

**REVENUE:** May have revenue impact, statement not yet issued

**FISCAL:** Minimal fiscal impact, no statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Revenue by Prior Reference
<b>Vote:</b>	6 - 0 - 1
<b>Yeas:</b>	Beyer, Burley, Cannon, Jenson, Macpherson, Dingfelder
<b>Nays:</b>	-
<b>Exc.:</b>	Smith G.
<b>Prepared By:</b>	Cat McGinnis, Administrator
<b>Meeting Dates:</b>	2/12, 3/7, 3/12

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**WHAT THE MEASURE DOES:** 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). Expands ODFW Fish Screening Cost-Share Program to include water diversions of any size, with preference for diversions of 30 cfs or less. Retains current cost-share split, with ODFW paying 60 percent of costs and the water diverter paying 40 percent of costs. Eliminates expenditure limits of \$10,000 for ODFW and \$5,000 for the water diverter. Allows cost-share reimbursement from other state funds in addition to the Fish Screening Subaccount. 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. Authorizes ODFW to charge \$150 per visit for inspection and maintenance of a bypass device if the owner fails to maintain it. Requires that 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. Establishes that, for tax years beginning on or after January 1, 2008, screening devices installed by ODFW in response to noncompliance by the responsible party are not eligible for a tax credit. Repeals duplicate statutory provisions relating to installation of fish screening or by-pass devices at diversions exceeding 30 cfs. Provides exemption from Department of State Lands (DSL) fill and removal permit requirement for the construction and maintenance of fish screening and bypass devices.

**ISSUES DISCUSSED:**

- ODFW annual fish screen maintenance costs
- Impact on landowners of ODFW charges for maintaining device the owners fail to maintain
- Responsibility of subsequent landowners for fish screen maintenance
- Preferential funding for diversions under 30 cfs
- Role of Fish Screening Task Force

**EFFECT OF COMMITTEE AMENDMENT:**

- Provides date after which applicants for new water rights are responsible for costs of installing fish screens
- Directs ODFW to give cost share funding preference to diversions of 30 cfs or less
- Clarifies that a person who diverts water at 30 cfs or more is responsible for all fish screen maintenance
- Allows ODFW to charge \$150 per visit for inspecting or maintaining fish screen when owner fails to do so
- Provides exemption from DSL fill and removal permits for construction and maintenance of fish screening

**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.*