

**PROPOSED AMENDMENTS TO
HOUSE BILL 3217**

1 On page 2 of the printed bill, line 4, delete “invasive”.

2 Delete lines 6 through 11 and insert:

3 “(e) ‘Native migratory fish’ has the meaning given that term in ORS
4 509.580 (6).

5 “(f) ‘Qualifying stream’ means an incised or eroded stream, or a desig-
6 nated reach of an incised or eroded stream, that prior to commencement of
7 a restoration project is not utilized by native migratory fish.”.

8 Delete lines 20 and 21 and insert:

9 “(3)(a) Artificial beaver dams constructed on qualifying streams and au-
10 thorized pursuant to subsection (2) of this section may not be considered
11 artificial obstructions as defined in ORS 509.580 and are exempt from fish
12 passage requirements under ORS 509.585. Where practicable, rules adopted
13 by the department to establish the pilot program under subsection (2) of this
14 section shall include options for designing and constructing an artificial
15 beaver dam in a manner that:

16 “(A) Would provide fish passage in a qualifying stream if the stream were
17 restored as a result of the voluntary restoration project; or

18 “(B) Could be modified to provide fish passage in a qualifying stream if
19 the stream were restored and game fish or native migratory fish return as
20 a result of the voluntary restoration project.”.

21 In line 25, delete “redband trout” and insert “native migratory fish”.

22 After line 32, insert:

1 “(5) Artificial beaver dams constructed on qualifying streams and au-
2 thORIZED pursuant to subsection (2) of this section shall be designed and
3 constructed for the purpose of slowing the flow of water. Artificial beaver
4 dams may not be designed or constructed for the storage or impoundment
5 of water for any beneficial use. Nothing in this section is intended or may
6 be construed to authorize the storage of water for beneficial use in a manner
7 that would require a water right under the Water Rights Act as defined in
8 ORS 537.010.”.

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