

Joint Committee on Ways and Means

Carrier – House: Rep. Bailey  
Carrier – Senate: Sen. Dingfelder

**Revenue:** Revenue statement issued

**Fiscal:** Fiscal statement issued

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**Action:** Do Pass the A-Engrossed Measure as Amended and as Printed B-Engrossed

**Vote:** 23 – 2 – 1

House

Yeas: Barker, Buckley, Frederick, Huffman, Jenson, Komp, Nathanson, Read, Richardson, Smith, Tomei, Williamson

Nays: Freeman, Hanna

Exc: McLane

Senate

Yeas: Bates, Devlin, Edwards, Girod, Hansell, Johnson, Monroe, Steiner Hayward, Thomsen, Whitsett, Winters

Nays:

Exc:

**Prepared By:** Krista McDowell, Legislative Fiscal Office

**Meeting Date:** June 25, 2013

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**WHAT THE MEASURE DOES:** Creates Fish Passage Restoration Subaccount (Subaccount Fund) in Fish Passage Fund. Requires Department of Fish and Wildlife (ODFW) use Subaccount Fund to fund priority fish passage restoration projects. Requires ODFW to give priority to funding projects on statewide inventory of artificial obstructions with emphasis on statewide priority list projects that also pay fees for certificate to use water for hydroelectric purposes and projects that have ability to leverage matching funds. Directs Fish Passage Task Force to provide ODFW advice regarding funding projects. Requires Water Resources Department (WRD) and ODFW to jointly review adequacy of amount and structure of annual fee in achieving dual goals of in-conduit energy development and fish passage restoration and functionality. Requires WRD and ODFW to commence review five years after Act takes effect and report findings to Legislature no later than October 1, 2018. Authorizes holder of water right to apply for certificate to use water for hydroelectric purposes within artificial delivery system if proposed project meets applicable capacity limitation and qualifications for Federal Energy Regulatory Commission exemption from licensing. Stipulates water certificate does not need to include condition requiring fish passage if hydroelectric generating equipment is not located on dam; equipment is installed within or at end of conduit delivery system; conduit portion of system is operated for distribution of water for agriculture, municipal, or industrial consumption; and certificate includes condition for making annual payments.

**ISSUES DISCUSSED:**

- How the fee is administered
- Implications to irrigation districts
- ODFW priority list of fish passage and task force advisement of project selection

**EFFECT OF COMMITTEE AMENDMENT:** Clarifies that Federal Energy Regulatory Commission exemption is from licensing or similar qualification of another federal agency responsible for authorizing the project.

**BACKGROUND:** In-conduit hydropower projects use technology that is installed in a water delivery canal or pipeline to generate electricity using water that is already being diverted for an approved beneficial use. These projects do not use additional water beyond the amount that the water delivery system operator is already allowed to divert under its existing water right. Recent advances in hydropower technology have resulted in more viable options for agricultural, municipal, and industrial water suppliers and users to pursue in-conduit hydropower in Oregon.

Fish passage is a key component to many facets of fisheries resource management. Connectivity between aquatic habitats is an important part of garnering successful and healthy fish populations. In February, 2013, the Department of Fish and Wildlife released an updated fish passage priority list which includes 534 high priority fish passage barriers, with an additional 55 barriers characterized as significant but needing more data.