

74TH OREGON LEGISLATIVE ASSEMBLY
STAFF MEASURE SUMMARY
HOUSE REVENUE COMMITTEE

MEASURE: HB 2294-B
CARRIER: Rep. Butler

REVENUE: Revenue statement issued

FISCAL: Minimal fiscal impact; statement not issued

Action: Do pass with amendments to the A-engrossed bill and be printed engrossed

Vote: 9-0-0

Yeas: Berger, Bruun, Butler, Gelser, Olson, Read, Rosenbaum, Witt, Barnhart

Nays:

Exc.:

Prepared By: Chris Allanach, Economist

Meeting Dates: 5/1, 5/8

WHAT THE BILL DOES: Expands ODFW Fish Screening Cost-Share Program to include water diversions of any size, with preference for diversions of 30 cfs or less. Modifies Oregon Department of Fish and Wildlife (ODFW) fish screening goal from 75 water diversions per year to 150 diversions or 150 cubic feet per second (cfs) of water per biennium (one cfs equals 449 gallons per minute). Requires installation if: (1) the water diversion is at least 30 cfs; (2) a new water right is issued for the water diversion; (3) the point of water diversion is transferred. Prohibits payment of cost-share funds for diversions involving water rights issued on or after July 1, 1996, unless the Fish Screening Task Force finds good cause to allow an exception. Eliminates dollar expenditure limits of \$10,000 for ODFW and \$5,000 for the water diverter, but retains the percentage limits. Requires ODFW be responsible for major maintenance and repair of screening devices at water diversions of less than 30 cfs. Requires individual be responsible for all maintenance of screening/by-pass devices at water diversions of at least 30 cfs. Authorizes ODFW to charge \$150 per visit for inspection and maintenance of a bypass device if the owner fails to maintain it. Requires ODFW notify a person required to install, operate, maintain, repair, or replace a screening or bypass device and allows the person to request a contested case hearing before the State Fish and Wildlife Commission. Sunsets the credit as of January 2, 2014.

ISSUES DISCUSSED:

- Goals of water diversions
- Program history, including pilot
- The increase in the penalty
- Potential to measure the number of fish saved
- As per Committee rules, the following metrics were adopted for evaluating this credit:
 - The number of eligible fish screens, fish by-passes or fishways installed annually
 - The annual dollar value of tax credit certifications for fish screens, fish by-passes and fishways
 - The annual capital construction value of fish screens, fish by-passes and fishways installed

EFFECT OF COMMITTEE AMENDMENTS: Sunsets the credit.

BACKGROUND: Beginning in 1898, Oregon law obligated screening any size water diversion whenever required by the fish commissioner. ODFW began a fish screening cost-share pilot program for water diversions less than 30 cfs in 1991. Funding sources for the cost-share program were sport fishing license surcharges and the state general fund. Since its inception, the program has participated in 915 fish screening and 49 fish passage projects. Water diversions screened have ranged from less than one cfs to 1,050 cfs. In 1999, the Oregon Legislature directed ODFW to include, in the cost-share program, fish passage projects and screening projects at diversions greater than 30 cfs (1999 Budget Notes in SB5549-OWEB and HB 5023) and began providing additional lottery funds.

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This summary has not been adopted or officially endorsed by action of the committee.