



## **The Conservation Angler Opposes HB 3132**

### **Testimony to the House Committee on Natural Resources - April 4, 2019**

The Conservation Angler is a nonprofit wild fish advocacy organization founded in 2003 and dedicated to the protection and restoration of wild fish and wild rivers in the Pacific Northwest.

The Conservation Angler (TCA) does not support HB 3132 for several reasons, including the paucity of sufficient safeguards to protect the overall environment, genetic and life history diversity can be adversely altered by artificial barriers, as well as the subversion of a previous extensive and collaboratively created set of draft rules.

HB 3132 as drafted is the latest attempt to eliminate regulation for activities that are essentially instream structures that would otherwise be subject to a careful analysis and review. What has been learned over time is that these structures need to be carefully and specifically defined and specifically covered by a review process, to ensure they are not simply covering up existing practices that led to the environmental harm in the first place. Especially when the background land management has not changed or been sufficiently regulated.

Stream channel barriers cause enormous harm to the environment. They regularly block and impede fish passage. Passage, even for non-anadromous fish, is the most significant stream function that must be protected in order to maintain life history diversity and to recover fish populations.

Barriers also change stream hydrology and alter the nutrient and sediment budgets - often in unpredictable ways (such as increasing scouring below the barriers). Barriers also harm downstream water quality by degrading temperature regimes. While natural barriers caused by existing natural features (such as bedrock) or those caused by woody debris and logjams are a necessary and natural to stream health, the creation of artificial barriers can exacerbate problems when the background disturbance (grazing, logging, road building etc.) remains unchanged.

For these reasons alone, the existing law must continue to require fish passage at dams and also require permits before "filling" a stream. They are among the oldest and most important laws protecting wild fish populations. Bypassing the existing laws for any activity meeting HB 3132's definition of an "environmental restoration weir" on the bill's overly broad "qualifying stream" risks serious damage to many streams and fish populations.

Allowing or creating artificial barriers, even those described as "restoration weirs" also can decrease genetic and life-history diversity among fish and other species of low mobility that are

part of the array of species found in the “closed basins” described in this bill. Citations of the research findings supporting this statement are noted below.

If there is a need to streamline permitting in this area, the legislature could adopt the administrative rules prepared by the Division of State Lands’ rules advisory committee (RAC) during the 2016-17 period. The RAC’s efforts culminated in draft rules sent out for public comment, and which was subsequently incorporated in a revised draft. Though they were far from perfect, at least were a reasonably informed compromise.

HB 3132 would cancel out all prior work by the RAC and would advance a flawed concept in a hurried legislative process - all without the benefit of broad stakeholder involvement or the incorporation of substantial technical expertise.

If the proponents of HB 3132 would agree to exclude livestock grazing from streams, place riparian fencing with a significant buffer, plant native willows and re-introduce beaver to the stream networks where they want to allow these artificial structures, then there may be room to negotiate approval of a limited array of artificial structures.

If these conditions are not acceptable to the proponents, then The Conservation Angler will continue to oppose HB 3132 and we urge a No Vote.

We appreciate your efforts to consider our comments.

Submitted by:

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Jim Myron, Government Affairs Consultant

**Scientific Citations in Support:**

<https://www.nature.com/articles/s41437-017-0008-3>

Global Review of the Physical and Biological Effectiveness of Stream Habitat Rehabilitation Techniques  
PHIL RONI,\* KARRIE HANSON, AND TIM BEECHIE

[https://www.researchgate.net/profile/Phil\\_Roni/publication/233041261\\_Global\\_Review\\_of\\_the\\_Physical\\_and\\_Biological\\_Effectiveness\\_of\\_Stream\\_Habitat\\_Rehabilitation\\_Techniques/links/5684b36008ae1e63f1f1d526.pdf](https://www.researchgate.net/profile/Phil_Roni/publication/233041261_Global_Review_of_the_Physical_and_Biological_Effectiveness_of_Stream_Habitat_Rehabilitation_Techniques/links/5684b36008ae1e63f1f1d526.pdf)

Process-based Principles for Restoring River Ecosystems (Beechie, Sear, Olden, Pess, Buffington, Moir, Roni and Pollock

<https://academic.oup.com/bioscience/article/60/3/209/257006>

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