involve chasing the birds off of the water with boats in the estuaries where the salmon smolts stay before heading out to sea. Paul Hanneman testified in support of SB 707, saying that with the potential listing of salmonids as endangered species, every one we can get to the ocean is more important now. The situation is more critical now than it was in 1991 when a similar bill was introduced. The juvenile salmon need protection during the eight weeks it takes to get them to the ocean. Volunteers have been doing this for years, but some compensation would be in order.

Jim Erickson of the North Fork Nehalem Chapter of the Northwest Steelheaders testified in support of this bill. He has been working in the Nehalem River on methods to harass the cormorants away from the estuaries while the smolts are in there, so they do not eat great numbers of smolts before they can get to sea. The number one thing found is that the smolts will stay in the estuaries four to eight weeks before heading out to sea, at which time they are very vulnerable to predation.

This is much longer than the seven to fourteen days that was originally thought. The hatcheries release their fish about April 15, which is when the program should start. The program would then run for about 2 months.

Although they used cracker shells in the past to scare away the birds, they have since found that all they needed were fast boats. They haven't had any complaints. And it's completely compatible with the surrounding wildlife in the area because it is specifically directed at the birds. This bill is needed because the volunteers have been doing this for eight years and they are tired and need some funding. They have had one person providing funding. Gas and oil for a year amounts to about \$3,000. At first you have to be there all day, and then eventually the birds stop coming in. Out in the ocean, they mostly feed on candlefish. Another reason this bill is needed is

that a state permit is required to be allowed to harass wildlife. A federal permit is not necessary for harassing the birds, but the federal Migratory Birds Treaty prohibits killing them. If this works well on the three rivers planned, it could later be implemented on a broader scale.

Mr. Erickson said there are thousands of birds that are eating smolts in great numbers. Cormorants will corner the smolts up against the banks of the river. They sacrificed 24 birds and found that 100% of their contents were smolts. On average they ate between 7 to 17 smolts each. As the birds came into the estuary, they shot some, and those had no smolts. The birds that they got going out had smolts in them. And they had only let them stay on the water for 15 minutes. This problem can easily be prevented with a fast boat to scare them away.

In response to Senator Bradbury's question of how many rivers would be involved, Mr. Erickson said they want to expand what they are doing on the Nehalem to three rivers. On the Nehalem, they had great returns of coho, and their method with the boats is more effective than the more controversial method of using guns. They thought this much expansion of the pilot program was all the legislature would accept. With the potential listing of salmon on the Endangered Species Act, even saving some salmon is important.

Joe Rohleder of the Oregon Guides and Packers and the Northwest Sportsfishery Organization said he lives in Waldport and he is in favor of anything to allow the control of predators. He lives above the Alsea River, but he goes down to the bay and said it's clear that the cormorants are feeding on smolts. There are many guides that are not fully employed this time of year and would be interested in contracting to do this.

William Erickson spoke in support of SB 707. He used to fish commercially, and he said that with the Marine Mammal Protection Act, the salmon seemed to start declining. He went to see the cormorants on the Nehalem, and the air was black with the cormorants flying in. They are a real predator problem. He said if we're going to save the salmon, everything is going to have to go on the table.

Joel Gordon spoke in support of SB 707. He has lived on the Nestucca for 30 years. He said a lot of fishermen were upset about the 300 to 500 birds in Nestucca Bay alone last year. Oregon Department of Fish and Wildlife deputy director Rod Ingram commented that the cormorant is federally protected under the Migratory Birds Act. It is obvious that cormorants take smolts. They are opportunistic feeders and are attracted to concentrations of fish. However, the Department is not aware of studies of significant improvements on returns of fish. The Department is concerned about removing up to \$240,000 from its funding for this program. The Governor's recommended budget already reflects further reductions in the budget. While predation is one of several factors, there is no proof of the effects on returns, although he's heard the information about the returns on the Nehalem. The Department recommends that more money not be taken from their budget for this.

Richard Berry from Tillamook and fish propagation director for ODFW said the returning smolts to the hatchery sites were identical in both Tillamook Bay and the Nehalem, so there are no studies showing that returns to the Nehalem improved because of this program. The Department hasn't spent the money to look at this particular predator when there are other predators. Also, the state prohibits harassing of wildlife without a permit to the landowner. This would clear up who would issue the permits.

Steven Kafoury of the Fisheries Society opposed SB 707, reminding the legislature that scientific decisions should be made with science. Experts at Oregon State University said there's no evidence to say that cormorants are a problem. He said there is anecdotal evidence, but no verifiable science. Wildlife management decisions should be made by wildlife biologists. This bill mandates that ODFW spend their money this way. He said the reason we have a Fish and Wildlife Commission is to decide which is the best way to spend their money. He thinks the process is to go to ODFW and ask for this to be done. They have the authorization to do this already. It shouldn't be done by the legislature, just like bear and cougar policy shouldn't be decided by the ballot box.

Senator Johnson asked why we couldn't open up a hunting season on cormorants. It was noted that these birds are protected by the Federal Migratory Birds Treaty, and there is some doubt as to whether they are edible. Senator Bradbury was concerned with the money coming from the

existing ODFW budget to carry out this program.

Rod Ingram said the biggest concern is with budget cuts, especially with the emergency clause putting it immediately in effect, it would make it very difficult to find the money. Senator Dwyer suggested that contact be made with Major's and other boat companies and let them write this off by testing their boats. Senator Bradbury was comfortable with this bill if funding was appropriated to ODFW's budget and did not take it from their operational budget. Senator Dwyer suggested taking off one of the zero's and changing it from \$120,000 to \$12,000. Mr. Ingram liked the idea of taking off one of the zero's.

During the work session, Senator Dwyer suggested removing the last zero on line 14. Senator Bradbury suggested appropriating \$50,000 for the biennium, based on the figures of the costs of operating the program. He said he was comfortable with appropriating the money and not taking it from the Wildlife Fund. The motion to amend according to Senator Bradbury's suggestion passed, and the Committee voted to move it out of the Committee with a do pass recommendation that it be referred to Ways and Means. Senator Dwyer will carry the bill.

Senate Bill 540 to Exempt Frontier Counties from LCDC Limitations in Exclusive Farm Use Zones—by Julie Coontz, *Legislative Fellow*: Senator Eugene Timms (R-Burns), sponsor of SB 540, introduced the bill on Wednesday, March 8 in the Senate Water and Land Use Committee. The bill relates to land use in frontier counties. Frontier counties are defined as those counties in which the population density is six people or fewer per square mile as determined by the latest federal decennial census. SB 540 provides in Section 1 that the "limitations on uses made of land in exclusive farm use zones described in ORS 215.283, 215.284 and 215.705 to 215.780 and limitations imposed by or adopted pursuant to ORS 197.040 do not apply to frontier counties." Section 2 says "the provisions of this section do not affect the eligibility of a zone for special assessment as provided in ORS 308.370 and 308.404." However, a frontier county may by ordinance continue to be bound by all land use and special assessment statutes, goals and rules.

Senator Timms testified in support of this bill, saying that small counties with less than 6 people per square mile have a difficult time existing in this state. When we look at the laws in Oregon, we don't want to pass laws that apply to the entire state. Frontier counties have a struggle carrying out laws that are passed that apply more to metropolitan areas. This bill would do away with LCDC certain requirements at the option of that county. Some counties that are growing or which have excellent farmland would not opt into this. We need to protect rural areas and give them an opportunity to grow and not have to go through all the many hoops.

Dick Benner testified against SB 540 on behalf of the Department of Land Conservation and Development (DLCD). He said it would take 11 counties out of the LCDC program altogether, which he said, is not a good idea. Some counties are not growing or are growing very slowly, but some are growing surprisingly rapidly. In growth and growth management, it is necessary to protect farmlands from conflicting interests, such as the influx of non-farm dwellings and campgrounds. Benner noted that if you consider the changes that have been made, there has been a good deal of consideration to the regional differences. He suggested that any changes to the process follow a collaborative process that involves input from cities and counties rather than making the changes in the Legislature. He said when the land use rules were being developed, only Class 1 through 4 soils were included as agricultural lands. Farmers in Eastern Oregon came to LCDC and wanted Class 7 and 8 soils, which are mostly in eastern Oregon, to be covered as agriculture lands to protect farmland because they thought that protection was necessary.

Senator Kintigh said that before the creation of LCDC, counties had planning and that they are concerned with keeping their farmland. They know that it is important for their county. Tom Lindhears, County Assessor for Columbia County, was concerned that the provisions of Section 2 do not affect the eligibility of a zone for special assessments. He wanted it to be more clear whether it means that property already zoned Exclusive Farm Use (EFU) stays EFU. Property owners don't want to lose their automatic special assessment.

Christine Cook, Attorney for 1,000 Friends of Oregon, spoke in opposition to SB 540. She said it has two major components. First, it exempts 10 Oregon counties from certain statutes regulating uses in exclusive farm zones. Second, it exempts those counties from any limitations

pursuant to ORS 197.040. This is the statute that grants regulatory authority to the Land Conservation and Development Commission (LCDC). So, SB 540 exempts the 10 counties from any regulation by LCDC. 1,000 Friends strongly opposes the abolition of statewide land use planning in these counties. These counties include some of the state's top agricultural producers, and although some are not experiencing much growth, others are growing at or above the state average. Also, nonfarm job growth is on the upswing in some of these counties. She stated that it does not make sense to remove the controls on land use planning or make them optional.

Senator Rod Johnson (R-Roseburg) related that 100 years ago when people were building a town along the John Day River, people used farm land by rivers for farms and built houses up higher on rocky land. The town could have been built easier on the fertile soil, but it was built across the river on rockier soil. He wondered why these towns need land use regulations when they figured out 100 years ago how to protect farm land when they built their towns.

May 24, 1995 Coastal Notes

Salmon Production Task Force Bill Sees Senate and Committee Action—by Julie Coontz, *Legislative Fellow*: On Monday, May 1, in a late night Senate floor session, Senate Bill 1127, which creates a Salmon Production Task Force, was on the agenda.

In a floor speech, the carrier of the bill, Senator Stan Bunn stated that SB 1127 creates a salmon task force with 9 members. The Speaker of the House and the President of the Senate would each appoint a commercial fisheries representative, a sports fisheries representative, and a member of the public. The Governor would appoint a commercial fisheries representative, a sports fisheries representative, and a tribal representative. The Task Force would define appropriate levels of natural and hatchery fish production. It is designed to set a clear understanding of policy and goals and report back to the 1997 Oregon Legislature.

There have been amendments to improve the bill. The amendments specify that the Task Force has the ability to exclude the Columbia River because many Federal agencies and tribal organizations already deal with that. The amendments also make it clear that the Task Force is to go beyond just salmon to include all salmonids. Oregon Trout has expressed concerns about the bill, and they were going to work with them. He said they also plan to work with the Governor's concerns with the bill.

There is a fiscal impact statement on the bill which is badly in error because it did several things. It assigned several people at a very high salary. He said they will working to fix that, and if they are not able to get the fiscal impact down, we will request that it go to Ways and Means on the House side. Senator Bunn closed by saying that this bill is very important for economic recovery and to reestablish this resource and prevent its listing on the Endangered Species List. He urged passage of SB 1127.

Senator Brenda Brecke spoke in support of SB 1127. She favored the change so it includes not just salmon but also trout. She said the Task Force has a broad representation. Senator Ron Cease (D-Portland) asked what the role of the Oregon Department of Fish and Wildlife (ODFW) would be on the Task Force. Senator Bunn replied that the bill specifically states that the Task Force may call upon the resources of ODFW. ODFW will not have representation as a member, but it is anticipated that the Task Force will be using their resources.

The bill passed on the Senate floor by a vote of 26 ayes, with Senators Cease, Miller, Phillips and Stull voting no.

House Committee Passes Amended Bill

On May 10, the House Natural Resources Committee passed the A-engrossed Senate Bill 1127, as amended, to the House Floor with a "Do Pass" recommendation by a unanimous vote. Representative Terry Thompson (D-Newport) will carry the bill.

Senator Stan Bunn (R-Newberg) testified in favor of the bill, and clarified what the amendments did. The amendments were the result of meetings with the Governor's Salmon Policy Advisor, Senator Stan Bunn and Senator Joan Dukes.

He said they agreed as follows: that rather than appointments by the Governor, the Senate President and the Speaker of the House, all the appointments will be made by the Governor, with

Senate Confirmation. The Task Force would become an 11 member task force, with at least 3 members representing commercial fishing, 3 representing recreational and 1 member representing tribal interests. The Governor will also appoint other members representing such interests as a non-agency scientist, watershed landowners, habitat restoration interests and the public. It will also be called a Coastal Salmon Restoration and Production Task Force instead of the Salmon Production Task Force. The Oregon Department of Fish and Wildlife will provide staffing within their budget. For the members of the Task Force there will be a per diem of \$50 per day, but there will be no allowance for mileage or overnight accommodations.

Roy Hemmingway, the Governor's Salmon Policy Advisor, pointed out that the focus of the Task Force is to be the Oregon coast only. Senator Bunn said it will include the Columbia Estuary. There are so many agencies dealing with the upper Columbia River, that they decided that it would not help to work with that.

Representative Lisa Naito (D-Portland) applauded this effort to restore the salmon. Representative Wells mentioned the earlier fiscal impact report, and asked where funding would come from. Senator Bunn said that the earlier fiscal report was overstated. He said that based on figures from the fiscal impact statement form and talking to the person who prepared it, they came up with three personnel, and selected the highest level paid positions because they were not sure what technical assistance the Task Force would need. Now the staffing will come from Fish and Wildlife's current budget. It will cost between \$0 to \$75,000. This recognizes that there are other areas of expertise where ODFW may contribute.

There was concern from some members of the committee that this would take away from other projects of ODFW. Senator Bunn said that he would like to say it doesn't, but he suggested that ODFW may be able to do things more efficiently. Representative Tony Corcoran (D-Cottage Grove) sits on Ways and Means, and doesn't think ODFW has extra fat to trim. He is supportive of this program, but he is concerned about ODFW's budget. He suggests there be some monitoring of this program and it may come back to the Emergency Board. Senator Bunn thinks ODFW should have more money to carry out this task.

Representative Chuck Norris (R-Hermiston) expressed concern that the field of salmon salvation does not get cluttered. He brought up Senator Bill Bradbury's salmon group, "For the Sake of Salmon". Senator Bunn said he talked with Senator Bradbury just that morning about the bill as they proposed amending it, and that Senator Bradbury expressed delight with where this is going. Senator Bunn said that the policy has been that when there aren't enough fish, the solution is to close the fishing season.

Dave Moskowitz of Oregon Trout testified that he supports the direction of this bill. He still has three concerns with it. One is with the fiscal impact. He said that the ODFW screening program already competes for money. He hopes that will be looked at carefully. He hopes the Task Force will accomplish the goal of being a functional forum. He also raised the concern of whether the focus is purely restoration. He would like the task force to focus also on healthy stocks and strategize about how to keep healthy stocks healthy. Finally, he said the bill refers to natural stocks, but that there are specific definitions of native fish, and that it should be clarified in the bill what is meant by natural stocks.

Rudy Rosen, Director of the Oregon Department of Fish and Wildlife said they are not fully completed with the budget process. He said this bill is important to look at restoration and to bring it into a single package. The concern of ODFW was with the out-of-pocket cash costs. Technical expertise is expensive, but it is there, so no new funding would be required for that. He thinks ODFW can probably do it, not without pain, but with considerable gain.

Representative Norris suggested that a letter from the committee be written suggesting that this be part of an add-back package in Ways & Means. Representative Corcoran said that if they pass the rural investment fund, it is designed to have more leeway for providing funds, so that could be an avenue for funding.

Crab Limited Entry Bill Referred to Rules Committee—by Julie Coontz, Legislative Fellow: Senator Brenda Brecke (D-Coos Bay) carried HB 3094, the crab limited entry bill, on the Senate Floor on Friday, May 19th. She said that the bill will protect Oregon crab fishermen, it is

consistent with the requirements stated by California for reciprocity, and it protects historic crab fishermen. She said it requires that a vessel land at least 500 pounds of crab in each of two fishing seasons between December 1, 1988, and December 31, 1994. She said it will not put crab fishermen out of business who have made a living by crabbing.

She said it will allow small boats in the fishery. And it will allow approximately 450 boats in the crab fishery. Senator Brecke said HB 3094 intends to make crabbing safer by spreading it out over several months rather than having a lot more fishing vessels taking all of the harvest in a shorter period of time during the winter when it is not as safe to go out.

Senator Stan Bunn (R-Newberg) moved that HB 3094 be referred to the Rules Committee for further work. Following this motion there was a call of the Senate, requiring those members present to stay and requesting those not present to come back to the floor. The motion to refer the bill to Rules passed with 19 ayes.

In the discussion on the motion, Senator Bunn started out by saying that he wanted to reflect and reaffirm on the comments of Senator Brecke. He said we need limited entry for a healthy Oregon crab fishery. He wanted to thank Representative Tarno (R-Coquille) for his leadership and for working with persistence to ensure that crabbers are protected. He said there are still disagreements that he believes can be resolved. Senator Bunn wants to be sure that Oregon crabbers are not harmed, and he thinks there's a way to have a bill that is more inclusive and have a bill that works for Oregon. He thinks we can do more work so we don't lose this bill at this point in the session.

Senator Cliff Trow (D-Corvallis) posed a question to Senator Bunn regarding his concern about this bill. He wanted to know that Senator Bunn is not referring this to another committee so that it would die. Senator Bunn assured him that he believes a limited entry bill is essential this session.

Senator Bill Dwyer (D-Springfield) strongly opposed the motion. He said the committee referral must go to Rules because that's the only committee that's open. He spoke to most of the Senate Agriculture, Environment and Natural Resource committee members, and they tried to adjudicate this as fairly as possible. No limited entry bill will let everyone in. He said they tried to negotiate, and the committee put in a provision for those who fell through the cracks. He said the committee came to the conclusion that this is the answer, and now a third party wants to get involved. If the committee chair doesn't want a bill to go it won't go. He did not support sending the bill to the Rules Committee that doesn't have the expertise and time to consider the bill. The Committees have rushed many bills this session, but not this bill. They gave this bill a fair hearing.

Senator Joan Dukes (D-Svensen) supports the motion. She thanked everyone for listening and learning more about crabbing than they ever wanted to know. Now people understand about sizes of boats and many other issues surrounding this bill. Yesterday afternoon, she and people from both sides sat down and talked. She doesn't want a bunch of out-of-state vessels crabbing in Oregon, and neither does she want to put Oregonians out of work. She believes there is a solution and wants to be given a chance to work this out.

Senator Brecke said that there were many hours of discussion between fishermen and that there was compromise every step of the way.

Senate Committee Passes HB 2615—by Julie Coontz, Legislative Fellow: On May 19, 1995, the Senate Agriculture, Natural Resources and Environment Committee passed HB 2615 with amendments unanimously to the Senate Floor. In the work session, the committee adopted amendments from Oregon Trout and from the Oregon Department of Fish and Wildlife. The committee unanimously passed the bill, as amended, to the floor with a do pass recommendation. Representative Tarno (R-Coquille) testified that this is a spin-off of efforts at Youngs Bay and at Yaquina Bay and Coos Bay. This bill will focus on stocks not just on coast but in other areas as well. It will involve public and private non-profit efforts to help restore fisheries.

Jay Rasmussen testified that the bill had considerable testimony in the House. He said it is now the product of an effort between members of a working group which included Don Barth, a Newport realtor and former member of the Oregon Fish and Wildlife Commission; Scott Boley,

troller and Pacific Fishery Management Council member; Doug DeHart, Acting Chief of Fisheries for the Oregon Department of Fish and Wildlife; Bob Jacobson, commissioner with the Oregon Fish and Wildlife Commission; Jim Myron of Oregon Trout and Joe Rohleder of the Oregon Coast Guides and Packers. He said there will be more local production for local uses. It will help local communities assess where there are hatchery production opportunities. This is a modest bill which has important emphases, and is supported by SB 1127. The amendments attempt to clarify how products from salmon are distributed.

Senator Dwyer asked if Jay saw the comments by Oregon Trout. Rasmussen replied that he saw the comments and that the bill pretty well covers most of those points. Senator Brecke suggested that on line 15, page 2 they substitute "sound, scientific" for "good" fish management practices. Rasmussen said that would be fine.

Rod Ingram testified that the Department has worked with the working group on this bill. ODFW approved two new terminal fishing projects and expansion of another in an attempt to enhance fishing opportunities off shore and in the lower estuaries without detrimental impacts on naturally spawning salmonid. At Coos Bay, 150,000 chinook salmon have been moved from ODFW's Cole Rivers Hatchery on the Rogue River to the former Anadromous Incorporated facility in the lower bay for acclimation and release into the lower bay. At Newport, 300,000 coho salmon were moved from ODFW's Salmon River Hatchery to the Or-Aqua facility in March to be released later. The projects were initiated with an excellent cooperative attitude by all parties, community involvement and many hours of volunteer labor and the projects are continuing in this manner. This cooperative effort has included agencies and many members of the community from community leaders, to fishermen, to students.

Mr. Ingram testified that these efforts have been made in ways that will also preserve nature's capacity to provide fish naturally and involves a public process that takes into account the biology of the species and the public policy direction from the Legislature and the Commission. An extensive public input process was conducted to ensure that all views were considered. The intent of this legislation is to provide processes and incentives for communities to undertake similar fishing projects through cooperative community efforts and partnerships with the Department. The Department supports that effort. The amendments proposed by ODFW clarify confusing language in Section 5 of the bill.

In response to a question from Senator Dwyer, Rasmussen said that there is a 100% fin mark of released coho on the Yaquina, of which a portion of those are also wire tagged. He also said, in response to a question from Senator Brecke that this bill is very harmonious with SB 1127, the Coastal Salmon Restoration and Production Task Force bill. HB 2615 will look at one aspect of the overall production program. Senator Dwyer thinks the terminal fisheries and these ideas are good, as long as the fish are marked. He said Ore-Aqua was a failure, and there were problems with straying.

Rod Ingram said the amendments are fairly important because they say where the Department is in this bill. The language clearly indicates that the Department hatcheries have priority.

Jim Myron of Oregon Trout raised some questions in their testimony, which they addressed in some proposed amendments. He does not want this bill to weaken the wild fish policy in Oregon. He does not agree with Jay that all of their issues are already taken care of in the bill. The amendments proposed by Oregon Trout substitute sound, scientific science in places where the bill specifies "sound" or "good" hatchery or management practices. He also prefers "protection and restoration" in place of "enhancement". He said Oregon Trout would support ODFW's amendment. Needs more clarification.

Ken Evans of Oregon Anglers testified that HB 2615 dovetails real well with the direction that the SB 1127 task force will be looking into. The intent is not just to inundate coastal estuaries with hatchery produced fish. Both bills talk specifically to protection. He supports the A-2 amendments. He has gotten information from Alaska, and they have used these methods quite successfully up there. He thinks this is a good step in the right direction, and he supports the bill. In work session, the Department's amendments and the hand engrossed amendments from Oregon Trout were adopted.

Watershed Article for Restoration Magazine

Governor's Watershed Enhancement Board to Take Over Watershed Health Program—by Julie Coontz, *Legislative Fellow* (written for *Restoration Magazine*):

House Bill 3441 (HB 3441) transfers the functions related to watershed management from the Strategic Water Management Group (SWMG) to the Governor's Watershed Enhancement Board (GWEB). The bill would also make the Governor's Natural Resource Advisor the Board Chairperson. It passed in the House and the Senate and was signed by the Speaker of the House, the Senate President and the Governor. The bill was developed by Representative Chuck Norris (R-Hermiston) and a broad-based group with the goal of developing a unified watershed program that will support local actions and local watershed councils.

GWEB was created in 1987, and is currently made up of ten members from state natural resource boards and commissions and other state and federal agencies. The Board oversees a program that focuses on funding projects that enhance and conserve the natural resources of riparian and upland areas of watersheds. SWMG was first established in 1983 to coordinate state agency activities related to water resources. In 1993, the Legislative Assembly adopted a bill to encourage the formation of local watershed councils. The bill directed SWMG to provide oversight to the Watershed Health Program. (Chapter 601, Oregon Laws 1993) The 1993 Legislative Assembly also allocated funding for the program in two target basins during the 1993-1995 biennium. (Chapter 765, Oregon Laws 1993). Since the 1993-1995 biennium is over, HB 3441 will continue the funding for the watershed program. SWMG was abolished this session by Senate Bill 502, which transferred its functions related to groundwater to the Department of Environmental Quality. All other watershed-related functions will then be transferred to GWEB.

Senate Bill 5520, which allocated the budget for the Water Resources Department, provided \$2,647,361 for new watershed projects and for six positions. The original request by the Governor was for \$4,650,561. Senate Bill 5541 approved a carry-forward amount of \$5,558,508 from the '93-'95 biennium for the Watershed Health Program.

GWEB was seen by those who developed the bill as an appropriate long-term vehicle to coordinate the watershed health program and funding to support watershed protection and enhancement. The bill provides that the Governor's natural resources advisor, or designee, will serve as the chair of GWEB. It provides findings on watershed-wide conservation, restoration and enhancement, in terms of assessing the type of comprehensive and cooperative approach that is required. GWEB's watershed management program will rely on establishment of voluntary local watershed councils comprised of citizens, state and federal agency staff, members of federally recognized Indian Tribes and interested citizens. GWEB is to encourage development of local plans which may include assessment of the condition of the watershed, creation of a watershed action plan and a strategy for implementing an action plan. The bill permits the board to designate high priority watersheds and clarifies that this is only a management tool and is not to discourage formation of watershed councils in other watersheds. GWEB is to report annually to the appropriate legislative committee on its watershed management program. This bill is not to discourage formation of watershed councils in other watersheds nor affect any watershed council in existence on the effective date of the Act.

The changes made to the Governor's watershed program include transferring the program from the Strategic Water Management Group (SWMG) to the Governor's Water Enhancement Board (GWEB), clarifying definitions, functions and funding, and reporting to an appropriate legislative committee. The bill deletes Oregon Laws provisions related to the Strategic Watershed Management Group. HB 3441 received broad support.

A work group co-chaired by John Brogoitti and Geoff Pampush was put together by Governor John Kitzhaber. It came out of the Governor's transition team in order to overhaul the watershed health programs, which consist of GWEB, SWMG and the Watershed Health Program. John Brogoitti is the Governor's new appointee to the Northwest Power Planning Council and a member of the Land Conservation and Development Commission. According to him, there was some feeling with the existing Watershed Health Program, which focused on the Grand Ronde and

the South Coast, that too much money was spent on staffing and not enough on ground projects. The work group was convened to develop "better efficiency and a better use of money." The work group included a broad base of people, including environmental groups and water users. Representative Norris put together HB 3441 based on this proposal and on the structure of GWEB.

The proposal dated January 11, 1995 was submitted to Governor John Kitzhaber by John Brogoitti and Geoff Pampush, co-chairs of the Watershed Work Group. The proposal to merge GWEB and the Watershed Health Program recognizes several concepts, including: the watershed being a natural and necessary landscape planning and management unit; that many of Oregon's watersheds are below levels considered healthy; that local participation is the best means to achieve watershed health improvements; that the state has a role in investing in local watershed councils; and encouraging and rewarding watershed councils and individuals who creatively develop proposals with maximum leverage of human and financial resources. Several items were proposed that were incorporated to become HB 3441. GWEB and the Watershed Health Programs would be merged, saving the best of each and eliminating SWMG. The program would be housed in the Governor's office and governed by a citizens' commission of seven members. The Program manager would be housed in the Governor's office. All other staff would be housed in the Water Resources Department. The program would fund both statewide "GWEB-type" projects and watershed council start-up and action plans statewide. Staffing would be combined and reduced from 22 in the 1993-1995 biennium to 8 during the 1995-1997 biennium. The Governor's Watershed Board would utilize ex-officio (technical advisory) staffing from the Departments of Economic Development, Fish and Wildlife, Forestry, Agriculture, and Environmental Quality. OSU Extension, Bureau of Land Management, U.S. Forest Service, Bureau of Reclamation, USDA Natural Resources Conservation Service and U.S. Environmental Protection Agency will also be asked to provide advisory assistance. Also proposed was that the roughly \$3.0 million unspent as of January 1995 from the Watershed Health program be dedicated to completion of obligated and soon to be proposed projects in the Grande Ronde and South Coast Watersheds.

Geoff Pampush, Executive Director of Oregon Trout, and also co-chair of the Watershed Work Group, supported HB 3441 in testimony before the House Water Policy Committee on April 13, 1995. He offered another amendment which was incorporated into Section 2 (1)(a) of the bill. The paragraph reads, "the implementation of watershed wide conservation and restoration will require a comprehensive and cooperative approach, including assessing the condition of the watershed, developing a priority-based action plan and executing the plan utilizing a broad range of financial and human resources.

Jim Myron of Oregon Trout testified before the Water Policy Committee that Oregon Trout supports the concepts behind HB 3441, but they had some serious concerns with the language in certain sections of the original bill. They have been critical of GWEB, and their concern centers on the "shotgun approach that ignores the need to prioritize projects and the lack of an adequate monitoring program." Oregon Trout has also been concerned that the GWEB program focused solely on enhancement and not protection and restoration. They were concerned that by absorbing the Watershed Health Program into GWEB, critical elements of watershed health would be lost and the mission of GWEB would remain unchanged. To some extent his concerns were dealt with, but after the bill was passed he still expressed concern about GWEB's role. He is still concerned about whether GWEB would be able to expand their roles to the watershed council to encompass other interests besides the agricultural interests that he feels have dominated GWEB in the past. He is hopeful that the reorganized GWEB will be able to encompass those interests and expand their role.

In her testimony before the Water Policy Committee and also before the Senate Water and Land Use Committee on May 9, 1995, Martha Pagel, the Director of the Oregon Water Resources Department, said that HB 3441 would "blend the best aspects of the Governor's Watershed Enhancement Board (GWEB) and the Watershed Health Program. The bill establishes a unified watershed program to support local actions and local watershed councils." The GWEB program would continue to distribute funding to support watershed protection and enhancement. She said

that HB 3441 will give GWEB grant oversight for demonstration projects and watershed council-directed watershed enhancement and protection efforts. "This bill makes sense because GWEB and Watershed Health programs have the same ultimate goal: locally-driven efforts to achieve fully functional and sustainable watershed ecosystem." The Water Resources Department supported the bill because it provides a means of continuing the emphasis on watershed enhancement through grass roots efforts and the work of watershed councils. It will provide the state a more unified program to achieve the desired ends.

Testimony given on behalf of Governor Kitzhaber spoke in support of HB 3441 and specifically supports the deliberate preservation of the existing GWEB program, and the addition of new funding and responsibilities. They support the incorporation of the two most critical elements of the "Watershed Management Strategy for Oregon" proposal. The two elements are the "Strategy's" mission statement (Section 6 of the bill) and the general guidelines for the constitution of local watershed councils (Section 7). They also support the changes that explicitly add local watershed councils to the list of things for which GWEB may provide grant funding and other support. Finally the Governor's office supported adding a senior member of the Governor's staff to the Board as a non-voting chairperson as a recognition of the crucial leadership and coordination role that the Governor must play in assuring adequate state agency support for GWEB and the local watershed councils.

Representing The League of Oregon Cities (LOC), Joni T. Low testified in support of "the overall concept of HB 3441 as it would streamline the State's watershed enhancement program and reduce the administrative costs by providing coordination of the program through GWEB." LOC recommended though that the reference to local government, rather than county government, be re-inserted. LOC was willing to narrow the definition of "local government" to include a city, county, water supply district and sewer district for purposes of HB 3441. This recommendation was taken into account and incorporated into the amendments that were adopted to the bill. LOC showed support for HB 3441 again in the Senate committee on May 9.

Louise Bilheimer, State Conservation Coordinator of The Pacific Rivers Council testified on April 13 in support of HB 3441, particularly supporting the bottom-up approach with "local people assessing local problems and developing local solutions" to restore watersheds and salmon. They proposed including in the goal section of the bill the goal statement of the "Oregon Watershed Management Strategy," which is "to implement a consistent and integrated process to guide watershed-based resource planning and management to protect, enhance and restore the state's watershed ecosystems in order to optimize the natural resources of the state for all beneficial economic, environmental and social uses." That specific language was not included in the bill, but the goal section of the bill does recognize that "the implementation of watershed-wide conservation restoration or enhancement will require a comprehensive and cooperative approach, including assessing the condition of the watershed, developing a priority-based action plan and executing the plan using a broad range of financial and human resources." It also recognizes the effectiveness of local watershed councils in the implementation of plans. The Pacific Rivers Council supported the watershed programs and wants them to "continue in a way that will help us all to recover our salmon and the watersheds they depend on."

The Association of Oregon Counties strongly supported HB 3441, in its original form, which provided that the county governing body will form or designate the local watershed council. This provision was amended in the A-engrossed version in Section 7 of the bill to read that local government groups, which consist of interested cities, counties, water supply districts and sewer districts, are encouraged to form voluntary local watershed councils. The amended version works well to take care of their proposed amendments that wanted involvement of other interested local government groups.

Jan Boettcher presented testimony on behalf of the Oregon Water Resources Congress in support of HB 3441, but wanted water suppliers to participate in coordination. That may also have been taken care of in the inclusion of water supply districts in the definition of the local government groups.

Pete Test, Assistant Director of Governmental Affairs of the Oregon Farm Bureau Federation, also testified in support of HB 3441. He said that "GWEB needs the ability to create a method to

carry out their assignment in a fashion that preserves local control but still satisfies the State's oversight requirements when their funds are involved. The program is necessary and important to the health and productivity of Oregon's agriculture community." Pete Test later testified in support of the amended bill before the Senate Water and Land Use Committee.

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Coastal Caucus Meeting Minutes

Coastal Caucus's First Meeting in the 1995 Legislative Session—by Julie Coontz, *Legislative Fellow*: The Coastal Caucus held its first meeting in the 1995 legislative session on January 17th in the House Majority Caucus Room at the State Capitol. Present at the meeting were Representatives Tony Federici, Tim Josi, Mike Lehman, Veral Tarno, and Terry Thompson; Senators Bill Bradbury, Stan Bunn, and Joan Dukes. Staff members attending were Pam Gordon, Legislative Aide to Representative Tim Josi. Other guests included Joe Rohleder, Oregon Coast Guides & Packers Association and Mike Sims, Hanneman & Associates.

The first order of business was nomination and election of Senator Dukes as Chairman of the Coastal Caucus. A list of suggested discussion topics for future Caucus meetings was distributed to Caucus members for their review and input for priorities that they would like to see discussed at future Caucus meetings.

One item of discussion at the January 17th Caucus meeting was the Oregon Department of Transportation and Highway 101 repair work. Highway 101 needs money for repairs. Representatives Tarno, Thompson, Federici, and Senator Dukes all had questions or comments regarding Highway 101.

Another issue of concern discussed was continuation of funding for the state's shellfish sanitation program. User fees are being looked at to help assist in the funding of this program. Representative Thompson noted that his district has a big sport crab fishing industry and that he would see no problem with a clam license but he does not want to see one fishery pay for another fishery's problem. Senator Dukes stated shellfish testing is very important to Tillamook County. Senator Bradbury noted that his constituents are adamantly opposed to clam license fees. Representative Tarno stated that the oyster industry is paying the biggest share for shellfish testing. A consensus was not reached among Caucus members relating to the issue of clam license fees.

Lastly, tsunamis were brought up. A suggestion was made that perhaps a state gas tax could be used to seismically retrofit bridges. Senator Dukes stated that she knows of one group on the coast who is in support of this and added that she would like to see funding for coastal bridges. The Department of Geology & Mineral Industries (DOGAMI) is interested in doing an education program in the school systems.

Don Hull, Director, Oregon Department of Geology & Mineral Industries will be contacted to give a presentation before the Caucus members for next week's meeting regarding DOGAMI's tsunami program in the areas of education and land use.

Tsunami Subject of January 27 the Coastal Caucus Meeting—by Julie Coontz, *Legislative Fellow*: Present were Senator Joan Dukes, chair, Senator Bill Bradbury and Representatives Tim Josi, Terry Thompson, and Veral Tarno. Also attending were: Jay Rasmussen, OCZMA, Willie Tiffany, Legislative Assistant to Representative Mike Lehman, Mike Sims and Paul Hanneman from Hanneman & Associates. Guest speaker was Don Hull, Director of the Oregon Department of Geology and Mineral Industries.

Don Hull discussed what the Department of Geology and Mineral Industries (DOGAMI) thinks the state ought to be doing for tsunami preparation. DOGAMI has a long-standing obligation to understand the geology of the state. In 1989 the enabling act was changed, and DOGAMI now has the responsibility not just to understand the geology, but to mitigate the geologic hazards. The Department has an obligation to reduce the risk to life and property as a result of natural hazards. They take this obligation very seriously. They have found that a lot of the vulnerability to geologic hazards is on the coast. The Oregon coast is vulnerable to earthquakes off the coast. The

earthquake in Kobe, Japan reminds us of our vulnerability. DOGAMI is committed to protecting life, property, and ensuring the long-term protection of the coast.

The strategy to do this comprises three main principles: (1) A lot of public education. There is going to be a very short warning time before a tsunami hits, approximately 5 to 30 minutes. There is no way to stretch that, so there must be education to be able to move quickly to safe areas.

(2) Systematically map the areas that would get flooding inundation from a tsunami. (3) A warning system that covers the full length of the coast, including towns and cities and also State Parks that would have a lot of visitors.

- Education - Education is something that must be done. The Department would like to work with people in the coastal schools. A survey of the coastal schools was taken with a 41% response rate. Of the 39 schools that responded, 15 are actually teaching their students about tsunamis. And of those 15, eight are actually doing education drills to get the students inland or away from the schools. Mr. Hull said that eight schools is not enough. The Department is working with the Oregon Department of Education, asking what kind of materials they will need. They are also working with the Marine Science Center in Newport to provide a hands-on educational display, maybe with a wave tank to demonstrate how tsunamis work. The private sector is also helping with education. The Bank of Astoria mailed tsunami brochures out with checking and savings account statements to their customers. That was a good way to reach a lot of people without a lot of expense.

- Mapping Systems - Maps for some towns will be ready in June for local planning. In the preparation of maps, every town, bay and estuary will be different. DOGAMI is studying how the waves behave in other countries where the topography is similar to that in Oregon. There has been some testing of technology for mapping in Siletz Bay.

- Warning Systems - For locally generated tsunamis, we need a local system. The current Pacific Rim International Warning Systems are inadequate for locally-generated tsunamis. There is the capability to do a warning system. Cannon Beach is a good example. There needs to be a uniformity of approach. It's a matter of hooking satellites together to get the warning. There is no specific answer on where the warning system center should be, except that it should be on the coast and not somewhere like Portland. There will only be 5 to 30 minutes between the warning and when the tsunami hits for a locally-generated tsunami. Senator Hatfield has put in a request with NOAA to design a warning system. The warning system should be a federal responsibility.

Mr. Hull gave some information on the history of how tsunamis have hit Hawaii in 1946 and Alaska in 1964, and how tsunami warning centers were built a few years later. In Oregon, he said we need to have a warning center before we're hit by a tsunami. He said the tsunami acts like a battering ram and then does a lot of the damage when the wave moves back out. He said that in Hawaii a wave knocked out a seawall from behind when the wall was designed to withstand being hit from the front.

The time frame for the next tsunami is based on an average interval of about 350 to 400 years. The shortest interval is 260 years. The last one was found to have occurred on January 26, 1700. Mr. Hull said that there is plate distortion and stress building up in the rocks which is showing up on the surface. He said the Olympic Mountains are moving steadily toward Seattle, and the coast of Oregon is buckling at a point south of Tillamook, where it is hinging and moving upward and eastward. He said these forces are not going away easily. They're getting ready to pop. Representative Thompson had a question about whether the warning system could utilize the already existing offshore buoys for any kind of wave measurement. Mr. Hull replied that they use a technological approach for measurements from the ocean floor, and not the surface wave measurements. He did say he may look into using the offshore buoys for additional monitoring.

There are two bills that will be coming out on tsunami preparation. The first bill deals with education in the coastal schools. It does not have a dollar amount that they will ask for. The second bill would set guidelines that future construction of critical facilities, such as fire stations, schools and hospitals, be out of harm's way. Future construction of such facilities should be out of the expected floodzone. In some areas, this would be impracticable for access to these facilities. But in other areas, it would not be a problem to locate them more inland. For the second bill, a dollar amount of approximately \$22,000 was set, which is a very minimal amount. DOGAMI

would not be doing the mapping to determine safe building zones, heights, etc. The mapping would be paid for separately. Senator Cease will be introducing these bills.

Representative Thompson asked about what we can do that's reasonable to improve building codes in coastal areas. There might be little things that might make a difference between whether homes stand or fall. Mr. Hull responded that the building code has already been upgraded, and that this only incurs about a 1-2% extra expense. Some precautionary measures are relatively inexpensive, like tying houses down to foundations.

In other matters, Senator Bill Bradbury has a bill that he asked other Coastal Caucus members to cosign, which prohibits commercial fishing within one mile of the mouth of the Rogue River. Currently, the law is that you can't fish within three miles. Senator Bradbury said that the Department, sports fishermen, commercial fishermen and the City of Gold Beach all support this bill.

Paul Hanneman said an alternate version of the Dungeness crab limited entry legislation will be ready soon. This version differs from a proposed Senate bill because it allows more Oregon boats to stay in the fishery and does not contain a class 'B' permit phase out in several years. Both proposals contain reciprocity provisions with California and Washington. Hanneman thought the crab legislation should not start out too restrictive because the commercial fishery industry is already so highly regulated from a conservation viewpoint. The question facing the legislature is not biological: it is a social and economic question. Senator Dukes asked if we could get both bills together so we don't divide the coast on this issue and Hanneman said that is certainly the goal. Representatives of both legislative concepts plan to meet before long to begin ironing out the differences.

Bonneville Power Administration's Hydropower and Fish Policies Discussed -- Friday, February 3, 1995—by Julie Coontz, Legislative Fellow: Present were the speaker Jock Mills, Bonneville Power Administration; Members: Senators Stan Bunn and Bill Bradbury, Representatives Terry Thompson, Mike Lehman and Tony Federici; Guests: Senator Ron Cease, Representative Chuck Norris, Pam Gordon, Legislative Assistant to Tim Josi, Mike Sims; Hanneman & Associates; Excused: Senator Joan Dukes, Representatives Veral Tarno and Tim Josi.

Senator Cease was asked to speak about the tsunami bills that have been introduced. He said that the Department of Geology and Mineral Industries (DOGAMI) didn't get these issues into the Governor's process, so he is introducing them as bills. SB 378 requires instruction in the schools on earthquakes and fires emergencies and in the coastal schools on tsunami emergencies. Pam Gordon asked about how the drills were going to be done, expressing concern that if there is only 5 to 30 minutes to move kids to safer areas, there might be some scare of the children in having drills to run on foot or load kids in buses. Section (2)(b) says that "drills and instruction on tsunami emergencies shall include immediate evacuation after an earthquake when appropriate or after a tsunami warning to protect students against inundation by tsunamis."

SB 379 deals with the future citing of critical facilities out of tsunami inundation zones. The term "tsunami flooding" is changed to "tsunami inundation". Also the bill does not deal with existing buildings. Oregon State University contracted with DOGAMI to do the study. One of the concerns for communities like Seaside that are very low is that there is no site that is not in a tsunami inundation zone. There are exceptions, and there is room for amendment in the bill. One important thing about this bill that there is now recognition of earthquake risks in this state. Representative Chuck Norris said that Don Hull has a copy of a really good program on tsunamis that was on Oregon Public Broadcasting (OPB). Representative Norris said Don Hull could probably make it available if anyone is interested.

Jock Mills of the Bonneville Power Administration (BPA) spoke next. He said that BPA is undergoing a transformation. He is the eyes and ears in Oregon, and he wants to be the Coastal Caucus' mouth. He can be a resource for the Caucus and answer questions on behalf of BPA. He originally talked with Senator Joan Dukes and found there were lots of questions about the National Marine Fisheries Service (NMFS). He clarified that he did not want to talk about biology. There are federal biologists with NMFS, and they don't have the same network as he

does. He can carry information back to NMFS. He is a utility spokesperson with the Power Planning Council.

Representative Thompson asked about barging: what types of barges and how fast are they going to move the fish downstream? Mr. Mills referred to a handout on the draft biological opinion of NMFS requiring major changes in the way the Columbia River hydropower system is operated after concluding that current operations jeopardize the continued existence of endangered Columbia Basin salmon. Specifically, the draft opinion calls for:

- Spilling water over the dams—and thus bypassing the turbines—to increase passage of juvenile salmon via non-turbine routes to at least 80 percent.
- Improving the program to transport juveniles by barge around the dams. The barges will be modified and more barges purchased. The amount of transportation will be determined by river conditions, with more fish left in the river when conditions are good.
- Developing surface collector technology that helps guide young salmon away from the turbine intakes and into the bypass system.

There are three plans that have been developed: NMFS, the Northwest Power Planning Council and the Recovery Team. All are in agreement to improve the transportation system. NMFS and the Recovery Team specify that NMFS will decide the inseason operating criteria in consultation with co-managers, while the Council specified fisheries agencies generally. Mr. Mills did not have any specifics on the types of barges that would be used or the speed at which the fish would be transported because that was reaching into the biological realm. Representative Thompson stressed that if the type of barging is not right, you're wasting money. He said you have to understand the fish and that moving them too fast can negatively affect the fish, and that the metal in the barges changes the water scent and can disorient the fish.

Mr. Mills said what he would write back to Congress is to put the biology aside and that the real issue is how to pay for this. His message to Congress would be that BPA has paid their dues and they can't ask their customers to pay for it because their rates have already gone up. There are new technologies coming in and allowing their customers other choices, so if their rates go up, BPA will lose its competitive advantage and there will not be the customers to pay for this.

Senator Bunn said we're spending a lot of money and we can't ask the federal government to pay for this. He said we need to get it together and speak with one voice on federal government policy. There is frustration with competing biology and conflicting federal statutes. Mr. Mills said we haven't even discussed the tribes issue. He said the Endangered Species Act will take precedence over any regional act. Senator Bunn said we need to focus on how to get it done. He said he talked with Representative Federici about what we're doing in the estuaries, like rearing and net pens.

Representative Thompson asked why Bonneville doesn't just buy out the fishing boats. Mr. Mills said people don't want to get bought out; they just want to lease back. But Representative Thompson said some fishermen are willing to sell out their limited entry permit, and that Washington used part of their disaster funds for buy out. He said there's frustration with all this money being spent on plans when science is making the problem more complex. Representative Thompson said the money needs to be spent on the fish. He explained how the fishermen started the barging and improved the recovery rates from 1.9% to more than 8%, but that it needs to be done right.

Coastal Caucus Members Hear Governor's Watershed Ideas—by Julie Coontz, *Legislative Fellow*: The Coastal Caucus met at noon on February 10, 1995 with Paul Burgess, the new Governor's Assistant for Natural Resources as the featured speaker. Ms. Burgess described her job as an incredible, overwhelming position. There are four proposed policy positions within the Governor's office: 1) Land Use, 2) Watershed Health, 3) Forestry, and 4) Salmon (Roy Hemingway has been chosen for the salmon position). The governor's budget recommends a strong commitment to watershed health.

The discussion was then turned over to the director of the Oregon Water Resources Department, Martha Pagel to discuss watershed health issues. The following is an overview of her handout, Watershed Health—At a Glance, which formed the basis for her presentation and the

discussion.

Current Watershed Health Program: Process—HB 2215 (passed in 1993): Statewide policy encouraging formation of local watershed councils in partnership with state agencies. State agencies work together through the preexisting Strategic Water Management Group (SWMG) and local councils are appointed by affected local governments and "recognized" by SWMG.

Funding—SB 81 (1993 lottery bill): In 1993, \$10 million in lottery funds was directed to establish comprehensive watershed management programs in two target geographic regions: Grand Ronde Basin in Eastern Oregon and the South Coast area. Funding provided for state agency staffing to create field teams in each region, and grant monies to support local watershed council activities.

What We've Learned -- Major Issues to Be Addressed: Staffing: There are concerns about the level of state agency staffing; there is certainly a split opinion as to whether agency field teams are needed; the role of SWMG. The basic issue here is the distribution of the lottery funds between the local watershed councils and the state agencies.

Overlap of the Governor's Watershed Enhancement Board (GWEB) and the Watershed Health Program: There are concerns about the duplication of efforts as well as is a desire to combine the programs and to recognize the proven success of the GWEB program. GWEB is a smaller group with a different perspective than SWMG.

Funding Availability: There are concerns about the lack of funding and recognition for councils outside the two target areas; currently there is a split opinion as to whether funds should be available for local council actions statewide on a competitive basis or targeted to specific priority areas.

Governor's Proposal for 1995-97: Staffing & Funding: The proposal calls for reducing the total program funding from \$10 million to \$4.6 million, reducing the Watershed Health Program staffing from 22 positions to 6, and combining the program with the GWEB program.

Process: There should be a continued emphasis on formation of local watershed councils and partnerships with state agencies, but eliminate the role of SWMG as the decision-maker for grant funds. For example, combine the GWEB and Watershed Health Programs and create a revised funding board based on the existing GWEB structure—but with added public representation. Funding would be available for both local watershed council support and individual GWEB-type projects. Again, further input is needed on the issue of whether watershed council funds should be targeted to specific areas or made available on a statewide competitive basis.

Basically, the Governor's Watershed Program would merge the GWEB and Watershed Health Programs, saving the best of each; be housed in the governor's office; be governed by a citizen's commission of seven members; fund both statewide "GWEB-type" projects and watershed council start-up and action plans statewide; combine and reduce staffing from 22 in the 1993 biennium to 8 staff during the 1995 biennium; utilize ex-officio (technical advisory) staffing to the Governor's Watershed Enhancement Board from the Departments of Economic Development, Fish and Wildlife, Forestry, Agriculture, and Environmental Quality. The Oregon State University Extension Program, the Bureau of Land Management, U.S. Forest Service and the U.S. Environmental Protection Agency (EPA) will also be asked to provide advisory assistance; and, eliminate SWMG.

The Governor's Watershed Program would consist of a seven member board. The new board would consist of GWEB members, plus two governor appointed members—one from local government and the other from the public interest/conservation community. The new Governor's Watershed Board would establish and implement the policies of the program. Staffing would be reduced to a total of eight. The program manager would be housed in the governor's office and all other staff would be located in the Water Resources Department. The field staff would include a staff scientist, a field grant and outreach coordinator, and a watershed council coordinator. The remaining staff would include a grants and contract coordinator, an action plan coordinator, a board liaison, and an office specialist.

There is an expected carryover from the 1993-95 watershed funding. It is proposed that the approximately \$3.1 million unspent as of January 1995 from the Watershed Health Program would be dedicated to the completion of obligated and soon-to-be-proposed projects in the Grand Ronde

and South Coast Watersheds.

However, a number of issues need to be addressed. Should some portion of the \$3.1 million grant allocation be dedicated to targeted watersheds? What is the specific reporting relationship between the Governor's Watershed Program manager, the governor's office and the Watershed Board? Should the policy regarding allocation of grant funds be developed by the legislature or administratively by the Board?

Coastal Caucus Meeting Summaries----*by Julie Coontz, Legislative Fellow:*

✓ **Limited Entry in the Crab Fishery--Friday, February 17, 1995**

Senator Dukes opened the meeting. She then asked Senator Bradbury to lead the discussion regarding crab limited entry. Representative Thompson stated he had a conflict of interest with this issue because he has part ownership of a crab vessel. His eligibility for his crab license would be reviewed depending on which bill passes. He also let everyone know that this is an informational meeting and not a voting process. His constituents from Newport would have been here if they had known so many people would be here.

Katy Eymann from Senator Bradbury's office, gave an overview of Washington and California's limited entry laws and reciprocity requirements. Washington's limited entry statute has the following criteria for an Oregon crabber to be allowed to catch crab in Washington waters south of 46 degrees 30' N: An Oregon residents must show: a) that he/she held a non-resident, non-Puget Sound crab pot license from Washington every year from 1990 to 1994; and, b) delivered a minimum of 8 landings totaling 5,000 lbs. of crab during any 2 of the 4 seasons (1990 to 1994) as evidenced by valid Oregon fish tickets. The above provision is not effective until Oregon passes reciprocity laws allowing equal access for Washington crabbers into Oregon waters north of 45 degrees 58' N.

California has no statutes allowing reciprocity. It is not likely that California will allow reciprocity until the whole coast gets limited entry. Mary Morgan of Assemblyman Dan Hauser's office and Zeke Grader will present the following proposal to California crabbers to find out if they would support it as an addition to California law: 1) Oregon crabbers would be issued a California permit if they qualified under existing California law except for the fact that their landings and poundage was at Brookings Harbor, Oregon; 2) Brookings/Harbor landing and poundage tickets would be recognized under California law; and, 3) Oregon crabbers who qualified under these provisions could not crab south of Brown Rock (at a latitude just south of Pelican Bay).

California does not want Oregon to have a less restrictive limited entry bill because they don't want a lot of Oregon crabbers. Senator Bradbury and Representative Tarno are both concerned that Brookings crabbers maintain their traditional fishing grounds.

Paul Heikkila described the criteria under HB 3094. Basically a vessel that is continuously licensed between 1991 and 1994 and which either caught 500 lbs. in 2 seasons each between 1984 and 1991 or caught 500 lbs. in one season between 1984 and 1991 and 500 lbs. between 1991 and 1994 would get a transferable A permit. Vessels that caught 500 lbs. in one season between 1991 and 1994 would get a non-transferable B permit that would expire on January 1, 1998.

Paul Hanneman described the criteria under his bill (HB 3093). It grants a transferable permit to vessels that had a commercial fishing license in 5 out of the last 10 years or the vessel caught 1,000 lbs. in one season between 1984 and 1994.

ODFW then passed around preliminary information on the impact of the bills on the size of the fleet. It was prepared by the ODFW Marine Region on February 16, 1995. The number of boats in the 84/85 to 93/94 season was 1,088. The number of boats that landed 500 lbs. or more in one season was 851. And the number of boats that landed 1,000 lbs or more in one season was 810. Regarding new entrants, in the 1991/1992 season, there were 50 new boats; in 1992/1993 there were 51 new boats; in 1993/1994 there were 69 new boats; and in 1994/1995 there were 47 new boats. There were a total of 217 new boats from 1991/1992 to 1994/1995. The total from 1993/1994 to 1994/1995 was 106 boats. The average number of Oregon boats per year is 365. Under HB 3094 (the Heikkila bill) the number of boats falling under the Automatic A Permits is 357, and the number of boats falling under the Automatic B Permits is 87, for a total of 444 boats.

The number of vessels eligible for A permits under the construction clause and review board cases is unknown.

Under HB 3093 (the Hanneman bill) the number of boats qualifying under Part 2a is 1,453, and the number of boats qualifying under Part 2b is 841. The overlap between the two has not yet been determined.

The average size composition and landing history of the fleet from 1982 to 1991 is as follows: The average number of boats under 30 feet was 56, with an average of 2.8 percentage of the catch, totaling 200,000 pounds. There was an average of 245 boats 30 to 50 feet, averaging 62.5% of the catch, totaling 4,500,000 pounds. There was an average of 64 boats over 50 feet, averaging 34.7% of the catch, totaling 2,500,000 pounds.

The area to work on is the transferability among the larger boats (over 50 ft.). It could be done similar to what the troll fishery did in response to SB 938 last session, which categorized the boats as under 30 ft., 30 to 42 ft., and above 42 ft. And then the transferability would be within the same class.

Paul Heikkila said his bill resulted from meetings up and down the coast. There was not a consensus, but he said his bill represented the views of the majority of the crab fleet. Bob Jacobson said the 1991 cutoff date was picked because the Oregon Fish and Wildlife Commission passed a resolution in 1991 that said crab limited entry may occur and vessels entering the fishery after 1991 may not be granted entry. This was reaffirmed in 1993. Oregon, Washington and California all talked about 1991 as the cutoff date when they participated in a tri-state group on limited entry.

Paul Hanneman said he thought there was nowhere near a consensus on the data. He objected to the impression that there was. He had wanted to meet on the coast before this issue came before the Coastal Caucus, but the industry could not get together before the meeting. The premise that most agree on is that the fleet should be capped. His other concern is the situation with the Brookings/Pelican Bay and Astoria/Washington reciprocity. He thinks that issue is resolved in his version of the bill. Next, he thought what was less important was the fighting over who is in and out of the Oregon fleet. He would like to find the areas where there are compromises and talk about them instead of bringing two different sides to Committee. In the legislature, anything can happen to a bill. So if the different sides can come together first, there's a better chance to know how the bill will come out.

There was some discussion on how the legislative process works. Senator Dukes said the legislative system is not like the industry system. She has constituents and friends on both sides of this issue. She would like the two sides to reach a common ground. She said the majority is important in deciding, but there is also the factor of making good public policy. She wants to educate herself a lot on this issue and not decide it solely on how many letters she gets from both sides.

Representative Thompson said that a lot of times what makes a difference is who carries the bill and how knowledgeable they are. It is important that someone speaks well to the committee and on the floor of each house. It may not depend on the number of people involved.

Robin Goche asked about how the legislators decide good public policy when they may not be educated on these issues. Senator Bradbury responded that they are learning the issues in some cases when bills are introduced. Legislators get concerned about stepping on someone's livelihood. Many other legislators who don't understand the issue don't want to affect peoples ability to make a living. Bill is concerned that people can make a good living. We are the only state on the west coast without limited entry and there are a whole lot of people that will want to fish in Oregon limited entry.

The discussion turned to what Paul Hanneman is looking for in his bill. Paul believes 1,000 boats would qualify under his bill. He said they need to wait for some computer information to come in to determine how many people exactly would get in under his bill. Katy Eymann said that people have called her who would not get in under the Heikkila bill, but who want a smaller fishery because they can buy in and make a decent living.

There was also concern about people who have personally been crabbing for years but will not qualify. The example given was Joe Rock, who has crabbed for 30 years but will not qualify

because he changed boats and was not licensed in Oregon continuously. Paul Heikkila talked about solving that problem with a grandfather clause in the bill.

Katy Eymann volunteered Senator Bradbury's office to get the two sides together to come to some consensus. About four to eight people from each side could meet and discuss their positions and limits.

Present were: *Speakers:* Katy Eymann, Legislative Assistant to Senator Bill Bradbury and Paul Hanneman, Hanneman and Associates; *Members:* Senators Joan Dukes, Bill Bradbury and Stan Bunn; Representatives Veral Tarno and Terry Thompson, Representative Chuck Norris. *Guests:* Pam Gordon, Legislative Assistant to Representative Tim Josi; Willie Tiffany, Legislative Assistant to Representative Mike Lehman; Mike Sims, Paul Hanneman; Glen Spain, Pacific Coast Federation of Fishermen's Associations; Rod Ingram, Deputy Director of Oregon Department of Fish and Wildlife; Joe Rohleder, Oregon Coast Guides and Packers; Paul Heikkila, OSU Extension Sea Grant Agent; Bob Jacobson, OSU Extension Sea Grant Agent; Neil Coenen, Oregon Department of Fish and Wildlife; and, Allen Gann, Rick Goche, Robin Goche, Ray Monroe, Nick Rusinovich, Sherry Rusinovich, Brad Davis, Jim Golden, John Corman, Martin Rice, George Marin, and others. *Excused:* Representatives Mike Lehman, Tony Federici and Tim Josi.

✓ Up and Coming Coastal Legislation--Friday, February 24, 1995

Senator Dukes opened the meeting. Up and coming legislation and issues were discussed. She stated there are a lot of bills that affect the coast, and that the legislature want to hear about them in the Coastal Caucus. She invited Senator Bunn to present information on his salmon recovery bill.

Salmon Recovery: Senator Bunn stated that he will be introducing a bill on salmon recovery, and that it should be coming out of Legislative Counsel (LC) hopefully sometime next week. The bill will not make everyone happy because it doesn't eliminate the controversial aspects. He stated the goals of the bill are as follows: "The Legislative Assembly finds, in the interest of all Oregonians, a necessity to provide for viable and sustainable public salmon fisheries through the implementation of salmon production programs, (2) establish quantifiable goals for public fisheries and supporting hatchery production under varying environmental conditions, (3) establish achievable and definitive benchmarks for determining successes and for building on new knowledge, and (4) provide a long-term funding structure for fisheries." He is not completely happy with the task force described in the bill. He would like to see it incorporate more action. When the bill is out of Legislative Counsel he will bring it to the Coastal Caucus to invite primary sponsors for signatures. He will make sure it doesn't overlap with Representative Tarno's bill.

State Salmon Corporation: Next, Representative Tarno spoke about HB 2615, which he introduced. This bill creates a State Salmon Corporation to acquire and operate salmon hatchery facilities. It may help enhance tourism, and bring people back into our state. Jim Myron of Oregon Trout has concerns about it. Representative Tarno thought maybe we can help to resolve some of their concerns in the bill. The objective of the bill is to enhance salmon populations without depleting natural runs of anadromous or resident game fish. Representative Tarno said that Ore-Aqua is still there, but that it is still not being used. The bill is in committee and will probably be worked on sometime in March. Glen Spain of the Pacific Coast Federation of Fishermen's Associations, Inc. and Joe Rohleder of the Oregon Coast Guides and Packers both support the bill. Glen Spain said people can get eggs from anywhere, but it is best to take eggs from the same river. That way you can jump start that run from the same gene pool. Joe Rohleder echoed those concerns and said we need to work on what we call the wild fish policy.

Rural Economic Development Fund: Debby Boone then talked about the \$15 million Rural Economic Development Fund (SB 691). She is volunteering in Representative Thompson's office to coordinate the coast to be cohesive on this issue. She has contacted coastal and rural people. They need a strong constituent grassroots effort to lobby on it. It's still flexible. It does not replace the Regional Strategy money, but it would be in addition. One million dollars would be distributed to each region. Rural economic development committees would then distribute the funds. There would be an advantage if an area already has an economic development committee

because you will get preference for that money. Governor Kitzhaber is in support and said during the campaign that they need to pay attention to rural areas.

Bonding Exemption: Willie Tiffany, Legislative Assistant for Representative Mike Lehman talked about HB 2647, a bill to exempt outfitters and guides and licensed ocean charter vessels from bonding requirements for travel operators. This is in response to a bill which passed last session that requires surety bonds of \$100,000 for travel operators. It includes ocean charter vessels and guides as travel operators. This was a consumer protection bill to prevent travel agents from absconding with people's money. The money goes into a trust fund, so it can't even be used to buy food for trips.

Limited Entry: Katy Eymann provided an update on movement on the crab limited entry issue. She said, "we're meeting about when we're going to meet." The proposal is to have four crabbers from each of the positions get together. Both sides are in favor of a limited entry bill. The Oregon Dungeness Crab Commission met yesterday and endorsed the Heikkila Bill (HB 3094). Rick Goche said that this is the first time the Commission has supported anything political. They feel this is probably the most important issue crabbers will face. Representative Tarno wanted to be informed when people are ready for a hearing on this.

Other bBills and Issues **Bear and Cougar Bills:** Representative Tarno thought the bear and cougar issue was an important one coming up soon. Four bills have been introduced relating to this issue. The first bill (HB 2585) would repeal Measure 18. Another bill will allow counties to petition the Department of Fish and Wildlife to do a study. The hearing on HB 2584 is Monday, March 13. Also, SB 533 is a similar bill that would allow county governments to place on a county ballot a measure to exempt residents of the county from Measure 18 after a determination of county bear and cougar populations by the state Fish and Wildlife Commission. Senator Bradbury believes bear and cougar hunting should be regulated by the Department. The people voted for it, and if it is repealed, they will come back with a measure to eliminate the ability to adjust measures at all in the legislative process. Or, we will have to wait until we have real population control problems. Senator Bradbury wants to keep what voters enacted for two years but have the Department do studies. It is real clear that if the state ignores the vote of the people, the proponents of Measure 18 will be back with a constitutional amendment. Senator Bunn thought the voters made a mistake on this issue. But he agreed that it should be studied first for two years, so then they can justify doing something about it next session.

Anti-Trust Laws: Glen Spain is working on a bill for Legislative Counsel. He said Oregon is the only state where fishermen's marketing associations are subject to anti-trust laws. In other states they are exempt. He is looking for the same exemptions for fishermen's marketing associations in Oregon.

Workers Compensation: Representative Federici stated that Representative Thompson has some bills on worker's compensation. One affects vessel owners and one affects crews. With the Jones Act, owners pay into the fund, but they can't tap into it.

Snowy Plover: The Department of Fish and Wildlife wants to declare portions of the coastline critical habitat area for snowy plover. There is habitat in the Long Beach peninsula in Washington, and in most of Oregon, but not in the Astoria area. They will be seeking closure of allowing vehicles on the beach during the nesting season (approximately 4 months during the year). Joe Rohleder said the real problem is with walking dogs through the nesting areas. There is also a problem with non-native grasses.

Coho Listing: The Fish and Wildlife Commission decision was made to not list coho as threatened or endangered. Some believe that this means it will be more likely that there will be a federal listing. The way to prevent a federal listing would be to have a state program in place. We need to make sure the recovery effort goes through quickly and is as painless as possible. The federal agencies will look at overall declines. The documented evidence is clear that there has been a steep decline, about 5% per year, especially in some areas. Coho are most sensitive when they have to spend more time in freshwater. The bad news is that 2/3 of the habitat for fish is on non-federal lands. Riparian protections must be crafted with that in mind. It was noted that with the Coos and Coquille watershed program, we're now seeing returns of fish that weren't there 5 years ago.

Present were: *Speakers:* Senator Stan Bunn on salmon restoration bill; Representative Veral Tarno on HB 2615; Debby Boone on \$15 Million Rural Economic Development Fund; Willie Tiffany on HB 2647; Katy Eymann on crab limited entry progress. *Members:* Senators Joan Dukes (Chair), Stan Bunn and Bill Bradbury, Representatives Veral Tarno and Tony Federici. *Guests:* Willie Tiffany, Legislative Assistant to Rep. Mike Lehman; Katy Eymann, Legislative Assistant to Senator Bill Bradbury; Debby Boone; Mike Sims, Hanneman & Associates; Glen Spain, Pacific Coast Federation of Fishermen's Associations; Joe Rohleder, Oregon Coast Guides and Packers; and, Rick Goche, Mike Griffith, John Wilson, Jim Nichols, Marie Gann. *Excused:* Representatives Terry Thompson, Mike Lehman and Tim Josi.

Legislative and Budget Proposals Discussed before March 3, 1995 Caucus—by Julie Coontz, Legislative Fellow: Neal Coenen, Marine Region Supervisor of the Oregon Department of Fish and Wildlife was introduced to speak about the Department's legislative and budget proposals for bycatch and pelagic fisheries studies, developmental fisheries program, and a sport crab/clam license.

Overview. Salmon has had a small percentage of the landing, but a high percentage of value. Shellfish has had a cyclical pattern. Tuna, shrimp and crab had high value. Groundfish and whiting have developed in volume (by weight). There has been a downward price trend on troll chinook and coho.

As for contributions to economy, contribution of salmon has declined. Shellfish has had a cyclical pattern. The groundfish fleet has been relatively stable. The strategy and philosophy is to create biological and economic alternatives for people who have lost in the salmon fishery.

The Department has two requests for lottery funds. They are requesting \$200,000 for the developmental fisheries program for a study of underutilized species. Also, there is an increase of competition when fishers switch fisheries, and the Department wants to protect those fishers who have made the investment in a developing fishery. The Department is also requesting \$400,000 for bycatch studies and pelagic fisheries monitoring.

Bycatch Studies and Pelagic Fisheries. Pelagic fisheries are rebounding or expanding and require monitoring and adjustment to assure growth. Oregon's fisheries on pelagic species have increased significantly in the last three years. Pelagic fishes live in surface waters and the water column rather than near reefs, other structures or the ocean floor. The most dramatic growth has been in the shore-based fishery for Pacific whiting where rapid expansion of onshore processing plants has created new product markets and provided employment opportunities in coastal communities. The whiting industry and ODFW have cooperatively funded the observation, management and analytical costs associated with the growth of this fishery. The Department plans to fund a portion of its continuing expenses with restored revenues. Albacore has also rebounded since the removal of high seas drift gillnets. Plans for swordfish deliveries into Oregon are also underway. A fishery has long existed off Oregon, but catches were landed in California.

Bycatch is the unintentional catch taken while fishing for other species; it is usually discarded at sea. It results in a lot of waste. The figures for harvest guidelines must take into account the reduction from discarded bycatch. The fishermen end up being penalized when the estimates on bycatch are inaccurate. The fishing industry may experience losses of up to 20% from too restrictive harvest limits, or stocks may be depleted by too liberal limits because of erroneous bycatch estimates used in setting harvest levels. The problem is the discard of waste is occurring offshore. At-sea bycatch studies must be done where biologists actually go out with fishermen to determine how much is being discarded.

In the bycatch proposal, the Department is requesting \$400,000 in Lottery funding to implement fishery bycatch research and pelagic fishery monitoring. The funds will be used for direct estimates of mortality rates of discarded bycatch, improved pelagic fisheries monitoring involving whiting, tuna, swordfish, and other pelagic fisheries. \$200,000 will be used to restore permanent and seasonal staff. \$100,000 will be used for at-sea bycatch and discard mortality research. The remaining \$100,000 will cover .5 FTE professional services obtained through contract with Oregon State University Coastal Oregon Marine Experiment Station and associated expenses such as data processing.

In the Marine Resources Program of the Department, the functions the agency has cut are pelagic fishery and albacore management, marine mammal census, budget and personnel administration, and many more. They're not going back to old work. There are new issues emerging with significant economic impacts.

Sport Shellfish/Crab License Legislative Proposal. The Department has submitted a new recreational shellfish license proposal to restore \$112,000 to its Shellfish Program Budget. The funds would restore one biologist to organize and coordinate volunteers. Mr. Coenen said he understands the controversy and he has talked with Representative Thompson.

Developmental Fisheries Program. In response to the question of what do anadromous fish feed on in the ocean, Mr. Coenen said that the smolts feed on zooplankton, while the older fish feed on squid, herring, and anchovies.

Mr. Coenen was also asked, "Is there a problem with using herring as a new fishery when salmon need them for food?" He said the biggest mortality rate is in the initial months after the fish hit the ocean. The warm water on the surface is the cause of about 80% - 90% of mortality. When the adults come back, and they are smaller and have a lesser egg count, that's a condition problem that could be caused by lack of food.

The Department is requesting \$200,000 in Lottery funding to implement the biological research and fishery monitoring required under the Developmental Fisheries Program. The purpose of the program is to promote sustainable economic development through new fishing opportunities to help offset the decrease in salmon fishing. Without developmental fisheries, there would be no limit on the number of permits issued in a developing fishery. They want to protect the people who make the investment to develop the market for the fishery.

Responding to a question about the relation between bycatch and developing fisheries, Mr. Coenen said that when they began to develop the whiting fishery, there was potentially a large bycatch. To show that there was a clean whiting fishery, they had to do studies to get some facts.

Present: *Speaker:* Neal Coenen, Marine Region Supervisor, Oregon Department of Fish and Wildlife. *Members:* Senators Joan Dukes (Chair) and Bill Bradbury, Representatives Veral Tarno, Tony Federici and Mike Lehman. *Guests:* Pam Gordon, Legislative Assistant to Representative Tim Josi; Jay Rasmussen, Director, OCZMA; Rod Ingram, Assistant Director, Oregon Department of Fish and Wildlife; Mike Sims, Hanneman & Associates; Joe Rohleder, Oregon Coast Guides and Packers; Jerry Hampel, Fisherman; Martin Rice, Crabfisher, and daughter, Joanne. *Excused:* Senator Stan Bunn; Representatives Terry Thompson, Tim Josi.

Watershed Programs on the Coos and Coquille Watersheds subject of Coastal Caucus--March 10, 1995—by *Julie Coontz, Legislative Fellow:* At the Coastal Caucus meeting, the subject was watershed programs. Paul Heikkila, Marine Extension Agent from Coss County, was asked by Representative Tarno if the watershed associations could put together a video to indicate some of the projects on the Coos and Coquille Rivers that have been going on. The video was a joint effort by the Coos and Coquille Watershed Associations, and they are here today to present it.

The Coos and Coquille watersheds support all kinds of life, including 65,000 people. There are new challenges for watershed management. People living near or affected by the watershed need a local organization. In 1993, watershed programs were implemented in Oregon and created a tool to allow people closest to the watershed to make improvements. Association membership includes many local people, including ranchers, farmers, small woodlot owners, corporate landowners, environmental groups and federal land managers. Landowner participation is voluntary and property rights are not affected. They have made remarkable progress planting and fencing along stream banks. Planting trees provides support for stream banks and create shade. When they fall, they create habitat. Fencing protects from animal grazing. They have also installed off-channel watering sites.

On the lower Coquille River, the Coquille Watershed Association has mapped and indexed land ownership from Myrtle Point to the Highway 101 bridge. And 40 landowners on 26 bank miles have agreed to cooperate and have signed agreements. With the non-regulatory approach and volunteer participation, you earn the trust of the landowners, and they are more willing to help

when they know it is not a state mandated program. A big concern of landowners is that their rights will be affected. The Watershed Association got landowners involved and showed them that the watershed association is not the state. The landowners tell you what they want done. They are the only ones that can get this done. Then the landowners requested to have an Oregon Department of Fish and Wildlife biologist come out, and they walked the stream together.

Anne Donnelly, Coordinator for Coos Watershed Association spoke about the projects on the Coos Watershed. One of the things that distinguishes the Coos Watershed Association is that it is operated very much as a pure citizen organization. From the shape of their watershed, they call it a Bullwinkle. The education process on watersheds has included landowners, children, civic organizations and legislators.

In their culvert surveys, they identified 14 out of 100 that could be repaired. With too strong of a current it can flush out younger salmon trying to get upstream. The Coos County Forest and BLM have done great with the Bring Back the Natives program. They use people who are out of work. The Oregon International Port of Coos Bay provided free office space for a year with the use of office equipment, a fax machine, etc. Ms. Donnelly said that one day there was a BLM person, a landowner, and others riding around together looking at culverts. She said they had a ball, driving around together and talking to each other. Once the landowners trust that this is not a state agency, people start inviting state agencies on their land so they can spend more time efficiently.

Senator Bradbury said that he and Senator Dukes agree that after the Governor's visit to the Coquille watershed and to the Rogue, they clearly feel this new watershed model will be the new model that works to get things done. You get more from people on that basis if they have ownership and can get excited about getting things done. This works.

Present: Speaker: Paul Heikkila, Chairman, Coquille Watershed Association; Anne Donnelly, Coos Watershed Association; Jim Nielson, Coquille Watershed Association. *Members:* Senators Joan Dukes (Chair) and Bill Bradbury. *Guests:* Pam Gordon, Legislative Assistant to Representative Tim Josi; Steve Beyelin, Oregon Department of Fish and Wildlife Fish Screening Task Force and Oregon Guides & Packers; Joe Rohleder, Oregon Coast Guides and Packers; Neal Coenen, Oregon Department of Fish and Wildlife; Ken Evans, Oregon Anglers & SPORTPAC. *Excused:* Senator Stan Bunn, (all House Representatives were excused because the Floor Session ran late).

Coastal Caucus Apprised of Vincent Creek Watershed Project--Friday, March 17, 1995--by Julie Coontz, Legislative Fellow: *Present: Speakers:* George Black and Paul Daily from the Umpqua Soil and Water Conservation District. *Members:* Senators Joan Dukes (Chair), Bill Bradbury and Stan Bunn; *Guests:* Mike Sims, Hanneman & Associates; *Excused:* All House Representatives were excused because the Floor Session ran late.

George Black and Paul Daily from the Umpqua Soil and Water Conservation District showed a video to the Coastal Caucus on a watershed project on Vincent Creek. Vincent Creek is a tributary of the Smith River in California. BLM did a project on Vincent Creek in the summer of 1994 installing structures for enhancement of the watershed. This video is to show what was actually done.

The Umpqua Soil and Water Conservation District (USWCD) had a problem with what was done on the Vincent Creek Project. One thing that was shown was oil in the stream from rocks used as boulder weirs. The rocks were not washed before being put into the stream. To prevent the oil in the stream, next year they will wash the rock before they put it in the stream.

Another problem was that they put in a three to four foot high rock weir and the fish couldn't get above it. Mr. Black said they built the weir too high, and fish couldn't get by. It wasn't until the weir washed out from the rain around Christmas that the fish could finally get above it. Until then, they had to wait below the weir in the muddy, oily water.

Also, they weren't supposed to touch the vegetation along the stream at all, but they ran their equipment all along the stream. DEQ said they had all the permits to do it. They drove their equipment right down into the stream and knocked the bank down with it. They took down the trees and vegetation. They said they'd replant the vegetation before the rains, but they didn't.

Regarding a side channel that was put in, Mr. Black said the person spearheading the project came from California and decided the stream flow was too fast, that the salmon would get washed out, and so they put in this side channel with a rock weir. As soon as the water starts flowing, it will erode it to bedrock. They were supposed to dig a side channel above the flow, but they dug it 3 feet lower than they were supposed to. The side channel was supposed to be dry, but there was still water in it. They rearranged the flow of the creek.

Responding to Senator Bunn, Mr. Black said that even if they had not driven the equipment into the stream, no other parts of the project would have been beneficial. The agencies that were involved with authorization on this project were the Division of State Lands, Bureau of Land Management, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, and the Department of Environmental Quality.

Mr. Black said that he has fished this stream since he was a kid, and it did not need any fish habitat enhancement. Now, the stream is a mess, and many fish were lost. He said they won't be able to fish for trout next year.

Coastal Caucus Discusses Fish Screening, March 31, 1995—by Julie Coontz,
Legislative Fellow: The topic of the Coastal Caucus meeting was fish screening.

Present: Speakers: Dave Nichols, Oregon Department of Fish and Wildlife (ODFW) biologist. *Members*: Senator Joan Dukes (Chair), Bill Bradbury and Stan Bunn; *Guests*: Pam Gordon, Legislative Assistant to Representative Tim Josi; Willie Tiffany, Legislative Assistant to Representative Mike Lehman; Sean Smith, Legislative Assistant to Representative Tony Corcoran; Joe Rohleder, Oregon Coast Guides and Packers; Nick Martin; intern for Senator Joan Dukes; Mike Sims, Hanneman & Associates; Ken Evans, Oregon Anglers; Jim Myron, Oregon Trout. *Excused*: All House Representatives were excused because the Floor Session ran late.

Dave Nichols started out by discussing the need for fish screening. There are 55,000 locations in the state where water is removed from the streams for agricultural, industrial, commercial and municipal purposes. The problem is fish will find their way into diversions and ditches. When there's no adequate screen, those fish are lost or destroyed. Presently there are about 1,000 screens in Oregon. Not all 55,000 diversions need them. Three quarters of the diversions needing screens are in western Oregon. The other one quarter are in eastern Oregon. About 60% of the diversions are for irrigation; 20% are for domestic use; and the other 20% include all other uses combined.

How many screens are needed? A few years ago, ODFW conducted a statewide survey and found that about 3,000 screens are needed. Most diversions are pretty small and much less expensive to screen. We're short about 2,000 for what we adequately need to protect fish. Out of the 3,000 screens necessary, the majority are small diversions, with 25% diverting less than 1 cubic foot per second (cfs). A cubic foot per second of water is equal to 7 1/2 gallons. Out of the 3,000 about 700 or 800 are water diversions on the coast.

To determine the prioritization, the Department developed a ranking system from 1 to 100. If there were game fish at a site, a screen would be required. If there were no game fish, or there were non-game fish that are not threatened or endangered, no screen would be required. Hatchery fish didn't get much credit in the ranking system. This process eliminated about 95% of the diversions that would be required to install screens. The criteria factors included biological, physical and habitat, but weighed very heavily toward stock status. Of the 3,000 diversions, about three quarters affected wild fish. One quarter had fish that were in trouble to some degree, meaning they were threatened, endangered or sensitive. Unscreened diversions have negative effect on stocks.

Four years ago, this was brought to the attention of the legislature, and they decided to do something to screen some of the diversions. A test program was implemented for sharing the cost to install screens. The cost sharing program only affected those diversions with less than 30 cfs, which was the majority of diversions. Large diversions (more than 30 cfs) are required to screen, and they are sent a notice of that requirement. The vast majority of time and effort was spent working with small water diversions. The diverter paid one third of the cost and the public paid two thirds. The Department administrated the cost from a 25 cent surcharge on annual and daily

sport angling licenses to maintain the screen program.

They established the Fish Screening Task Force. It consists of three representatives from the agriculture community, three representatives from sport fishing and one from the community. The program worked out very well. They publish a listing of the 3,000 diversions which require screening. The goal of the program was to install screens on 20 to 75 diversions in the 91-93 biennium and screen 40 to 100 diversions in the 93-95 biennium. They would develop a ten year program to screen all 3,000 diversions. The Fish Screening Task Force does not affect any other agencies' authority to require screening. It does not affect non-hydro, gravity diversions of less than 30 cfs. However, the budget request to the Governor's office for the Fish Screening Task Force was rejected because the cost share was not considered equitable. The agricultural community was not considered to be contributing its share of the cost.

There are two House bills that deal with fish screening—HB 3404 and HB 3212. The difference between the two bills is on the cost sharing. HB 3212 asks to continue the status quo where the agricultural community pays one third. HB 3404 asks the agricultural community to pay more. The anglers have paid \$840,000 from that 25 cent surcharge. The General Fund has paid some \$350,000. Irrigators are eligible for a 50% tax credit for fish screening. Net cost to water user is about 3% or 4% of the program.

If neither of these bills pass, and there isn't a continuing program, all water diverters will be required to screen at their own cost since the program sunsets this year. Fish screening is not discretionary. For many years, the Department did not do a very good job enforcing this. The Department does not have very much authority in this area. It is more of an advisory body.

Regarding the impact of unscreened diversions, there is some information that primarily deals with larger diversions. ODFW gets involved with salvage efforts. On the Hood River diversion of about 100 cfs, they go in and salvage the fish. In some years, they have collected over 6,000 fish, mostly salmonids.

The John Day River system is the most comprehensively screened. There are trap boxes on 22 of the diversions. Primarily they trap steelhead. Over the past 20 years, 22 trap boxes have captured several hundred thousand steelhead. There is no hatchery supplementation there. Those screens have been in place and operating since the early fifties, and this river is very self-sustaining.

The question was posed of why the ranking process does not include fish that are not threatened or endangered? A few years ago salmon were not threatened. Are we being short sighted? The Department needed somewhere to start since they had to prioritize and list the most needed screens.

With watershed health and habitat restoration, it may take time for results. But when you put in a screen you immediately protect what's there.

The Department has also been looking into alternative technology, and have spent about \$200,000 developing more cost-effective methods. And they were successful at this and lowered the cost of screening from about \$15,000 to around \$5,000 or \$6,000.

Maintenance also runs up the costs significantly. If we got all 3,000 diversions screened, it would be a huge cost to maintain them all. The screens take about 5% to 15% of the initial construction cost to maintain each year. And they need to be properly maintained to maintain their effectiveness. The Department spends about \$1,000 per year per screen. They get looked at twice a week for 6 months. You cannot minimize or eliminate the maintenance aspect of this. It involves periodically inspecting the screens during the irrigation season. The screens are supposed to be self-cleaning, but there are sticks and stuff that can get lodged. They asked the irrigation community to do checking twice a week and inform the Department when repairs are needed. It would be of real concern to the agricultural community if the program goes away when it sunsets. The biggest problem is the cost of screens, but they also don't have the manpower for implementation. The Department only has three technicians statewide to install screens. The screening program was a pilot program. It was never intended to do meaningful implementation.

The Department has had clear authority to require screening and it hasn't. It has taken federal money and state money to do these programs. However, now there are more astute constituents who could get a writ of mandamus to require screens. Federal money has already screened about

700 diversions in the Columbia Basin. We don't have those mechanisms in other parts of the state. If people don't take a long enough approach to those things, and as these stocks get listed, they won't be dealing just with the State of Oregon anymore.

Another opportunity for fish protection is culverts. Sometimes they're fish friendly and sometimes they're not. If there could be adequate fish passage there, the culvert fixes are not that expensive.

April 14 Coastal Caucus discusses Vincent Creek Fish Habitat Enhancement

Project—by Julie Coontz, *Legislative Fellow*: Present: *Speakers*: George Black, Umpqua SWCD; Paul Daily, Umpqua SWCD; Bob Brown, Division of State Lands; Dave Loomis, ODFW Biologist; David Harris (ODFW Dave Loomis' Assistant); Karen Smith, Bureau of Land Management (BLM); Daryl Albiston, Area Manager of BLM; Dana Siegfried (DEQ); Barbara Burton (DEQ). *Members*: Senators Joan Dukes (Chair), Bill Bradbury and Brenda Brecke and Representatives Mike Lehman and Veral Tarno. *Guests*: Steve Beyerlin. *Excused*: Senator Stan Bunn, Representatives Tim Josi, Tony Federici, and Terry Thompson.

Senator Dukes opened the meeting, saying this meeting was called in response to our previous meeting in which a video on the Vincent Creek Project was shown. There was concern at that meeting as to things that were done on that project that could be harmful to the watershed. She then referred the meeting to Paul Daily and George Black, from the Umpqua Soil and Water Conservation District (SWCD), who had originally presented the video on the Vincent Creek project at the meeting on March 17.

Paul Daily said the construction of the side channel was their original concern. They took a video of it. The coho run came to structures that were too high, and they couldn't get through them. Several weirs were washed out later and allowed the fish to pass, but a few still remained. It stopped the first run of fish. That was the original concern. Also the removal of vegetation along the stream site was another concern. We want to see what to do about those things. We don't need to go after the streams in such a large manner. Other stream structures are smaller and more easily passable by fish.

Senator Dukes was curious why the Department of Fish and Wildlife (ODFW) would allow this, or why the Division of State Lands would allow equipment along the stream bed. She also wondered why the Department of Environmental Quality would allow the oil that was shown in the video to have been left in the stream.

Bob Brown wanted to give an idea of the permit process. There are special permits for wetlands enhancement. Fishery enhancement projects require signatures from ODFW and the County. There are certain standards that must be met. They check to make sure those particular projects fit within those standards. If a particular fish enhancement project has a check dam, we check what those standards are. He also checks to see that these standards meet administrative rules. This project met the standards. It was signed by ODFW, and then by The County. It was July before the Soil and Water Conservation District signed off. The letter from George said they were concerned about vegetative disturbance and erosion. They signed the form with an understanding that the side channel would not be constructed. The standards in the general authorization say all construction debris should be placed along the bank. The entire project was approved in July.

A question was asked about whether this would go back to ODFW when they get a letter like this from a SWCD, and if they address the SWCD's concerns? Dave Loomis from ODFW said they take that into consideration. That's where they make their recommendations. They felt this was a standard project. Regarding the vegetation removal, sometimes that has to happen. They take a look at how much vegetation will be removed. From what appeared on paper to what happened, there were some differences. They did get the SWCD's letter that expressed concerns, and they shared their concerns, but the environmental statement said that the impact would be minimal. ODFW made recommendations based on fish passage. BLM corrected some of the weirs. Because of the lateness of summer, they didn't want any more heavy equipment in there. Maybe it could have been handled better.

There were some questions about what sanctions are when a public entity does this, and if we

can recoup losses from federal or state agencies. There was some mention that if one of the legislators' constituents did something like this to a stream, they would have to pay big fines. Bob Brown of the Division of State Lands responded that it would be covered under the Oregon Forest Practices Act. He said that's a last resort, and that they try to look at education.

Karen Smith of the Bureau of Land Management said that the Department of Environmental Quality contacted her on October 3. They came to the office and brought the videotape that the SWCD showed at our previous Coastal Caucus meeting. She said the turbidity problems were caused by rock flower, which is the result of residue washing off the rocks. She said the boulders were well washed because they were on a mountain. The rocks were quarried from Coos Bay. She said they would require that boulders be washed before they do any more contracts like this. She noticed that the contractors are required to have oil spill containment on site. BLM doesn't allow hydraulic equipment on site. She said that natural oil slicks occur from breakdown of organic material by the water column. George Black replied that the water samples were sent to Salem and they never got an answer back. He said the oil was not organic stuff, and that he has been around oil all his life.

Karen Smith said that for fish passage, they prefer more angular rocks. She said passage is not a problem with most of these weirs. They counted about 44 spawning coho. Regarding the access road, the contractor had to pull alder to get the equipment down into the site.

Senator Bradbury said there's some dissatisfaction with what happened. SWCD supports fish enhancement, and he appreciates BLM working on fish enhancement.

Paul Daily said this has been going on for some 20 years, and we can do better. We have programs now where we can put prisoners to work. We don't need to attack these streams with big equipment. This has been going on for several years, and it was done with good intentions. In the long run this will heal up. But in the meantime, the food source for trout are having trouble and the salmon are having trouble. It's been going on for such a long time. The streams have been altered, and he wondered how you enhance a natural stream. He said the weirs will last a few months where they're supposed to last 40 to 50 years.

Karen Smith said coho and steelhead need very large areas of gravel. They pretty much only place these structures on bedrock streams. The weirs have to be designed with a 6 foot base and 3 feet high to withstand the winter. When you put the weirs in, you're trying to build the bedrock back up. It takes several years for weirs to catch gravel. On Vincent Creek, we did get steelhead spawning on gravel, which was unusual because of the big rains. These things aren't meant to be a one year fix. We have alder-dominated riparian zones, which don't last. These weirs are trying to mimic what the trees do when they fall down. Along the Smith River, about 80% of riparian zone is alders. The boulders last longer than baskets. Boulders gathered gravel, so they put in another boulder and added gravel to that. She feels these projects are good because they are building the stream bed back up. There was no available spawning gravel before this project. They snorkel at night to count fish because the counts are better. They actually saw a sea-run cutthroat holding, which is very unusual. The pools provide excellent holding areas for young fish. She said otherwise they get washed out. There's even have a beaver dam now. They will be diving in March, April, May and June to count fish.

Ms. Smith said that the BLM supports these projects. Regarding whether you use hand labor or equipment, they try to take advantage of a work force for hand labor if it's available. But also for the dollar amount and the time, equipment is sometimes necessary.

Senator Bradbury said that the SWCD is saying the same thing as the Pacific Rivers Council. We're arrogant to say we can improve on nature. Let's not just assume everything is good. He said they looked at the BLM project on the North Fork of the Coquille River with the Governor. They used huge rock, and behind every boulder weir, there were spawning steelhead. What strikes him is that there's a whole series of government issues, and how much specificity for the project is in the contract. With this particular project, we can get a little more specific and a little more of what we want.

BLM showed a video of what the Vincent Creek project looked like recently. At the first weir, which was one that got pulled apart, there was no sediment in the water. The side channel after the first rain was calm. There's reef graff. And they smoothed the sides of the bank. The side

channel had the same amount of turbidity as the main creek. There were steelhead spawning behind one of the weirs. It accumulated a lot of gravel, even after the big rains.

Bob Brown of DSL said they recognize that they're not going to get everything up to excellent condition because there's limited dollars. They try to monitor and see if they're successful ten to twenty years down the road.

Ms. Smith said the Smith River is devoid of side channels. There's few opportunities to do side channels. She said when they dug up this side channel there was a lot of logging debris, so it was probably the original channel. There's still wood embedded there. DEQ has less involvement and she hopes BLM will tighten up their contractors. They will try to train contractors better in the future, but Dave Loomis of ODFW said that there are two fisheries biologists to supervise.

April 21 Coastal Caucus Reviews Legislation--by Julie Coontz, Legislative Fellow:

Present: *Speakers:* Don Hull and John Beaulieu, Department of Geology and Mineral Industries. *Members:* Senators Joan Dukes (Chair) and Brenda Brecke and Representatives Veral Tarno, Terry Thompson and Mike Lehman. *Guests:* Katy Eymann.

Crab Limited Entry. Representative Tarno opened by talking about the crab limited entry bill. He said California plays a heavy role in crab limited entry. He said California told us last year that the only way they will give us reciprocity is if we have a two season fishing requirement. They have a grandfather clause. That's where the Hanneman amendment came in. It failed in committee. It got a fair hearing. On the Senate side, the two sides finally came to an agreement, and the resulting amendments were adopted in the Senate Rules Committee. It will be heard on the Senate floor on May 31.

Salmon Bills. With HB 2615, we're trying to create a private non-profit hatchery program. There's an amendment that will allow ODFW to bring it in a little slower. It will also open up anadromous hatchery programs, such as Ore-Aqua. They will work to prevent straying upriver and mixing with the wild stocks. (HB 2615 has been passed in both the House and Senate, and needs to go back to the House for concurrence on amendments)

Representative Tarno spoke about dovetailing SB 1127, the Salmon Production Task Force Bill with HB 2615, which is Representative Tarno's State Salmon Corporation bill. Sen. Bunn and he have talked about it, and Jay Rasmussen and Bob Jacobson are involved. (SB 1127 has had final passage in the House and Senate)

Ponds and Reservoir Bill. Representative Mike Lehman kicked out a bill that will allow for reservoirs in Coos Bay.

Cougars and Bears. The bill to repeal the cougar and bear measure is dead. We don't have the votes for the two year moratorium. The bill that will allow ODFW to contract with hunters to control cougar problems is Representative Sowa's bill (HB 3339).

Tsunami Bills. Don Hull said DOGAMI has been working on a couple of bills. They are SB 378 and SB 379.

Senate Bill 378 was on the Senate Floor yesterday (4/20). It died. It will come back. Senator Cliff Trow carried it and changed his vote to a possible reconsideration. (When SB 378 came back on the floor for a vote the next day, it passed 20 to 9, with one person attending legislative business. It then passed through the House Education Committee and is waiting for a vote on the House Floor.) It's a mandate for the coastal schools in the tsunami zone. People should read the first line, which eliminates preexisting mandates and throws them out the window and has a new one that's more tailored for today's natural disasters. It is a mandate, but currently there is a mandate to have nine fire drills, and this one requires nine drills. That includes fire and earthquake drills, as well as tsunami drills. Representative Tarno asked why this isn't done on a federal level, and why the Federal Emergency Management Agency (FEMA) isn't involved? Mr. Hull replied that FEMA isn't organized enough. FEMA is watching us and taking our lead.

SB 379 would limit construction of new critical facilities in the tsunami inundation zone. The initial bill was a little broad. Clearly exempt from the proposal are things that are truly water dependent, such as marinas. There's a lot more flexibility for major structures or those kinds of facilities that aren't critical. They could go through a consultation process with the Department for assistance in determining possible impact and methods to mitigate risk. The bill, as amended will

prohibit construction of new hospitals, schools, fire stations and police stations in the tsunami inundation zone, but for strategic reasons exceptions are allowed. The bill does not allow exceptions for construction of large hospitals in the tsunami inundation zone, but does allow exceptions for schools, police stations and fire stations. He thinks they have addressed everyone's concerns in their amendments.

Representative Tarno said that one of the problems is that the Oregon Emergency Management Agency is not playing a bigger role. They have the leverage to get federal dollars.

Mr. Hull said they would like to make tsunami evacuation signs available to local emergency management groups for when they develop their evacuation routes. They're still pushing on those ideas to make those resources (technical knowledge, map information, uniform signs) available.

Representative Tarno said he would like to see more alarm systems. Senator Dukes said Cannon Beach has an alarm system that moos like a cow. DOGAMI is trying to carry the message to Washington that we need more alarm systems. Representative Tarno said the burden shouldn't be on DOGAMI. The State Emergency Management Agency should be more involved. DOGAMI is doing it because nobody else will. There is about a twenty minute warning from the time of an earthquake to when a tsunami hits, and we need more alarms.

Fish Screening. HB 3212 was returned to the Full Committee of House Natural Resources with a "Do Pass" recommendation. (Since this meeting HB 3212 has passed out of the House Natural Resources Committee on May 9 with a recommendation of "Do Pass with amendments, and be printed A-engrossed and be referred to Ways and Means." It was referred to Ways and Means by order of the Speaker of the House.)

HB 3212, as amended, provides that major maintenance like installing new screens will be done by ODFW. But 40% of the cost of initial installation and the costs of routine maintenance will be paid by the irrigators.

The 25% surcharge on fishing licenses amassed \$840,000. They spent \$132,000 and put on 62 screens. There were three projects in Warrenton, where two were 5 cfs and one was 2 cfs. The cost of putting on rest of screens statewide was \$2,000 or less. ODFW has been spending more than 50% of cost on administrative costs. If the majority of licensed fishermen were aware of this, they would just rebel.

Representative Tarno said that if you put more burden on farmers and ranchers, they'll rebel. The biggest problem we have right now with the watershed health program is getting farmers and ranchers to keep from breaking down the banks and letting too much silt in the water. They're told they have to fence creeks and streams, and plant shrubs and by the way, they also have to screen their diversions. If an ODFW biologist goes down there to enforce it, he might be facing a shot gun.

Watershed Health. Representative Tarno brought up that HB 3441 deals with watershed health, trying to extend last session's initial watershed health program. It will extend the program and allow for counties and local governments to work together to form local watershed councils.

Shellfish Aquaculture. Paul Hanneman has a shellfish bill (HB 3461) that takes shellfish aquaculture jurisdiction out of the Division of State Lands and puts it under the Department of Agriculture.

April 28 Coastal Caucus Reviews Water Legislation—by Julie Coontz, *Legislative Fellow*: Present: Speakers: Martha Pagel, Oregon Department of Water Resources. Members: Senators Joan Dukes (Chair) and Brenda Brecke and Representative Terry Thompson.

WATER BILLS

HB 3441 - Continues the Governor's Watershed Health Program. The budget has been reduced from \$4.8 million to \$2 million. It was amended in the House Water Policy Committee, and passed the House floor. The A-engrossed bill passed in the Senate.

SB 54A - Martha Pagel said this one was bad. This bill would limit the ability to manage exempt groundwater uses. (domestic wells could be drilled without a water right) It deletes the authority to apply classifications/reclassifications to exempt uses. Requires SAC and publication of notice prior to public hearings. It passed both the Senate and the House

SB 674 - Deals with the application backlog in the Water Resources Department (WRD). The

major problem they face is whether it should include in-stream water rights. It pulls out entirely or changes the meaning of what an in-stream water right is. There is a very large application backlog because the process includes wide grounds for objection. WRD doesn't want to change in-stream water rights. Senator Rod Johnson is willing to pull out instream provisions and put it in a separate bill. Ms. Pagel expressed concern that WRD doesn't want to change in-stream water rights. It's important to solve the backlog and that's what they're trying to do. It has more than a \$1 million fiscal impact, but that's included in their budget. It passed in the Senate and passed out of the Water Policy Committee with amendments to the House Floor on May 18. It was requested by Water for Life, which represents the independent irrigators.

SB 1005 & SB 1006 - SB 1005 grants water rights to the Grants Pass Irrigation District despite an agreement with WRD to remove the Savage Rapids Dam. SB 1006 requires legislative approval for dam removal required by the state or the local agency. It specifies exemptions. Both passed on the Senate Floor. It was on the House Floor yesterday. WRD strongly opposes. The Governor has indicated a possible veto.

SB 1033 - Passed on the Senate floor. It passed out of the House Water Policy Committee with amendments. It deals with scenic waterways and groundwater. Wherever you have scenic waterways, you have groundwater. WRD was trying to reach a balance, and didn't support it as it came out of the Senate. What the Senate passes out is close to what we want. There were amendments on the House side.

HB 2376 - Makes it easier to get permit for ponds. WRD supports this one.

HB 2889 - According to WRD, the problem with this one is it changes the way we determine groundwater/surface water interference. It passed in the House. It had a hearing and work session in the Senate Water and Land Use Committee on May 18, and had a possible reconsideration and work session on May 25.

HB 3091 - This one is even worse on groundwater/surfacewater management. It passed in the House and had a hearing and work session in the Senate Water and Land Use Committee on May 18 and May 25.

HB 3100 - WRD recommends a veto. HB 3100 prohibits transfers of water rights from agricultural lands to other uses. The intent is to prevent transfers to in-stream water rights. It passed in the House after failing first and having a reconsideration vote. Then it passed by a pretty close margin. It had a public hearing and work session in the Senate Water and Land Use Committee on May 18.

HB 2721-A - The lead agency on this has been State Parks and Recreation. This has to do with mining in scenic waterways. Originally, any placer mining was prohibited in scenic waterways. This bill allows some placer mining; it also includes recreational panning. Suction dredges make noise and they stir up the water. This bill allows some suction dredging at some times with noise mufflers. It has passed in both the House and Senate.

Senator Brecke said she had heard that what the suction dredging stirs up is actually good for the fish. Ms. Pagel replied that it puts more nutrients in water, but it smothers the fish.

SB 297 - Directs funding to the Task Force to conduct a statewide water management plan. In current form, WRD strongly opposes it in its current form. It passed in the House, and was referred to Rules with a subsequent referral to Ways and Means, where a public hearing was held on May 19.

Ponds Bill (HB 2376) - A constituent of Senator Dukes sent all the paperwork in by the deadline to apply for a pond permit and now he's been told he didn't get it in by the deadline.

According to Ms. Pagel, the bad bills are HB 3100, HB 3091 possibly HB 2189, but it's too early to tell. Also, SB 54, SB 1005 and possibly SB 1006 (but there is room to fix SB 1006). WRD would support SB 1033, but not in its current form.

Martha Pagel summed up by saying that water issues have come together better this session than in previous sessions. She said Representative Chuck Norris is in a tough spot, but he does a good job. This is his last session, and he will be missed.

May 5 Coastal Caucus Reviews Legislation with Department of Fish and Wildlife
—by Julie Coontz, *Legislative Fellow*: Present: *Speaker*: Rod Ingram, Oregon Department of Fish and Wildlife. *Members*: Senators Joan Dukes (Chair), Brenda Brecke and Representative Terry Thompson.

Rod Ingram from the Oregon Department of Fish and Wildlife (ODFW) came to talk about fish and wildlife bills. He first talked about HB 3025, the Game Elk Ranching bill. He said the problem with it is we're going to have animals escape, even with the best operation in the state with double fences. Patterson has the best operation in the state, and a cougar got in his place and nine animals got through the first fence before the second fence stopped them. The bill is now in Ways and Means. Game ranchers want to transfer it to the Department of Agriculture because they think they'll be less restrictive. Ingram said the Department does not support HB 3025.

He next talked about HB 3339, which directs the agency to set a quota of the number of animals they want. And the others can be taken care of with agents. Some of the opponents view it as a way to continue hunting with hounds by making hunters agents of the state. Ingram said they wouldn't send 15 hunters out to take 15 cats. Wayne Kecelle of the Humane Society was handing out an editorial of Albany Democrat Herald targeting this bill. The Humane Society's stated goal is to ban hunting.

Representative Ray Baum's bill, HB 2657, would require a two year suspension of Measure 18, failed on the House Floor on May 29, by a vote of 26 to 32. Representative Bob Tiernan served notice of possible reconsideration of his vote. This bill would require studies, which would have a fiscal impact. HB 2584, the bill to repeal Measure 18, is dead.

Representative Tim Josi's bill, HB 3377, will make it a felony to seriously abuse an animal. But lawful hunting is exempted. (HB 3377 has passed on the House side and had a hearing and work session in the Senate Judiciary Committee on May 10.) There was a problem in Baker County with porcupine races. It was found to be harassment of animals. A few people got on the bandwagon that this was against the law because it was harassment of wildlife. You could kill it, but you couldn't beat a garbage can (to make noise) to make it go faster than it wanted. Then Senator Dukes told the story of Victor the lobster, a 75 year old lobster at the Newport Aquarium. A man is being prosecuted for killing Victor the lobster. The man took Victor from his tank and was going to take him home for dinner. He was chased by security guards and he dropped Victor. His shell was cracked, and he died later. They charged the guy with a crime, and the trial is scheduled for the summer.

Representative Thompson brought up HJM 4, which memorializes Congress to amend the Marine Mammal Protection Act to allow population control of California Sea Lions and Harbor Seals to protect salmon and other fish species. He said that those who just think sea lions are real cute should hear the story of the lady's poodle that jumped into the bay after a ball and was eaten by a sea lion.

There's a bill to add one more day to the Free Fishing Day and make it a Free Fishing Weekend. It helps in getting a lot more juveniles in fishing when you have a free fishing day. It's not an impact on the resource. It gets a lot of people fishing. With two days, you can tie it in with the federal parks with free camping and make a weekend of camping and fishing for a family. Otherwise the free fishing day sunsets at the end of this year.

Ingram said it's been rough trying to figure out how to fund fish screening and mass marking of coho. Right now the ODFW budget is in work session. There is \$400,000 of lottery money for marine enhancement and \$200,000 for developmental fisheries. For fish screening and mass marking they looked at \$500,000 of lottery money for hatchery maintenance, and they pulled that out. They'll be back in front of Ways and Means. The wildlife program will get cut about 40%. Half of the money from the wildlife program will go to the Fish Endowment Fund. That will later go to hatchery maintenance. They need the Fish Endowment Fund to be renewed for another four years to build it up so it can be self-sustaining.

Ingram said they had two biologists that worked on spotted owls, but the money would get stuck in strange places. It was held up in the Governor's office once. Once it was just held in the Emergency Board (E-Board). When ODFW got back to the E-Board, they did not approve the money. It was because of just one individual. The spotted owl biologist was too outspoken even

though it appeared he wasn't doing that anymore. Representative Liz VanLeeuwen spoke out to get the spotted owl delisted. She came in with scientific evidence that it should be delisted. What really upset her was a study. She was looking for sound, verifiable science, but it was not sound, verifiable science. So the biologist was an easy target. The Emergency-Board doesn't have the authority to legislate. And here they are saying they don't like the work of this biologist.

ODFW had a shellfish license bill, but it didn't get a hearing. The Seaside and Astoria people see more Washingtonians digging clams for free in Oregon. Representative Thompson said the rest of the state doesn't see this problem. He won't ever support crab licenses. He doesn't care as much about the clam.

Ingram said in the past two bienniums, they've cut considerable funds but they've never closed a hatchery. So they've had to cut the marine program. Representative Thompson said the average fisherman would tell you to cut the Marine Program. He said the Department has tried to regulate things without good biological science in the ocean. Trawlers will tell you that they take a dead count at the docks, but out on the ocean, it's a different story. The problem lies in the National Marine Fisheries Service (NMFS). Most of the money for research and science went to Alaska. Less than two days were spent here doing research. The Department has a public relations problem with the industry.

The crab limited entry bill got through the House, but it's not perfect. It will be fixed in the Senate. It's been heard once in the Senate Agriculture, Natural Resources and Environment Committee, and they're working to try to resolve it. Senator Brecke doesn't think the dory fishermen have anything to worry about. Senators Kintigh, Dwyer and Brecke want to accommodate the dory fishermen. Senator Brecke hears that the argument from the dory fishermen is "don't lock us out." When it comes to transferring the permit, if they have the initial one, they should be in on this. Senator Dukes sees the inequity as telling some people they can have a permit while some can't. Representative Tarno wants those people taken care of who were taken care of by the bill originally. Dory fishermen aren't the only small fishermen who aren't in. Senator Brecke said the impact of the dory fishermen is minimal. Senator Dukes said the problem is salmon fishermen are coming back to crab fishing. Her fear is that one group like dory fishermen come and say they have a problem, and you fix that problem. And then there's another group and you fix their problem. And then you get someone who isn't represented by either group. Senator Dukes had someone come to her who had fished crab for years. Then he fished salmon and now he wants to fish crab again, but he can't. He says, "I don't want to pick up sticks and put them in the stream. I want to fish." Ingram was afraid of Senator Bradbury's bill, that if neither bill went through, then ODFW has to decide this issue.

May 12 Coastal Caucus Discusses Highway 101—by Julie Coontz, Legislative Fellow:

Present: Speakers: Bob Clour, Federal Highway Administration; Gary Johnson, Oregon Department of Transportation (ODOT). Members: Senators Joan Dukes (Chair) and Brenda Brecke; Representatives Mike Lehman and Terry Thompson. Guests: Joe Rohleder, Oregon Coast Guides and Packers; Jerry Dove, Tillamook County Commissioner; Jim and Jan Coontz (parents of Legislative Fellow).

Senator Joan Dukes opened our meeting on Highway 101. She said that when we first started this session, we started talking about Highway 101. Once you get past her district, it looks pretty nice. but she thought that once people get to Tillamook, they're going to start looking for Highway 101.

Representative Thompson said that the drive from Lincoln City to Salem is regularly one hour and 45 minutes. Now it's often 3 hours from Lincoln City to Salem. This is without even the casino in Lincoln City being open yet. Representative Thompson said literally that the whole coastal road needs work. Senator Brecke commented that the toll road bill passed, but that doesn't cover Highway 101.

Bob Clour said they had a Coastal Policy Advisory Committee on Transportation (CPACT) meeting. They're using some funding from the federal level that allows ODOT to contract with OCZMA to do some work and to be a coastal policy advisory committee. They want to explore the possibility of alternative funding, like for scenic byways. They've used some scenic byway

money for safety improvements on the south coast. Scenic Byways is getting attention from local groups because June Carlson has been working on that. They hope to ultimately leverage some construction money. They're involved in a tri-state effort with Washington and California for a Corridor Master plan. Oregon has the lead position in the development of the Tri-state effort. That activity will begin with public involvement to see if there's support for a scenic byway designation. This has to be supported by the community because federal agencies have said that without community support, they won't consider a designation as scenic byway.

Senator Dukes said she thought we already were designated a scenic byway. Mr. Clour said that was a state designation and not federal. Senator Dukes was frustrated that those cities and counties have been stuck for four years with those regulations of not being able to put up signs for their businesses and it's not yet a federal scenic byway. Gary Johnson of ODOT said the designation will result in \$4 to \$5 million. Bob Clour pointed out that there hasn't been a scenic byway designation because the communities are so reluctant. But Senator Brecke asked if the communities gave their support four years ago, what else is necessary? Clour said the next phase of the Corridor Plan is needed. Senator Dukes said three years were spent working on a corridor plan that her constituents think is worthless.

Gary Johnson said of about \$1.8 million, half of that was obligated toward projects and half was for planning. Ultimately it could lead to \$4 to \$5 million. Local officials who were at the May 4th CPACT meeting saw that. June Carlson is no longer working on that, though. Senator Dukes expressed disappointment that after they finally have someone from ODOT who cares and people trust, now she's leaving.

Johnson said Carlson was largely responsible for this work plan being developed. It builds on the general corridor master plan. It will look at interpretive centers and refinement plans in local communities. They'll be starting to get some of the money out to the communities. An environmental inventory will be done in which they need to identify key environmental areas on the coast. They want to be out there talking to communities and see if there is community support. Jerry Dove said that they need to see what the stipulations are, and asked what it means to be designated.

Senator Dukes inquired about asphalt improvements and was told here are asphalt improvement plans mostly in Region 3 and Southern Oregon. Representative Thompson thought they already had the priorities and planning, and asked if it wouldn't be better to put \$3 million into asphalt improvement than into all this planning. Clour said that with scenic byway funds, there are very specific things they must be used for. The danger of Yaquina Head was raised and there was a question as to whether the interpretive center there would qualify under this money. Clour didn't think there was a project there yet, but they're seeing a need.

Senator Dukes said couldn't take this back to her constituents because they would not want to send her back to Salem. There are rocks falling off the mountain. Representative Thompson said with the increased flow of tourism, we are losing sight of what is necessary, which is to transport people from point X to point Y safely. Senator Dukes said one of her goals has always been to keep traffic moving. Those people who want to stop can do that, but she wants an average speed of about 40 miles per hour. We did the corridor plan which says we need to do more studies. She asked if it's a priority of ODOT to get the highway where you can move traffic. Johnson answered yes. He said that in comparison to other corridors in the state, Highway 101 is further along. It's the first of the statewide corridors that has this level of planning. It's a wonderful resource and asset for Oregon. But while they're doing all this, the road is still falling apart. ODOT has been cut back like everyone else in the state.

Johnson said they see this as a means to leverage further scenic byway funding. It's a way to leverage more funding in the future outside traditional funding that will be harder to access now. He think those that did the original discussion on the national level and got the scenic byways plan, intended to use it to leverage more dollars for Highway 101. There are conflicting values with this program and what's going on at the local level. If it's a way to meet their needs and work with what they need, it's worth it, though.

The first step was the master plan that ODOT did. There was a door opened to a scenic byway designation. It's a plan that ODOT looked at with locals to see if it's compatible with local

planning. What Clour has heard is "we're not sure we want designation as a scenic byway because we're not sure what it will do to the community." They're looking at this program as the next thing to be done on Highway 101.

Senator Dukes expressed frustration with the tri-state money. Oregon has a plan that will be useful, but now it is a bunch of paper, while Washington actually did some construction projects. Johnson responded that they met with Washington and the federal people. Washington took a hit from the feds because they went ahead with their projects. The feds wanted them to work with the tri-state plan. From the federal perspective, although Oregon hasn't spent all of the granted funds, we've worked with what we agreed to some years ago. What Washington did was outside the scope of what the scenic byways people wanted. This will put us in a better position for getting additional funding. In terms of the overall picture, Washington strayed from the plans. The federal people have told Washington not to apply for money if they're not going to stick with the plan. Oregon will be applying these funds where we can, like the Yaquina Head project. Senator Dukes said it's real hard to sit here and watch Washington do projects while we have to tell people we're going to close the road. Washington will still get some of the tri-state money. And their defense is their region signed off on it.

Senator Dukes asked if there was money left from what Oregon was allocated, but it has already been allocated. She said she doesn't want to put money into the rest areas when the highway needs so much work. People won't go to the rest area when it's so hard to get back on the highway. Clour said they could bring that into the rewrite of the federal law. The completion of the tri-state work will help because they will use our planning for rewriting it.

If Oregon is a donor state, money can be used for anything that's discretionary. Oregon was a donor state for two years. In Oregon there are a series of equity adjustment factors tied to the ISTEA. There was a lot of demonstration for projects. Some states were losers. But now there's some equity adjustment and Oregon will be getting some money. Senator Dukes said we're getting more money than we used to and it's not getting out to Highway 101. Regarding the donor state issue, she wanted to know the total amount we've gotten for the last five years.

Senator Brenda Brecke said her constituents are concerned about a huge detour on Highway 101 in Curry County. She was advised to talk to Paul Mather for Region 3. Senator Dukes said that for a long time what she thought they needed were bypasses. You can't really widen a lot of Highway 101, and it can't accommodate a lot of the traffic that comes through. She asked if there was federal money to do that, but Clour replied that there was very little money. There was a designation given through the "ISTEA" Act. (National Highway Assistance) It is used for military use. Clour said this year Oregon got \$4 million this year for National Highway Assistance. For the Neakahnie Mountain situation, it was suggested to revise the ISTEA Act.

Jerry Dove brought up the importance of east-west corridors. They are considered low-priority. But there isn't any Cell-One coverage through there. Highway 22 needs work. Senator Dukes said more people are killed on Highway 26 than on any other highway in the state. Lane County Commissioner Ellie Dumdi has also said that Highway 126 from Eugene to Florence needs work. There is natural disaster money, but that's just in response to a natural disaster. And the damage must be widespread.



Final Interviews with Coastal Caucus Members

By Julie Coontz, Legislative Fellow

Interview with Senator Joan Dukes:

Q. What do you think were two or three of the most important specific coastal issues that this session dealt with and were you satisfied with the results?

A. "Crab Limited Entry, Fish Screening and SB 1127 - the Salmon Task Force. We did well for the coast."

- Q. Are you on any legislative interim committees or were you appointed to other task forces or committees apart from the Oregon legislature?
- A. They haven't been appointed to committees yet, but she is on the Pacific Fisheries Legislative Task Force and the Oregon Hanford Waste Board.
- Q. Aside from coastal issues, what do you think was the one major issue most successfully handled by this legislative session? And, conversely, what was the one major issue most unsuccessfully handled by this legislative session?
- A. Successful—The extra \$100 million for K-12 schools was a success. Unsuccessful—The local property taxes issue was unsuccessful. "A bunch of bills dealt with exemptions for local taxes. In the long run it will do more harm than anything else. Other things can go to court, but it will be difficult to undo those. And it hurts local taxing districts."
- Q. Jumping ahead to 1997, what coastal issues do you see on the legislative horizon?
- A. "We (on the north coast) still have the shellfish license fee issue. A man on my voicemail wanted to know if there was anything for over-harvesting clams. Maybe there can be something done only for the north coast or Clatsop County. Also, the salmon issues will still be there. We'll still have to fight for hatcheries to keep them funded. The problem is still there, but Stan's [Senator Bunn] Task Force will hopefully point some things out that we need to do. Veral's [Representative Tarno] bill sets up the possibility for a public-private partnership that may or may not happen."
- Q. Any post-session and concluding interview comments?
- A. "I'm glad it's over. We were able to do a lot better on coastal fisheries issues than I expected. Representative Tarno was partly responsible for that. It helped having a couple of Republicans and one who was a Chair of the Natural Resources Committee. I think we worked together pretty well."

Interview with Senator Stan Bunn:

- Q. What do you think were two or three of the most important specific coastal issues that this session dealt with and were you satisfied with the results?
- A. First, the Salmon Task Force was successful. Second, the overall funding for needed coastal programs such as shellfish inspection and other related funding of coastal issues.
- Q. Are you on any legislative interim committees or were you appointed to other task forces or committees apart from the Oregon legislature?
- A. He said it's too early to know. The only appointments they made at the end of session were the Occupational Health Committee, which he has been appointed to, and the Emergency Board. He is on the Pacific Fisheries Legislative Task Force and has been requested to be on the Salmon Task Force. He anticipates that he will play a strong role in the Health Care Interim Committee.
- Q. Aside from coastal issues, what do you think was the one major issue most successfully handled by this legislative session? And, conversely, what was the one major issue most unsuccessfully handled by this legislative session?
- A. Successful—He couldn't identify one major issue, but he said a series of reforms, including education reform continuation, tort reform, welfare reform, and the workers compensation reform continuation were successful. Unsuccessful—The failure to adequately cover more people with health care was unsuccessful. Also two very open questions were left: what happens with prisons and what happens with long term lottery funding? "These are not failures, but we need to be concerned."
- Q. Jumping ahead to 1997, what coastal issues do you see on the legislative horizon?
- A. "We have to be sure that we implement the needed recommendations from the Salmon Task Force. And we need to assure that we adequately invest in fisheries restoration. We also need to continue to work on improvement of Highway 101. And finally we need to be sure that the

tourism base is maintained in a healthy way.”

Q. Any post-session and concluding interview comments?

A. “I’m very positive in my attitude about the fact that we got done very quickly. I think we got some major legislation passed. Also the cooperative way the coastal legislators worked together gives us the strength that we would not otherwise have.”

Interview with Representative Terry Thompson:

Q. What do you think were two or three of the most important specific coastal issues that this session dealt with and were you satisfied with the results?

A. Regarding land use, he was afraid in the beginning of session that land use laws would be gutted. “I think we were able to make some changes but maintain the integrity of the land use laws.” He was also pleased with the improved funding for education, which is good for the whole state.

Since he had a fisheries background, he paid attention to fisheries issues and virtually all the fisheries issues that were brought before the session passed and that was an accomplishment in itself. Ones that passed were the Salmon Task Force, crab limited entry, and HB 2615, the State Salmon Corporation bill.

Q. Are you on any legislative interim committees or were you appointed to other task forces or committees apart from the Oregon legislature?

A. He is a member of the Pacific Fisheries Legislative Task Force.

Q. Aside from coastal issues, what do you think was the one major issue most successfully handled by this legislative session? And, conversely, what was the one major issue most unsuccessfully handled by this legislative session?

A. Successful—Getting \$100 million over the Governor’s budget for K-12 education was successful. “Making K-12 a priority was good. But there could have been more money. As far as personal pets that I like, I like the double shelters for domestic violence. Personally, that was one of the bills I enjoyed voting on. I also enjoyed voting on the one dealing with Hanford to clean up the nuclear waste site and clean up Hanford.” Unsuccessful—“The ecotake bill (SB 600). That one worries me more than any bill because it would bankrupt the state of Oregon. The worst area we delved into and didn’t accomplish anything was funding higher education at a higher rate. That was the biggest disappointment. We’re now 50th in the nation.”

Q. Jumping ahead to 1997, what coastal issues do you see on the legislative horizon?

A. “We’re going to be facing some land use problems. Whether it’s 1995 or 2010. How do we protect the fragile coastal environment and still have growth? At what point do we stop growth or what areas do we stop growth in is more accurate?”

Q. Any post-session and concluding interview comments?

A. “The other area I’m most concerned about is transportation - coastal highways and roads. We didn’t accomplish it in this session yet. We need the east-west corridors. The capabilities of our roads do not meet the needs of the growth. We need to make improvements. You can’t have a viable economy without adequate transportation.”

“Non-partisan politics is the most important thing a legislator can do. Look beyond partisan politics in order to represent people fairly in order to be effective in the legislature.”

Interview with Senator Brenda Brecke:

Q. What do you think were two or three of the most important specific coastal issues that this session dealt with and were you satisfied with the results?

A. “I think there were a couple of things. I was concerned about all the water bills that came before us and wanted to make sure the fisheries were impacted well by those.” She was concerned about SB 1005 and SB 1006. She was sorry to see we didn’t defeat the bills but she was okay with the outcome and the study.

She was pleased with the Ports Division. Under Economic Development, they made it a separate division. "The Salmon Task Force bill was great. It was good that it passed. However I feel we opened it up more than we initially intended to." Coos County got their fair share of the watershed budget, but she was sorry to see the budget cut.

"The hatchery bill was a good bill. There are some concerns still with that. We need to pay attention to hatcheries as a whole and make sure we don't affect our native runs."

Q. Are you on any legislative interim committees or were you appointed to other task forces or committees apart for the Oregon legislature?

A. She was not aware of any.

Q. Aside from coastal issues, what do you think was the one major issue most successfully handled by this legislative session? And, conversely, what was the one major issue most unsuccessfully handled by this legislative session?

A. From a personal level, she was pleased to see that community colleges increased funding so they will be able to do the Curry County Annexation and continue the skills centers. She liked that we made child support laws tougher and the family leave law. And she liked the bill to curb abuse. Unsuccessful—"It's hard to think of just one." She didn't like what she saw as a shift of moving the tax burden from corporations and the rich to middle class Oregonians. She also didn't like the capital gains piece and some of the property tax exemptions.

The other piece she thinks was bad was the real attack on the land use laws by specific interests. She said, "I think some of the worst will be vetoed." She's real concerned about the Forest Practices Act. Because of the judicial review and 10% compensation piece; she's afraid it will be vetoed. She thought there were steps taken to override local land use laws. One of the things she saw throughout the session was an attempt made to override local control.

Q. Jumping ahead to 1997, what coastal issues do you see on the legislative horizon?

A. "Transportation has got to be an issue we address." The coastal highway as well as access through the corridors needs to be addressed. She said another disappointment was that the gas tax bill did not go through.

Q. Any post-session and concluding interview comments?

A. "Just that to me it was a tremendous experience and I look forward to building advisory boards that address some of the concerns that people have around coastal issues and provide me with the necessary local input for the next session." This session she felt like there was a lot of focus on specific individuals. She hopes next session will be more about taking Oregon into the next century.

Interview with Representative Mike Lehman:

Q. What do you think were two or three of the most important specific coastal issues that this session dealt with and were you satisfied with the results?

A. "The Crab limited entry bill was critical. The Rural Investment Fund for lottery dollars was real critical to the coastal communities." He was happy with the results of both.

Q. Are you on any legislative interim committees or were you appointed to other task forces or committees apart from the Oregon legislature?

A. He does not know of any committees he'll be on, other than he had a recent call asking him to be part of the North-South Light Rail Task Force. He hasn't decided on that yet.

Q. Aside from coastal issues, what do you think was the one major issue most successfully handled by this legislative session? And, conversely, what was the one major issue most unsuccessfully handled by this legislative session?

A. Successful—The legislation this session that Representative Lehman considered successful were some of the women's health and wellness bills. They were part of a bi-partisan effort and made it through. Unsuccessful—He felt this legislative session handled the issue of

transportation, roads, highways and bridges, unsuccessfully.

Q. Jumping ahead to 1997, what coastal issues do you see on the legislative horizon?

A. "Roads, Roads and Roads" or "Roads, Bridges and Roads." Transportation has got to be dealt with for the coast.

Q. Any post-session and concluding interview comments?

A. Referring to the end of the session, Representative Lehman said, "The good news is we got done early. The bad news is we didn't get everything done that we needed to get done."

Interview with Representative Tim Josi:

Q. What do you think were two or three of the most important specific coastal issues that this session dealt with and were you satisfied with the results?

A. "By far the most important issue was the limited entry crab bill." The other bill that he would classify as very important was the watershed bill, HB 3441. He was happy with the results of both.

Q. Are you on any legislative interim committees or were you appointed to other task forces or committees apart from the Oregon legislature?

A. No, because he's moving to Hawaii the first of the month. He's resigning. For his replacement, it's between Mike Ellis and Katherine Abrams.

Q. Aside from coastal issues, what do you think was the one major issue most successfully handled by this legislative session? And, conversely, what was the one major issue most unsuccessfully handled by this legislative session?

A. Unsuccessfully handled was the lack of an increase in the gas tax. "Probably the fact that we didn't raise taxes, in lieu of the final phase of Measure 5. In spite of the fact that revenues were short because of the final ratcheting of Measure 5."

(By the time I looked back and found that Representative Josi had not said what he thought was successful, I think he had already moved to Hawaii and I could not ask him again. Sorry.—Julie Coontz)

Q. Jumping ahead to 1997, what coastal issues do you see on the legislative horizon?

A. "Probably a continued request for a clam license to fund the science to ensure the continued resource in that area. I think also there will be a continued push to preclude local jurisdictions from placing restrictions on short term rentals. Also I think that there will also be a push to ban vehicles on beaches in areas where vehicles are currently allowed."

Q. Any post-session and concluding interview comments?

A. "Aloha! This last session I think there was a frontal attack on environmental and land use laws that protect our natural resources on the coast. Fortunately we were able to stop most of that. There was a disregard for environmental and land use laws that were put in place during the Tom McCall years. You could say this is the session that would cause Tom McCall to turn over in his grave." All in all, he's glad the session's over.

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Interviews with Members of the Governor's Natural Resources Team

By Julie Coontz, Legislative Fellow

Interview with Roy Hemmingway, the Governor's Salmon Policy Advisor on Friday, July 14, 1995:

Q. What are the goals and objectives of the Governor's Natural Resources Team?

A. Roy can talk about the Governor's goals. The chief distinguishing point for the Governor is that he believes in cooperative and collaborative efforts in reaching issues. He spent two days

with watershed health people. That's the kind of program which the Governor believe works best, where citizens work together. Even if they don't agree on everything, they can work together on an agenda. That's a procedural description of how the team operates. The Governor has made livability one of the objectives of this office. Preserving the quality of life in Oregon is what our role is. They are using the procedures the Governor has outlined, which involve cooperative and collaborative types of processes, like the watershed groups.

- Q. Who is on the team now (individuals and/or positions), or anticipated to join, and their respective roles?
- A. Paula Burgess, the Governor's Natural Resources Advisor is the supervisor. She coordinates their work. She has principal authority for the office. Greg Wolf works on land use issues. Roy Hemmingway principally works on fish, but now works on Bonneville Power, which isn't just fish, but power as well. Jim Martin is on assignment to Roy from the Oregon Department of Fish and Wildlife (ODFW). He is acting as Hemmingway's assistant and right now he's working on some minor things to help him out, but his position hasn't been defined. His position is not permanent, but it's great to have him temporarily. The Natural Resources team has the authority to hire two additional positions, one in forestry and one in watersheds. They haven't identified any candidates for those positions yet.
- Q. What's the staffing level and budget? Is this part of the the Governor's office budget or through state agencies?
- A. Their positions are within the Governor's office budget. Except Jim's position is paid for by ODFW. There's also one or two clerical positions that haven't been filled yet, which were part of the budget that passed.
- Q. How will these positions interface with natural resource agencies and directors?
- A. "We have a weekly meeting with all natural resources agencies and directors." Hemmingway's style is to have a collaborative department relationship with ODFW, where they consult with him and he consults with them. Then they take their ideas to the Governor. He's never given an order or had a situation where he's had a disagreement. He doesn't want there to be a feeling that it's a top-down policy in the state government. "That's not the way it ought to work."
- Q. Will there be any advisory or working groups associated with the team or its members?
- A. "I don't know. We've set up some ad hoc advisory groups. We have an advisory group helping to screen applicants for the Fish and Wildlife Commission."
- Q. How will these people work with representatives of major interests?
- A. "I try to work with representatives of major interests frequently and keep them informed of what we're doing. I try to be available when they need to see me. We haven't talked about how consistently to do this in the office, but I think that's how we all do it."
- Q. What are some of the major issues you're working on?
- A. The Bonneville Power Administration (BPA) is a major thing Hemmingway is working on with their new budget and their new direction to be in a competitive electrical market. He works a lot with Jock Mills of BPA.
- Q. What are some of the priorities of the Governor?
- A. The Governor's special priority is watershed health. Hemmingway was in Coos Bay this week to get as up to speed as possible on that. They were educating him on how they work, how they're organized and how they work with state and local government.
- Q. What is the agenda for the whole natural resources team?
- A. They're working on that. They're trying to mesh that and distill a set of larger priorities. Hemmingway is working on Endangered Species Act issues with the Governor.

*Interview with Greg Wolf, the Governor's Growth Management Advisor
Monday, July 24, 1995:*

Q. What is your role on the Natural Resources Team?

A. "My current role is to advise the Governor on growth management issues. That entails reviewing legislation, coordinating work of state agencies, analyzing growth management issues and problems and advising the Governor on approaches. It involves trying to integrate various agency programs into common missions with respect to growth management issues."

Q. What are some of the priorities of the Governor's Natural Resources Team?

A. "The entire team is designed to address natural resource issues in an interdisciplinary way or an integrated way." When commenting on a forest plan or national government, there needs to be a coordinated response on issues that surround it like watershed issues and growth management. They need to have a coordinated and integrated response. When addressing an internal state issue, they need to make sure that all the state agencies are working in concert, rather than at cross-purposes. The natural resources office is designed to take approaches to problems that involve all the state agencies, rather than just one or two.

The Governor's Natural Resources Team has specific advisors on different issues, like water, forest and salmon. The water and forest advisors haven't been hired yet.

Q. What are some specific projects or issues you are working on with the Governor?

A. "We have just spent a lot of time looking through all the bills that were passed. We're turning our attention to the light rail special session to assist on that proposal. Then we'll be working with several interagency groups to coordinate efforts on that.

"The Governor has a priority to develop creative solutions to growth management problems. The state has an excellent planning system. We need to enhance that with incentives for good development, - development that accomplishes the comprehensive plans that we have set out." They want to make good development attractive, rather than development on resource land. Development is going to come to the state and we need to prepare for that.

Q. How does your position interface with natural resource agencies and directors?

A. He works with any agency that has a role to play in growth management issues. The main ones are Housing, Economic Development, Transportation, Department of Environmental Quality, Land Conservation and Development Commission (LCDC). To the extent that those agencies have issues relating to growth management, he will be working with them and coordinating their activities.

Q. What local, state or federal government agencies do you work with and what type of input do they have?

A. He works with all of them, and they have a lot of input. The Department of Transportation and LCDC have a Transportation Growth and Management Program. They are going to set up an advisory committee that involves those two agencies, local government, the private sector, and specifically the development community.

Q. Do you have any comments on the Hyundai development?

A. "We need to work with the City of Eugene, and with all the state agencies. We need to work to have all the state agencies working in concert reviewing the Hyundai proposal and making expeditious decisions about it. The Oregon land use system is providing certainty in development. Where we don't have certainty, we need to do planning to avoid that problem."