

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session  
STAFF MEASURE SUMMARY  
Senate Committee On Environment and Natural Resources

MEASURE: HB 3217 B  
CARRIER: Sen. Edwards

**Fiscal:** Has minimal fiscal impact

**Revenue:** No Revenue Impact

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**Action Date:** 06/03/15

**Action:** Do Pass With Amendments To The A-Eng Bill. (Printed B-Eng.)

**Meeting Dates:** 05/18, 05/27, 06/03

**Vote:**

Yeas: 3 - Edwards, Prozanski, Thomsen

Nays: 1 - Dembrow

Exc: 1 - Olsen

**Prepared By:** Beth Reiley, Committee Administrator

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**WHAT THE MEASURE DOES:**

Defines key terms. Makes Legislative findings. Directs Department of State Lands (DSL) to establish by rule pilot program for voluntary stream restoration projects that involve landowners constructing artificial beaver dams on qualifying streams in Malheur Lake Drainage Basin. Requires pilot program to: be limited to no more than 20 percent of qualifying streams located in Malheur Lake Drainage Basin; include establishment of removal or fill general permit to construct artificial beaver dams; criteria for evaluating effectiveness of pilot program; require economically feasible monitoring and reporting by participants; require participants to provide certain information; and require that project be maintained for at least 10 years unless it meets certain standards. Stipulates artificial beaver dams constructed on qualifying streams and authorized through pilot program are prohibited from being considered artificial obstructions and are exempt from fish passage requirements. Requires artificial beaver dams constructed on streams historically inhabited by native migratory fish to be constructed in manner that: would provide fish passage if stream were restored; or could be readily modified to provide fish passage. Requires DSL to work with participant to provide fish passage if data indicates native migratory fish have returned. Stipulates landowner may not be required to expend additional funds for fish passage beyond amount expended to construct and maintain artificial beaver dam. Stipulates nothing in Act is intended to modify Water rights Act. Requires DSL to provide legislative assembly preliminary report no later than January, 1 2017 and final report no later than January, 1 2025. Sunsets January 2, 2027. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Different techniques for constructing artificial beaver dams
- Possible stream restoration benefits
- Conditions of qualifying streams
- Timing for providing fish passage
- Pilot program would create simplified permitting process

**EFFECT OF COMMITTEE AMENDMENT:**

Replaces measure.

**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 floodplains and provide many positive benefits to stream ecosystems and to the hydrologic functioning of streams.

House Bill 3217B would direct the Department of State Lands (DSL) to establish by rule a pilot program for voluntary stream restoration that involve participating landowners constructing artificial beaver dams on qualifying streams in the Malheur Lake Drainage Basin. The measure would also require the DSL to provide the Legislative Assembly with a preliminary report on implementation no later than January 1, 2017 and a report on identified environmental and economic impacts resulting from pilot program no later than January 1, 2025.