



April 3, 2019

Representative Brad Witt, Chair
Representative Chris Gorsek, Vice-Chair
Representative Sherrie Sprenger, Vice-Chair
House Committee on Natural Resources

Re: Trout Unlimited Comments on House Bill 3132

Dear Chair Witt and Members of the Committee,

Thank you for the opportunity to present testimony on House Bill (HB) 3132. My name is Chandra Ferrari and I represent Trout Unlimited (TU), a non-profit organization dedicated to the conservation of cold-water fishes, such as trout and salmon, and their habitats. Trout Unlimited has more than 300,000 members and supporters nationwide including over 3,000 in Oregon.

HB 3132 seeks a streamlined regulatory process for environmental restoration weirs, which are artificial structures aimed at slowing river flow to reconnect rivers with historic floodplains. If done right, environmental restoration weirs (and other beaver dam analogue structures) can help restore important geomorphic and hydrologic functions to a stream system which in turn can benefit fish, wildlife and water quality. While TU appreciates what HB 3132 is trying to accomplish, we are concerned that the existing language does not include sufficient protections for fish. TU's specific concerns are included below.

- Fish Passage: TU is concerned that the criteria for determining when fish passage can be required is too restrictive. The requirement for fish passage is linked to whether or not the stream contains a "healthy salmonid population" or could contain one but for the impediment of the weir. Additionally, funding must be provided by Oregon Department of Fish and Wildlife (ODFW) for the construction of fish passage through its Fish Passage Fund. It is not exactly clear how the criteria and definitions can be met and whether they will lead to a workable program, however they seem to present a significant barrier to ODFW ever being able to use its fish passage authority.
- Qualifying for the Program: TU is concerned that the definition of "environmental restoration weir" is sufficiently broad such that it may authorize artificial structures that are not as likely to produce the intended benefits. Many variations of beaver dam analogues have been attempted and some have been more successful than others. As more variations are tried in different locations, we suspect that more knowledge will be gained about which varieties should be encouraged. Accordingly, TU suggests that ODFW be charged with determining whether the design of a particular environmental

weir is consistent with the best available science, likely to produce the intended benefits and therefore should qualify for the program. TU suggests the program should encourage structures that utilize natural fiber or other material that will break down over time and function in the system more naturally as opposed to the use of concrete-like substances. Additionally, TU suggests the prioritization of projects that provide the ingredients (food, shelter, deciduous woodies) for beavers re-entering the system naturally or by supplementation.

Beaver analogue structures can provide important benefits to stream systems and TU is interested in ensuring that truly beneficial projects are encouraged. However, not all designs are created equal and we recommend being mindful of the ever-evolving state of science and information on this topic to ensure that the potential for detrimental projects is limited.

TU looks forward to continuing discussion on this legislation. Thank you for the opportunity to testify on House Bill 3132.



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