

REVENUE: Revenue statement issued

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by Prior Reference
Vote:	5 - 0 - 0
Yeas:	Bates, Hansell, Hass, Olsen, Dingfelder
Nays:	0
Exc.:	0
Prepared By:	Beth Reiley, Administrator
Meeting Dates:	4/10, 4/17

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. Establishes amount of annual payment to be made to Fish Passage Fund. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Concept developed by interim work group
- Balancing two objectives of protecting fishery resource and encouraging renewable energy
- Funding structure

EFFECT OF COMMITTEE AMENDMENT: Replaces measure.

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. The provision of passage at these sites will offer fish access to high quantity and quality habitats.

Senate Bill 837 A would create the Fish Passage Restoration Subaccount to fund priority fish passage restoration projects.

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This summary has not been adopted or officially endorsed by action of the committee.