

OREGON CHAPTER AMERICAN FISHERIES SOCIETY
2001 END OF LEGISLATIVE SESSION REPORT
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The 2001 legislative session is now over, and the best that can be said for it was that little or no damage was done, and a few small positive steps were taken. Many bills were introduced, and many heard, that would have had devastating effects on Oregon's fish populations. Knowing in the interim that the issue of wild salmon versus hatchery salmon would be a major controversy during the legislature, Oregon Chapter AFS wrote a white paper for general distribution summarizing the science on the differences, and prepared several members for testimony and individual meetings with legislators. The results were that those legislators who wanted to become educated were, and those who didn't lost. None of the bills that attempted to ignore the differences became law.

The Oregon Department of Fish & Wildlife (ODFW) was the focus of both legislative discontent and attention. The director was forced to resign, and a replacement acceptable to the legislature was appointed. I spent many hours with new director, Lindsay Ball, and discussed his traits and abilities with a large number of people who have worked with him. I came away highly impressed, and feel he will be a strength for the agency. During the session, soon after his appointment, Lindsay looked at the proposed ODF&W budget and was appalled. He found the numbers didn't match the programs, and the budget had \$6 million hole. Working with staff from the Governor's office and Representative Susan Morgan (R-Myrtle Creek), who was chair of the Natural Resources Sub-committee of Ways and Means, Lindsay prepared a whole new budget. By the end of the session, ODFW ended with \$10 million more than the Governor's initial budget request. This demonstrates the legislatures' commitment to the programs of the department, and their confidence in his leadership.

Two bills passed that will change ODFW, HB 3627 and SB 50. HB 3637, after about 25 iterations, was finally approved by the Governor. After starting out as bill to require defined backgrounds for commission members, it now has the chair of the commission appointed by the Governor, requires commission members to have knowledge of natural resource issues, and requires more frequent and more widely dispersed meetings than currently. The appointment of the director is subject to senate confirmation, but this section is sunsetted after Lindsay's appointment. Perhaps the most significant change is giving the Governor power to remove commissioners at will. I was involved in the negotiations, and helped insure that the public interest provisions were spelled out clearly, and that the commissioners did not represent special interests.

The other ODFW-changing bill, SB 50, moves ODFW to Salem, but how and when have yet to be decided. This bill is causing much angst among some staff, and some Oregon AFS members, but it was strongly pushed by both the Governor and the legislature. The Oregon Chapter wrote a letter to the Governor expressing its concerns and asking that care be taken to prevent excess disruptions to staff and program. I will attempt to at least monitor, and hopefully be involved in, decisions surrounding the move. Oregon AFS and

the Oregon Chapter of The Wildlife Society, and myself will be meeting in the near future with Lindsey Ball and other ODFW representatives to discuss concerns regarding SB50 and other issues of interest.

A close relationship was established with Louise Soliday, the Governor's new advisor for natural resources. She often requested AFS comment and involvement, and specifically requested a written statement on HB 3344, the definition of science bill. ExCom produced a document, and she used it to get a veto from the Governor.

HB 2163

Oregon Chapter AFS testified on HB 2163. The bill allows the State Forester to require by rule certain harvest operations to leave green trees and snags in or adjacent to small, nonfish-bearing streams subject to rapidly moving landslides. OCASF member Christine May provided testimony for the chapter. Our efforts were most noted when the bill went back to the House floor for a vote of concurrence to Senate amendments. The first vote was 55-1 and the second was 38-21. Governor Kitzhaber decided to support the recommendation of FPAC, a committee he created and introduced by the Oregon Department of Forestry. He signed the bill into law on June 8, 2001.

HB 2181

Oregon Chapter AFS testified on HB 2181. This bill relates to pests. It establishes an Invasive Species Council to promote reporting of invasive species sightings, increase education about invasive species, and provide grants or loans for eradicating new introductions of invasive species. It abolishes the Interagency Integrated Pest Management Coordinating Committee. It was amended and became palatable enough to overwhelmingly pass both chambers and be signed by the Governor on June 18, 2001.

HB 3002

This bill focuses on salmon recovery. It sets a definition of recovery for the Oregon Plan. It includes the substance of HB 2540, the fish-passage bill, because Representative Jan Lee's name was attached to it. Jan Lee's bills were all killed after she left the Republican party to become an independent in the latter part of the session. The state will share the costs of resolving fish-passage problems, after making an inventory of passage problems. It ends the current moratorium on fish-passage enforcement.

HB 3014

This bill deals with policy for managing wild fish. It requires hatchery fish bred from wild stock and raised in specified conditions to be considered wild fish and allowed to spawn. The bill requires hatchery propagation to be from closest suitable broodstock of wild fish practicable. HB 3014 also exempts hatcheries co-managed with Indian tribes from the requirement to clip fins of hatchery fish. And it provides that hatchery fish with clipped fins are harvestable as a sport fishery. The bill died in House Rules after being referred from SR2.

HB 3341

HB 3341 deals with pinniped predation of salmonids. It directs the State Department of Fish and Wildlife to develop and implement a plan to reduce and control pinniped predation of salmonids in waters of the State. The bill requires the Department to submit a plan to appropriate interim committees of Seventy-first Legislative Assembly and to the Secretary of Commerce. This bill died in ways and means.

HB 3344

Oregon Chapter AFS testified on HB 3344 to define the term "science." The bill defined science as "the systematic enterprise of gathering knowledge about the universe and organizing and condensing that knowledge into testable laws and theories." It passed the House 33-27 and 20-10 in the Senate, but the Governor vetoed it.

HB 3637

This bill changes State Fish and Wildlife Commission procedures. This bill had six work sessions in the House Stream Restoration and Species Recovery committee. It modifies eligibility requirements for members and the method for selection of the chairperson. HB 3637 also requires that the Commission hold meetings at least once every two months in geographically diverse areas. The bill also provides that appointment of State Fish and Wildlife Director by commission is subject to confirmation by the Senate. The Governor signed this bill on July 6, 2001.

HB 3809

This bill relates to hatchery bred salmon. HB 3809 passed in the House 32-28 and 16-13 in the Senate. It establishes a moratorium on destroying hatchery bred salmon returning to waters of the State. The bill creates an expert scientific panel in Oregon Department of Fish and Wildlife to investigate practice of destroying hatchery bred salmon. It requires the State Fish and Wildlife Director to issue a report to the legislature. HB 3809 requires the State Fish and Wildlife Commission to implement, as one of the coequal goals of wildlife management, the use of captive breeding and fish hatchery programs to achieve restoration and enhancement. It modifies the definition of native and of native stocks. It was vetoed by the Governor.

HB 3981

The Oregon Chapter testified on this bill that relates to the Endangered Species Act (ESA). The bill passed 34-26 in the House and 18-12 in the Senate. It requires the State Fish and Wildlife Commission to create reports concerning economic and social impacts of species recovery efforts for each species listed as threatened or endangered. The bill specifies content and uses of the report. The bill also requires the State Fish and Wildlife Commission to create, by rule, a safe harbor program for state land lessees and a candidate conservation program for parties affected by listing of species as threatened or endangered. The Governor vetoed the bill.

SB 50

This bill involves the relocation of the Oregon Department of Fish and Wildlife to from Portland to Salem (see beginning of article for more information). The bill passed in the Senate 21-9 and the House 35-24. The Governor signed the bill.

SB 52

SB 52 relates to water quality management plans. It requires the Oregon Department of Agriculture obtain information from specified agencies that shows a statistically valid scientific basis for concluding that conditions of land contribute to impairment of water quality, before describing the lands subject to a water quality management plan. Died in Ways & Means.

SB 172

This bill relates to the Division of State Lands (DSL) Section 404 permitting authority under the Federal Clean Water Act. It amends the removal and fill statutes in event that assumes administration of federal dredge and fill permitting program under Federal Water Pollution Control Act. The bill establishes provisions to return to current state permit system if, after initial assumption, authority to operate federal permitting program is returned to the federal government. Declares emergency, effective on passage. Passed the House 48-8 and the Senate 25-2. The Governor signed this bill, and it is effective June 22, 2001. Awaiting action from the Governor.

SB 895

This bill relates to ballast-water management. It prohibits discharging ballast water from certain vessels in the state's waters, but provides some exceptions. It requires vessels to report information on ballast-water to the Oregon Department of Environmental Quality at least 24 hours before entering thru waters of the State. It directs the Oregon Department of Environmental Quality's director to establish a task force within 60 days after the effective date of the Act to study and recommend to the Legislative Assembly methods and improvements to ballast-water management. And, it authorizes Portland State University to provide staff to the task force, subject to available funding. It passed the Senate 28-0 and 47-0 in the House. Governor Kitzhaber signed it on July 2.

SB 945 & 946

Both SB 945 and SB 946 relate to the implementation of the Oregon Plan, and both passed the House and Senate, and the Governor signed both bills.

SB 945

This bill directs the Oregon Watershed Enhancement Board to submit biennial reports to the Governor and appropriate committees of the Legislative Assembly on implementing the Oregon Plan. It directs that the report be submitted by January 15 of odd-numbered years. It requires OWEB to report regularly during the interim to the joint legislative committee on the Oregon Plan. It requires a watershed enhancement program be developed by OWEB to include a statewide monitoring program for activities conducted

under the Plan. It adopts a mission and goals for the Oregon Plan and defines statutes and activities included in it.

SB 946

This plan directs the Oregon Watershed Enhancement Board to coordinate information, data, and data-retrieval needs of the state's natural resource agencies with the State Service Center for Geographic Information Systems, as part of its watershed enhancement program.