

HB 3132 A STAFF MEASURE SUMMARY

House Committee On Natural Resources

Action Date: 04/09/19

Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

Vote: 7-0-0-0

Yeas: 7 - Barreto, Gorsek, McKeown, Reardon, Smith DB, Sprenger, Witt

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Kailey Kornhauser, LPRO Analyst

Meeting Dates: 4/4, 4/9

WHAT THE MEASURE DOES:

Requires Oregon Department of Fish and Wildlife (ODFW) adopt rules and administer program authorizing voluntary projects for stream restoration and habitat improvement through construction of environmental restoration weirs. Requires eligible projects to involve construction of weirs on one or more qualifying streams located in closed basins east of summit of Cascade Mountains, from which water does not flow to Pacific Ocean. Requires participants to maintain weirs for up to ten years. Allows ODFW to require photo monitoring by participants. Specifies that participant's total cost to meet project requirements not exceed five percent of total cost to construct weir. Exempts projects from fish passage requirement. Requires participants to collaborate with ODFW to provide fish passage if healthy salmonid population will likely develop as result of project, or healthy salmonid population will only return if fish passage is included. Prohibits ODFW from requiring fish passage if funds not available in corresponding account. Requires participant's total direct cost of fish passage not to exceed 10 percent of total cost to construct weir. Specifies that planting or removal of brush and trees from stream banks and riparian areas as part of voluntary project is not subject to Oregon Forest Practices Act. Exempts authorized projects from requirement to obtain removal-fill permit. Prohibits weir owner from constructing or maintaining obstruction in waters inhabited, or historically inhabited, by native migratory fish without providing passage. Requires ODFW, in coordination with Water Resources Department (WRD), to require participants to modify environmental restoration weir if WRD finds injury to an existing water right. Specifies that a permit to appropriate water is not required for water delayed or slowed behind an environmental restoration weir. Requires ODFW to adopt rules to become operative within one year of effective date. Requires ODFW to report to Legislative Assembly by September 15, 2028. Defines terms. Makes findings and policy statements. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Fish passage concerns
- Wetlands work group
- Impact of environmental restoration weirs on groundwater
- Fill and removal law
- Impact of decreased beaver population on stream ecology and geomorphology
- Monitoring of environmental restoration weirs

EFFECT OF AMENDMENT:

Requires ODFW, in coordination with WRD, to require participants to modify weir if WRD finds injury to existing water right. Specifies that a permit to appropriate water is not required for water delayed or slowed behind an environmental restoration weir.

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BACKGROUND:

Historically, many small streams in eastern Oregon were inhabited by beaver populations and strongly influenced by beavers' ability to modify their physical surroundings. Beaver dams have the effect of slowing the flow of water, allowing for natural overflow onto surrounding flood plains and providing many positive benefits to stream ecosystems and their hydrologic function.

House Bill 3132 A requires the Oregon Department of Fish and Wildlife to administer a program to authorize voluntary stream restoration and habitat improvement projects by participating landowners, through construction of environmental restoration weirs.