

SB 1511 A STAFF MEASURE SUMMARY

Carrier: Sen. Findley

Senate Committee On Environment and Natural Resources**Action Date:** 02/13/20**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 5-0-0-0**Yeas:** 5 - Dembrow, Findley, Olsen, Prozanski, Roblan**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Beth Patrino, LPRO Analyst**Meeting Dates:** 2/7, 2/13**WHAT THE MEASURE DOES:**

Directs Oregon Department of Fish and Wildlife (ODFW) to adopt rules and administer a program authorizing voluntary construction of environmental restoration weirs for stream restoration and habitat improvement. Requires authorized weirs be constructed by July 1, 2031 on qualifying streams in any closed basin east of summit of Cascade Mountains, from which water does not flow to the Pacific Ocean. Requires project to comply with applicable local floodplain regulations. Requires participants provide fish passage if ODFW determines native migratory fish are present prior to weir construction. Exempts project from fish passage requirements if no migratory fish are present. Allows ODFW to require either: (1) fish passage that is economically practicable to person engaging in project and constructed from locally available materials, or (2) mitigation with net benefit to native migratory fish if native migratory fish return to stream after weir construction. Requires participants maintain weirs up to 10 years. Allows ODFW to require photo monitoring and third-party monitoring of weirs. Places conditions on third-party monitoring if required by ODFW. Requires participants modify weirs if found by Water Resources Department to result in injury to existing water right or if found by ODFW to have significant detrimental impact on native migratory fish. Directs Oregon ODFW to coordinate with Oregon Department of Transportation (ODOT) to consider any potential impacts of project on transportation infrastructure or planned transportation infrastructure, including but not limited to, potential impacts on roads, culverts, and bridges. Authorizes ODFW, in coordination with ODOT, to at any time require modification of weir if found to adversely impact transportation infrastructure. Exempts planting or removal of riparian vegetation associated with weir project from riparian management requirements under Oregon Forest Practices Act. Exempts authorized weirs from obtaining removal-fill permit. Requires ODFW adopt rules establishing program in time for rules to become operative no later than one year after effective date of Act. Requires ODFW to submit report on extent and impact of program by December 31, 2026 to interim environment and natural resources committees of Legislative Assembly. Requires ODFW make recommendations for legislation and submit report with assessments of stream conditions prior to and after construction of environmental weirs to interim environment and natural resources committees of Legislative Assembly by September 15, 2031. Defines terms. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- History of legislation introduced in prior sessions to authorize program
- Impact of decreased beaver population on streams
- Impediments to construction of environmental weirs under current law and rule
- Monitoring of environmental restoration weirs

EFFECT OF AMENDMENT:

Requires project comply with local floodplain regulations if the project is located in an area subject to floodplain regulation. Directs Oregon Department of Fish and Wildlife (ODFW) to coordinate with Oregon Department of

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Transportation (ODOT) to consider any potential impacts of project on transportation infrastructure or planned transportation infrastructure, including but not limited to, potential impacts on roads, culverts, and bridges. Authorizes ODFW, in coordination with ODOT, to at any time, require modification of weir if found to adversely impact transportation infrastructure. Deletes requirement that ODFW report address economic impacts of projects and revises report language to require an assessment of stream conditions prior to and after weir construction.

BACKGROUND:

Historically, many small streams in eastern Oregon were inhabited by beavers and strongly influenced by the semi-aquatic rodents' ability to modify their physical surroundings. The dams that beavers construct have the effect of slowing the flow of water, allowing for natural overflow onto surrounding flood plains, and providing many benefits to stream ecosystems and their hydrologic function. Beavers were nearly extirpated from the Pacific Northwest by 1900, largely as a result of the hunting and trapping of beavers for their furs.

Introduced in the 2019 regular session, House Bill 3132 A directed the Department of Fish and Wildlife (ODFW) to adopt rules and administer a program authorizing the voluntary construction of environmental restoration weirs in specified basins and qualifying streams. The measure was not enacted.

Senate Bill 1511-A would require ODFW to adopt rules and administer a program that authorizes the voluntary construction of environmental restoration weirs for stream restoration and habitat improvement in eastern Oregon.