

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3217**

1 On page 1 of the printed A-engrossed bill, delete lines 21 through 24 and
2 insert:

3 “(a) ‘Artificial beaver dams’ means a series of structures constructed in
4 a manner that:

5 “(A) Largely mimics natural beaver dams by functioning to delay or slow,
6 but not prevent, water flow and to raise the water table and water surface
7 elevations within incised or eroded streams to the level of the historic flood
8 plain; and

9 “(B) Ensures that the upstream entry point for water to flow over or
10 around each structure does not extend above the adjacent historic floodplain
11 and that no other portion of a structure extends more than two feet higher
12 than the upstream entry point for water.”.

13 On page 2, delete line 9.

14 In line 10, delete “(e)” and insert “(d)”.

15 In line 12, delete “(f)” and insert “(e)”.

16 Delete lines 13 through 15 and insert:

17 “(f) ‘Qualifying stream’ means an incised or eroded stream or an incised
18 or eroded reach of a stream that:

19 “(A) Is not inhabited by native migratory fish or beavers prior to com-
20 mencement of a restoration project; and

21 “(B) Is not known to have been inhabited by a population of native mi-
22 gratory fish within the 20 years prior to commencement of a restoration

1 project.”.

2 In line 21, after the period delete the rest of the line.

3 Delete lines 22 through 28 and insert:

4 “(c) The pilot program and rules shall be designed to:

5 “(A) Promote the natural recovery or reintroduction of beavers when
6 suitable habitat is restored over time through the use of artificial beaver
7 dams;

8 “(B) Provide that artificial beaver dams shall be constructed using na-
9 tural and locally available materials;

10 “(C) Allow landowners to choose the most cost-effective means for con-
11 structing artificial beaver dams; and

12 “(D) Provide that artificial beaver dams shall be designed and sized so
13 that they are unlikely to wash out or fail suddenly, but are also susceptible
14 to natural erosion in a manner that mimics the characteristics of natural
15 beaver dams and has the potential to restore natural fish passage to the
16 stream.

17 “(d) The pilot program shall include:

18 “(A) Criteria for evaluating the effectiveness of the program;

19 “(B) A requirement for economically reasonable monitoring and reporting
20 by participants in order to provide information necessary for evaluating the
21 program;

22 “(C) A requirement that participants provide information about proposed
23 projects, including but not limited to information on the number and specific
24 locations of proposed artificial beaver dams and the materials proposed to
25 be used; and

26 “(D) A requirement that a participant must maintain a project for at least
27 10 years unless:

28 “(i) The stream where the project is located is restored to the point that
29 it naturally supports beavers sooner; or

30 “(ii) The department determines that there is no stream restoration ben-

1 efit from the project.

2 “(e) The pilot program shall include a requirement that if the department
3 makes a determination under paragraph (d)(D)(ii) of this subsection for a
4 project completed by a participant, the participant must, upon request by the
5 department, take economically reasonable steps to lower, breach or modify
6 artificial beaver dams that are part of the project.

7 “(f) Rules adopted under this section may provide for a one-time fee of
8 five dollars per artificial beaver dam constructed under the pilot program to
9 be paid by a participant upon completion of construction. Fees collected
10 under this paragraph shall be credited to the Fish Passage Fund established
11 under ORS 497.139.”.

12 On page 3, after line 3, insert:

13 “(5) An artificial beaver dam may not be used for diversion of water for
14 irrigation or other out-of-stream uses except as authorized under an existing
15 water right.”.

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